

EASTERN MONTANA RESOURCE ADVISORY COUNCIL MEETING

Billings, Montana

November 16, 2000

Attendance

RAC: Marty Ulrich, Bill Milton, Bucky Heringer, Eldon Rice, Bill Schwarzkoph, Bill Kennedy, Robert Lubbers, Becky Kallevig, Art Hayes, Don Allen, Ken Deaver, Don Woerner

Absent: Dwayne Andrews, Larry Pilster, Ernie Robinson

BLM: Sandy Brooks, Tim Murphy, Aden Seidlitz, David Squires, Marilyn Krause, Mick Joplin, Tom Boatner, Phil Gill, Sharon Ross

Welcome/Introductions

Marilyn welcomed everyone and the group reviewed the ground rules and the agenda.

Field Manager Updates

Sandy Brooks

Sandy read a letter from Bernard Lea who is no longer a RAC member and welcomed Robert Lubbers.

Coal-Bed Methane - The Billings Field Office will be a part of the coal-bed methane effort. We have two areas that will be part of the effort; one is located in Red Lodge (Bear Creek) which is the most viable of the two, and the other is in Stillwater County.

Pryors - Continue to work on herd management plan. Plans are that the internal draft will be completed during the winter. A tentative September gather is scheduled for the Pryor Mountains; but it depends on winter loss and foal crop. We need monitoring data to gather, and at this point we have adequate data pending the winter.

A flight over the Pryors was held November 14. Horses are down to mid- and lower- levels of the Pryors. One foal died of strangles (a bacterial disease) this year. It doesn't look like it has spread, but they are watching the herd.

Limestone Mining Claim - On the western end of the Pryor Mountains and it is about to become active. It encompasses both BLM and the Forest Service and may be a large operation. One concern is that they want direct access to the highway and want to build other roads, and we would like them to use existing roads. It will most likely be controversial because of its size. We are now just trying to tie down what kind of operation he would have. He might transport material to Frannie or a cement plant which might possibly be going in near Warren. It will take time, it is only in the beginning stages.

Fire - Planning on doing fuel reduction; including prescribed burning and mechanical treatments in the Field Office this year.

Four Dances Draft - Ready for internal review in December. Draft Management Plan should be mailed in January. RAC members will receive the mailouts and documents.

Adoptions - Only four scheduled this year, not as many as usual. An adoption will be scheduled at MetraCenter in Billings, Montana, the first weekend in June. They will not be Pryor horses; they will be shipped in from the southwest. Everyone is welcome to come and view the Pryor gather this fall.

Tim Murphy

Tim has accepted a new position as Deputy Director for Fire and Aviation in Boise, Idaho. Aden Seidlitz will be detailed in his position as of January 14, 2001.

Coal Mine Fire - Miles City had a coal mine fire in Miles City this year on the Moore Ranch. Phil Gill and the fire team, along with ranchers, did a great job in containing and extinguishing the fire without putting a road in the area.

Northern Cheyenne Election - Geri Small is the new president.

Coal Bed Methane - It is a smaller area than was first anticipated. BLM will coordinate with Montana DEQ and conduct scoping in the next few months. The State of Montana will be a joint lead with BLM, which means both agencies sign the record of decision. Cooperating agencies could be FS, BIA, EPA - no decisions have been made. Scoping will determine how big this is, who should be the cooperators, and what the issues are.

Redstone - Potential significant impacts were identified during the EA effort and the EIS process is starting.

Castle Rock Project - Company wants to drill 28 exploratory wells.

Big Sky Back Country Byway - The Byway connects Terry and Wolf Point via Circle. There was a ribbon-cutting with Mat in July. The Byway will be listed in Rand McNally and the state map.

Standards and Guidelines - Permits are being renewed. It is a big project, but making great headway.

Pompeys Pillar

Dick Kodeski - Dick passed around the schematic design for the interpretative center and the biological report. There has been a \$2 million appropriation from Congress and it needs to be matched by the private sector. The total cost for everything will be around \$9.4 million. The initial costs will be lower, and items will be phased in at later dates. Would like to have the Interpretive Center up and running with a road and sewage treatments. Once the conceptual design for the Center has been approved, it needs to go to the final design. We have requested additional funding for BLM this year.

Some of the features of the Center will include:

- 75-seat auditorium
- Exhibit hall (Native American setting, Lewis and Clark expedition, what happened at Pompeys Pillar after Clark left, steamboats, etc.)
- Viewing area (Crow Village, possibly bison)
- Ralston art works
- Viewing of historical books (possibly scanning the information into a computer)
- Main lobby

Public Input - Contractor is doing the EA work. There are five alternatives listed and all of them call for the Center to be further away from the Pillar than the current contact station. The Biological Report is being finalized, and the draft copy is in for internal review and is scheduled to be completed by Thanksgiving and go out to the public in January. Public meetings will be scheduled at the Pillar and Billings to discuss the alternatives.

Grain Elevators - The permit is under an appeal process (with a 6-month timeframe). Don Woerner stated that people need to speak out and write letters stating they want the location of the grain elevators moved away from the Pillar area. The site for the elevators requires 100 acres - BLM has no land that meets this criteria along the tracks. Don Woerner is looking at a possible location near Fly Creek.

Fire Season 2000 Report and What Happens as a Result

Phil Gill - National average of acres burned during a year is 2 million acres, and this year

7 million acres were burned; mostly timber fires which are more difficult to put out. This year it has been extremely hard to get resources due to the large number and extent of the fires. Approximately 1,000 aviation hours were flown this year.

Most of the fires in the Miles City Zone were in the Ashland area. The BLM was criticized for not allowing people living in and near Ashland to fight fires this year. BLM has a responsibility to train and pack-test everyone that will be fighting fires, which includes ranchers and locals. Due to liability issues, they need to meet the same standards as the BLM firefighters. BLM is working with the people in the Ashland area to meet BLM training and safety needs and standards.

Miles City will receive 100 percent of MEL (Most Efficient Level). With these additional resources they will add 30 to 40 additional firefighters, update and improve their fire facilities, pay people to go to training, and provide equipment. Also received additional funding for prescribed fire. In the coming years we will do more prescribed fires, but there are not a lot of prescribed fires planned right now. Emphasis for prescribed fires in the next several years will be forested and brush areas. BLM is also monitoring weed infestations during prescribed fires, and weeds will be looked at in all of the EAs.

There was a discussion on cooperation with BLM and landowners on planned controlled burns. Ranches are also overgrown with fuel and this would be a good opportunity for collaborative planning between BLM and the ranchers.

Weatherman Draw

David Jaynes - Many tours and discussions have occurred during the Weatherman Draw EA preparation. The initial proposal with two wells and possible production had significant impacts and would have required an EIS. The oil company came back with an APD for one well for exploration only. If oil is found and the company wants to produce, it will be temporarily capped while further analysis is done. A draft EA was prepared this summer on the second proposal and sent out. Consultations with the tribe were done - timing slips from March through June and September through October for religious purposes and sage grouse. Comments are due December 1. From the comments, the final EA will be completed and Sandy Brooks will make a decision followed by an appeal period.

Public Comment Period - One letter was received and read from Gerald Levandowski.

RAC Video Conference

At 10 a.m. on November 30, there will be a downlink from the Secretary of the Interior at all BLM offices. They are looking for each RAC's major accomplishments, lessons learned, and possible questions for Secretary Babbitt.

Information that will be submitted from the Eastern Montana RAC

Major accomplishment for Eastern Montana RAC (Miles City and Billings FO):

Access and travel management continue to be a major issue with the Eastern Montana RAC. The group finalized their guidelines for travel management on public lands in 1998, but the

"on-the-ground" implementation was delayed by the decision to develop a Montana/Dakota EIS for OHV management and now the national OHV planning effort. The group feels that grass-roots involvement is the only way to ensure success. This year the RAC started a pilot project in the Miles City FO area to develop a travel management plan for the Knowlton area east of Miles City. Over the summer, four public meetings and numerous committee meetings have been held in Miles City and the Knowlton School. The meetings are facilitated by RAC member, Bill Milton. A key part of the project is to have accurate maps to work from which are in the process of being updated by the MCFO. The group anticipates completing the project in 2001.

Lessons Learned:

- What is the authority of the council; BLM needs to articulate limits.
- RAC is successful because there is no chairperson with a personal agenda.
- RAC affects BLM's position and decisions; RAC serves as a liaison with interest groups and individuals.

- BLM needs to keep an open environment for discussion/communication.
- If things aren't happening in an area, it may be due to "office agendas."
- It is important to be involved with local elected officials.
- Something concrete needs to come from discussions; not just end at discussion.

Questions for Secretary Babbitt:

- What will the Secretary be doing to ensure RAC's are included in transition package?

Travel Management

David Squires - It would be a good idea to have a neutral third-party facilitator with good communication skills. The ultimate goal is to get group consensus on all roads in the project area. At the September 7 meeting, ranchers began identifying which roads on public lands they felt were appropriate for the public to drive on. As far as BLM knows, there are no single-track users and hunting is the primary recreation activity on these roads. The goal is to present rancher input to other users at the December 7 meeting to solicit their input and begin the consensus-building process. Would like to include the county to have them identify if it is a county road or not. It would be helpful if BLM had a good map so people can get a true reflection of what is out there. It would also be helpful to have everyone look at one map (the same map) for consistency. Bill will write out a narrative explaining roads, county versus public, which should be helpful in dealing with this issue and will send the narrative to Marilyn and she will send out to RAC members. David Squires will put out a detailed briefing paper at a later date.

Coal-Bed Methane Planning Effort

Mary Bloom and Fred O'Ferrall - This will be an 18-24 month endeavor. The BLM areas covered will be the Powder River RMP area and the Billings RMP area. The state is responsible for the entire state of Montana. The EIS will be contracted out, and potential cooperators have been identified and tentative scoping meetings have been set up which will be held the first 2 weeks in

January. BLM will be making the decision in the oil and gas EIS. The State and BLM have been

funded \$500,000 for FY01. The draft EIS will show areas for development. Wyoming is doing their own EIS, but we are coordinating closely with Wyoming and sharing information and studies. This project will have a lot of public participation and scoping meetings. The next coordination group meeting will be held in February.

RAC members wanted to know if it was possible to schedule a field trip and tour the Castlerock Exploratory Wells. BLM will plan a field trip to the area during the spring or summer.

Questions and Answers

Outfitter/Guides - When policy is better developed, this will be a topic at a later RAC meeting. In the meantime, there will be updates.

Allocation of Uses - The project is focused on hunting, and there has been no discussion yet on other activities. Allocation of use is focused on single activities, it is not broad-scale. This is not a new term for BLM, it has been around for many years.

Grain Elevators - A lawyer was hired and the air quality permit has been challenged. It will go before the Board for review. An EA has been done, but it is inadequate. It is strongly felt the visual aspect of the elevators is important and there are many unknowns regarding the archeological disturbance of the land.

Don Woerner stated that more people and groups are needed to send letters stating that United Harvest needs to consider a different location. The address is: Gary Schuld, President, United Harvest LLC, 200 SW Market Street, Suite 1780, Portland, OR 97201.

Clint Blackwood has hired the Montana Consensus Council. They will pull people together that are impacted by this project for a one-day face-to-face meeting to try and find common-ground issues and/or suggestions for working the issue out. The cost is \$2,500 for a one-day meeting plus advance homework and followup. Clint is trying to find different organizations to try and pool money for this meeting. BLM will contribute \$500-\$600 for the meeting.

Status of OHV EIS - Working on final; going to printer in December and to the public in January.

Recreation Funding - BLM has received \$1 million for state recreation funding, and \$2.2 million is needed. Expenses have increased and Congress has not appropriated enough funding for the current program. The initial funding is not the only issue for recreation projects, maintenance and operation costs continue to rise. The fee for Pompeys Pillar (\$3 a car) doesn't even meet the operating costs, even with volunteer labor. The Association is setting up a foundation to help with the maintenance and operating costs. They are also working on a fundraiser, larger sales area, and other events to help defray costs.

Letter of Appreciation - The RAC will write a letter of appreciation to Tim Murphy. Becky Kallevig will write and send to Marilyn Krause for review and then Marilyn will send the letter to each member for signature. Mat Millenbach will present the letter to Tim.

Evaluation

It was decided this meeting had the correct number of agenda items. A small number of issues on the agenda led to a better discussion. Everyone liked receiving the updates.

Next Meeting

Tentatively scheduled for March 8, 2001 in Billings.

Agenda Items for Next Meeting

- Travel Management with maps (includes summary of public/county roads)
- Coal-Bed Methane - Update on EIS process
- Grain elevator at Pompeys Pillar
- Update on Outfitter Guide
- Update on Weatherman Draw

EASTERN MONTANA RESOURCE ADVISORY COUNCIL MEETING

Forsyth, Montana

August 10, 2000

Attendance

RAC: Bill Schwarzkoph, Don Allen, Becky Kallevig, Art Hayes, Bill Kennedy, Don Woerner, Ernie Robinson, Ken Deaver, Bucky Heringer, Bill Milton, Eldon Rice, Bernie Lea. Absent: Dwayne Andrews, Marty Ulrich, Larry Pilster

Public: Michael Downey, MT FW&P Access Coordinator

BLM: Sandy Brooks, Aden Seidlitz, Dave Squires, David Jaynes, Fred O'Ferrall, Mary Bloom, Chuck Laakso, Linda Reder

Welcome/Introductions

Dave welcomed everyone and the group reviewed the ground rules and the agenda.

Field Manager Updates

Aden - To date Montana has numerous wildland fires that have burned over half a million acres. Because of the continuing drought conditions, BLM lands in Eastern Montana are currently under a Level 3 restriction, which restricts camping, smoking, logging, chainsaw use, travel and other activities. The Upper Missouri Wild and Scenic River corridor and parts of Custer National Forest have additional restrictions. Western Montana is currently under Level 5 restrictions which essentially prohibit most activities on Federal Lands.

We will work with local and county governments in enforcing the restrictions.

A comment was made that many landowners would support further restrictions in E Montana. We don't foresee going to Level 5 restrictions in E. Montana which are, in part, imposed when many of the fires are human caused and because of human safety concerns. Most all of the fires in this area are lightning caused and, because of the terrain in the mountains, the human safety concerns differ.

We have had 42 fire starts in the Ashland area which have burned about 70,000 acres. We have had 7 fires in the Missouri Breaks area which have burned about 1500 acres.

A handout on Salt Cedar was passed around.

The Denver post recently published an article on the BLM. Use of BLM land is at an all time high yet the budget is at an all time low. Per acre BLM receives a fraction of the funding allocated to sister agencies. The article also addresses the BLM's role in the proposed national landscape conservation system.

An OHV "Listening" session was held last night in Helena. We still anticipate completing the final OHV EIS by early winter. Comments from our three state effort will be included in the national strategy.

We recently had a WO Range Program Review. One change we will be making is to issue a formal decision document upon completion of S&G assessments. We had been using letters to convey our decisions. Most allotments are meeting the S&Gs.

We recently dedicated our Back Country Byway, from Terry to Wolf Point. Volunteer contributions from the communities were recognized during the dedications.

Sandy - Four of the six planned adoptions in the three state area have taken place. Because this market is getting flooded nationally, we've been having smaller adoptions in various communities around the state. Only 40-50% of the animals are being placed and the remaining animals are sent to other adoptions or placed in holding facilities. There have also been emergency gathers in Nevada and Utah due to drought and fire, and the holding facilities are full. BLM has asked for additional funding to hold more adoptions, however because the market is flooded and because of natural repopulation this will continue to be a problem. Since the Pryor Mountain horses are so highly sought after, they are easily placed when gathered.

We are working on a draft revision of the Pryor Mountain Wild Horse Herd Plan and expect it to be out by early winter. Comments from the scoping meeting were passed around. Currently there are 197 horses on the range including this years foals and we expect to have 30-40 foals next year. To avoid exceeding 200 animals we plan to have a gather in the fall of 2001.

We are on schedule with our S&G assessments. We had several seasonals in the range program this summer that assisted with the field work.

A planner from the State Office(SO) is helping to write the plan for Four Dances Natural Area. Expect to have the draft plan available by the next RAC meeting.

Our new LE Ranger will be on board at the end of August. He is from Red Rock Canyon National Conservation Area near Las Vegas and has 12 years LE experience including experience with the wild horse program, urban interface, and in working with volunteer groups.

So far the Billings area has not had extensive fire activity and we have been able to handle incidents with initial attack. We have been providing assistance to county and state fires as well as to the Miles City FO.

Clark Day at Pompeys Pillar was a success. We estimate 1200+ people attended. There were a number of events including a bird walk, live history performances, presentations, boating, camping, and a white buffalo this year. This celebration gets bigger and more popular each year.

Weatherman Draw APD Update

David Jaynes presented a video of Weatherman Draw and the proposed drilling site. In 1985 a 10 year lease was issued and in 1994 an application to drill (APD) was submitted. Because of the time required for NEPA compliance the lease was placed in suspension, and there are eighteen months remaining on the suspension. In 1999 4000 acres in this area were designated an Area of Environmental Concern (ACEC) and, based on this designation, oil and gas leasing is limited to No Surface Occupancy leasing only along with no vehicle access. However, this does not exclude prior existing rights. In 1996 the leasing company proposed drilling and production on two locations, the second site contingent upon the findings of the first. Tribal cultural director tours and on site inspections were held. It was determined directional drilling off site was not a viable option without first drilling vertically.

Over one hundred comments were received on the draft environmental assessment (EA). Issues of concern were access, drilling in an ACEC (not clear on prior existing rights), air quality, cultural resources, enforcement, noise, and mitigation of production impacts. The best alternative for transporting oil off site would be a severe impact to the site now closed to vehicle use. Wells in this area produce for up to 30 years. Based on numerous difficulties, particularly with production should oil be found, the Finding of No Significant Impact (FONSI) could not be signed and a schedule for preparation of an EIS was developed. The company withdrew their current application for drilling and production and submitted an application for drilling only one well. If oil was discovered the well would be capped and an EIS completed before production could begin.

We have consulted with the State Historic Preservation Officer (SHPO) and with members of the National Advisory Council on Historic Preservation. We are also consulting with tribes to determine if reducing the scope of the project to drilling only reduces their concerns and whether they have mitigation measures that would reduce the impact of the project if allowed. A Memorandum of Agreement will be developed and reviewed by the SHPO's office with concurrence of the Advisory Council. This agreement will outline mitigation measures under which the well would be approved.

Ernie stated the tribes would like to identify a process for consultation to minimize possible impacts resulting from the publicity of sites such as this.

Ken stated the pictographs have importance above and beyond the actual painting. They are important to tribal members and are also important for scientific work. The entire viewshed has importance and you can't just restrict the area where the pictographs happen to be, the viewshed needs to be treated as part of the area of significance.

Bill commented that there has been precedence where areas of concern have been traded or bought and asked if this is an area where that type of negotiation would occur? BLM doesn't see that happening before the well is drilled to determine viability and if this type of

negotiation were to occur it would be driven by constituents pushing the administration for action.

Ernie stated we need to recognize that as we go forward and talk about access that there needs to be some language or protection up front on leases. The leases themselves are cheap.

Pompeys Pillar Update

We expect the draft EA document to be available for comments in September and public meetings will be scheduled. Sandy presented renderings of the interpretation center and explained the layout and plans for the interpretation area. The Pompeys Pillar Association has been gathering donations and feel they will be able to match the \$2 million congressional appropriation. They are also confident they will gather additional money to put in an endowment fund for operating and maintaining the building. We estimate we are \$5.4 million short and the Association is attempting to persuade congress for this appropriation.

Some locals would prefer not to implement these changes to the site. They feel it is too much development. Others are very supportive of this effort.

Coalbed Methane Update

Mary Bloom briefed the group on the status of the Pennaco Project, the Tongue River EA, and the Castle Rock Project.

We signed the FONSI on the Pennaco EA on July 13. This authorizes Pennaco to drill 5 exploration only wells. They are performing water testing on one well that is already drilled.

At this time we aren't aware of any wells they have on private or state land, though they do hold other leases in this area.

The Tongue River EA is a result of Redstone Gas Partners (RGP) proposal to drill CBM wells on the CX ranch. RGP currently has 150 producing wells in this area on State and private lands. There are none on Federal lands. The last preliminary version of the EA indicated there would be significant impacts from groundwater drawdown. RGP felt the analysis was faulty because old data was used and they also felt the model used to determine the analysis was too simplistic. We have asked for more current data and this data and any changes to the EA are due by September 22.

If the new data doesn't change the analyses we then have four options: 1) drop the EA; 2) ask the company to modify their proposed action to mitigate actions; 3) do a project specific EIS; or 4) do a programmatic EIS.

A question was asked if cultural resource work had been done on all private and State land that has been or will be impacted. We aren't sure what clearances have been done. Under a cumulative EIS scenario these impacts would be covered.

The site specific EIS would cover just the area. The programmatic EIS would cover a much larger area and would be an amendment to the Land Use Plan. This would also cover conventional oil and gas. We aren't in the process to determine what kind of EIS would be done. WY has begun an EIS for both conventional and non-conventional oil and gas and we are coordinating regularly with WY to discuss all matters and share data intra-related to CBM activity.

A question was raised on funding for the EIS. There are three endeavors involved in this activity, Federal, State, and industry, that will put money into this process. Congress is in the negotiation stages on appropriation.

Cumulative impacts in conjunction with the WY activity will be reflected in the Tongue River EA.

Bernie commented that water should not be considered a waste product. No one knows for certain or can predict what will happen to aquifers or what the impact on irrigation will be.

Industry is testing several techniques to clean the water up prior to disposal. Additional options for the groundwater drawdown concerns such as using the water as dust abatement at coal mines and recharging mining aquifers are being identified also.

Art stated that the Tongue River Water Users have appealed RGP's permit to discharge into the Tongue River. There are three kinds of water rights in the river: 1) direct flow rights, which are irrigation rights only; 2) contract water, which is purchased from the state and used for agriculture only; and 3) compact water, water award to the Northern Cheyenne Tribe for their reserved water rights. All of these rights are tied to agriculture and the Water Users' contention is that the State of MT should protect the quality of that water. The other concern is water drawdown. No one is against CBM development but it needs to be done right because we want to still be here after this development is done.

The Castle Rock Project is a proposal by Powder River Gas Company to drill 56 wells on Federal land. They are going after shallow sand gas, but will test for CBM along the way. We are considering asking them to modify the proposal to 28 wells for drilling and testing only, no production. This could be covered in an EA. Any dry holes could be re-drilled up to the original 56.

Bucky asked why we wouldn't want to drill the full 56 wells to get more data points. The more information and knowledge that can be gathered the better the decisions. In part, public perception doesn't differentiate between state, fee, and federal wells and the concerns are with the development as a whole.

Art stated that domestic artesian wells in that area come out of these shallow sands. His artesian water is brought up by methane. We need to look at long term effects of what this whole development will do to groundwater.

The EA will identify the proposed locations and will address any road impacts. This type of drilling requires minimal roads.

One of the reasons the proposal covers 7 townships is to determine the economic feasibility. If the proposal is cut in half, there may not be enough information over a large enough area to make this determination.

Public Comment Period

Michael Downey is the Access Coordinator for MT Fish Wildlife and Parks. His number is 406.444.3065 and he can be emailed at mdowney@state.mt.us. The purpose of Access Montana is to improve access to public land. There are three main goals in this effort: 1) Coordinate efforts to better identify public lands where legal public hunting access exists but may be threatened; 2) Coordinate efforts to obtain legal public hunting access to public lands where such access is inadequate - This does not mean that we need access everywhere; 3) Signage efforts - to identify geographic locators, land ownership, etc. All these efforts will entail coordination, cooperation and outreach with other agencies, landowners, users and other interested parties. He does foresee maps and signs providing GPS coordinates.

Bernie stated that many counties do not have maps identifying which roads are or are not county roads and before you can decide where you need access you need to know where access exists. Michael asked to be notified of any potential change in county road status and felt they could play a role in evaluating impacts to public land access.

Knowlton Travel Management Plan Update

Bill felt that people aren't clear on the mission of the Knowlton Travel Management Plan. We are attempting to use a locally driven process to accomplish a travel plan consistent with Standards and Guidelines on public land that identifies where people can drive. During this process opportunities to deal with access issues will arise but are not the primary objective. Bill drafted a Mission Statement to discuss at the next travel management meeting to ensure everyone is clear on what we are trying to accomplish.

To develop in 6 months a draft Travel Management Plan for the Knowlton area that describes and delineates where and what type of travel can occur on legally accessible public lands and to develop a user friendly map that reflects such. That the draft Travel Management Plan be consistent with the Eastern MT RAC sponsored Travel Management Guidelines and finally to explore any opportunities that may arise between the public and private landowner where expanded public access can be mutually beneficial to all parties.

Evaluation and Wrap-up

The next RAC meeting is scheduled for:

Date: November 16, 2000. An evening event will be planned for the 15th.

Location: Billings

EASTERN MONTANA RESOURCE ADVISORY COUNCIL MEETING

Miles City, Montana

April 27, 2000

Attendance

RAC: Bill Schwarzkoph, Don Allen, Becky Kallevig, Art Hayes, Bill Kennedy, Larry Pilster, Dwayne Andrews, Marty Ulrich, Don Woerner, Ernie Robinson, Ken Deaver, Bucky Heringer, Bill Milton. Absent: Bernie Lea, Eldon Rice

Public: Allen Nipple, Spring Creek Coal Company; Pam Crisafulli, Sen. Burns' Office

BLM: Mat Millenbach, Tim Murphy, Sandy Brooks, Marilyn Krause, Todd Christensen, Fred O'Ferrall, Dave Squires, Linda Coates-Markle, Fred Wambolt, Linda Reder

Welcome/Introductions

Marilyn welcomed everyone and, after introductions, the group reviewed the ground rules and the agenda. Tim introduced employees new to the Miles City Field Office.

State Director Remarks

Mat provided a brief background of his career and then outlined three expectations he has as State Director. First is natural resources conservation in the long term. The other two expectations are more internally directed, one is communication and dialogue with the people who use our lands, similar to meetings such as this. The last expectation is respect for our colleagues in the Bureau.

Secretary Babbitt will be in Montana next week to attend a public meeting in Great Falls and tour the Upper Missouri River with stops in Ft. Benton and Lewistown. There are several contentious issues associated with this potential designation, one being the boundary of the proposed monument. Another issue involved is management of the monument. We should receive more clarification on the designation process following the Secretary's visit.

Field Manager Updates

Sandy - The architect firm designing Pompey's Pillar has drawn up several alternatives for the site and a rendering of the building will be shown at the fund raiser scheduled for May 11. This will be held at the Alberta Bair Theatre and Steven Ambrose will be speaking. The draft EA should be available to the public the first of July and public meetings will follow that. Pompey's Pillar will open for the season

over Memorial Day weekend. Clark Day is scheduled for July 29&30.

We have proceeded through the EA process on Weatherman Draw and were unable to mitigate below the level of significance concerning impact to traditional cultural property and so are unable to sign a Finding of No Significant Impact (FONSI) based on the proposal. The next step would be an EIS. The oil company is considering pulling back their application for permit to drill, which allows them to explore and produce oil from the two wells if economically feasible. Instead they would resubmit an application for exploration only. By doing this we think it would be appropriate to just do an EA, and then if they did find oil and wanted to develop we would go into an EIS at that time. We will be doing a programmatic agreement that will include consultation with Native American Tribes.

BiFO is in the process of revising the Pryor Mountain Wild Horse Range Plan. Scoping meetings have been held in Billings and Lovell and public participation was good. One issue concerns a boundary fence between the horse range and FS land. Horses continue to break down the inadequate fence to graze off the horse range. The FS is not interested at this time in expanding the horse range to allow for horse grazing, because this would require them to revise their Forest Plan (land use plan). Currently we are trying to contain the horses on the range and rebuild that fence. However, we are receiving letters against rebuilding the fence because of the potential for injuries and because some people would like to see the horse range expanded.

A horse adoption is scheduled in Red Lodge, July 8. These will not be Pryor Mountain horses but will be shipped in from elsewhere.

Progress is continuing on the Four Dances Natural Area and Sundance Lodge Area management plans. The Four Dances area is open to walk in traffic at this time.

BiFO has completed three prescribed burns this spring for elk habitat improvement and fuels reduction.

Between the Pompey's Pillar Historical Association and citizen watch groups (Public Lands Watch Group and Pryor Mountains Watch Group) we have over 100 volunteers which provide a presence and monitor the more popular areas.

Tim - Makoshika Park oil and gas conflicts have been solved by allowing off site drilling only. By utilizing our Recreation and Public Purposes Act we will be transferring about 2700 surface acres to the state to block up the checkerboard surface land pattern which will simplify administration of the park.

MCFO just successfully completed a 1800 acre prescribed burn that was about 20 percent private land, to reduce thick, small diameter dog hair ponderosa and leave the medium to mature trees.

MCFO Land Use Plan documents and amendments are now available via the internet. Not only are you able to pull up the LUPs and other decision documents but they may also be queried through search engine capabilities. The address is [//mcfo](http://mcfo).

Pryor Mountain Wild Horse Range Herd Management Plan

The Pryor Mountain Wild Horse Range encompasses about 38,000 acres and contains BLM, Custer National Forest, and National Park lands. While it is a multi agency effort, the BiFo has the lead for the management responsibilities. A Herd Management Plan (HMP) was produced in 1984 and a revision in 1992. Primarily in the 1990s we've been involved in ecological research which looks at genetic issues related to the horses as well as finding ecological balance on the range overall. Our challenge now is to take this information and incorporate it into sound management decisions reflected in the planned HMP revision. We have held scoping meetings and are now in the comment period.

Linda then gave a presentation on the results and significant findings of this research.

Proposed Coalbed Methane Development Update

Fred O'Ferrall gave an update on a recent meeting involving BLM, DEQ, DNRC, Pennaco, and Redstone Gas Partners to try to solve and seek resolution for the lawsuit that Northern Plain Resource Council (NPRC) has filed against the state. Controversial issues are water table depletion and water discharge. It was agreed that the parties would meet again in three weeks to continue to try to resolve this lawsuit.

We anticipate our EA to be released in June. Both DNRC and DEQ have agreed that if the programmatic EIS process is pursued that we do a joint analysis where the state would be a cooperating agency and BLM would take the lead.

A question was asked on what is required to resolve the lawsuit. NPRC is seeking to continue processing the existing CBM permits for exploration only and should any of the wells become a producing well to shut it in until an EIS is completed.

Art provided comments from the Irrigation Districts point of view that they are concerned not only with the proposed wells in MT but also with the 700 plus wells already drilled in Sheridan County, WY and the associated high sodium content of the discharge water. They are looking at zero discharge of the water as they feel that sodium will end up in the soils and cause loss of production and strongly advocate looking at options other than discharge.

Public Comment Period

Allen Nipple of Spring Creek Coal Company provided comments on coalbed methane development. Coal companies are highly regulated, they cannot discharge water without meeting strict requirements. They feel the oil and gas industry should also be held similarly responsible.

The remainder of the comment period was used to discuss coalbed methane issues. Topics discussed were how the EA or EIS would address cultural and archaeological concerns and whether it would be site specific. Also what type of reclamation could be expected. Bucky

offered a comment that we first need to determine if CBM development in MT is economically feasible. We should encourage the 250 wells be drilled and then we would know the extent and the size of the play and if it is economically viable. At that point we'll know more specifics on which to base our studies.

Ernie commented that the Northern Cheyenne Tribe, as one of the largest holders of water in the Tongue River basin, is very interested in CBM development. One concern is the lack of scientific knowledge associated with this and it is in everyone's interest to find out what is out there and to put forth resources to get science and facts behind this development.

Don commented that once you establish exploration and find out it is viable, then that, in itself, justifies the production and expansion and that is a risky process to go into.

Outfitter and Guide Program

Fred Wambolt provided a briefing on the Outfitter and Guide program in the MCFO office. A common goal is to provide hunting opportunities to the public. The outfitter and guide business is currently booming, however, we need to keep in mind that not everyone can afford or wants a guided hunt. A colored Miles City quad map depicted lands by: lands with a day or access fee or leased to an outfitter; block management lands; lands open to the public for hunting. This visually showed the amount of land that is restricted to general hunting. We are currently working on a cooperative mapping effort with FW&P and DNRC that will depict these different types of land access across Eastern Montana.

We feel there are several proactive things we can do. One is to disperse hunters to known areas with access. Others are better signing of accessible public lands and to acquire access through easements or land exchanges. At this point we will be going informally to various organizations to gather input and ideas as to how effectively and efficiently administer this program.

We continue to collect and document conflicts and comments. In concert with FW&P and DNRC we are also establishing a review process that provides agency coordination prior to reaching a final decision on Special Recreation Permit (SRP) applications.

Several comments were addressed to the group on the propriety of some folks making profits on public lands that the general public cannot access and options to address this. Many ranches are closed to hunting because of the hassle factor and find leasing to an outfitter an easy solution.

Dwayne then addressed the group from the state perspective. For a number of reasons we have seen recent dramatic increase in commercial hunting. Hunters are finding they need to hunt state and federal land because it is becoming increasingly more difficult to find private land to hunt. The largest expansion in commercial hunting in E. Montana in the last few years is for waterfowl and upland game birds. The state has a lot of ownership in the Yellowstone corridor such as islands and lands adjacent to the river. Dwayne has proposed that the FW&P would pay so much per acre for these lands and then DNRC could not lease any of that ground to an outfitter. The purpose of this proposal is public access and to try to limit the conflicts between commercial and free use of public land. In addition, to address the potential of a quality relationship between the hunting heritage and the outfitted client. It is anticipated this proposal will become quite political.

This is just one step in the larger overall issue. Other options need to be considered, such as use exchanges, in our efforts to address access and hunting.

Report By Travel Management Subcommittee

The Knowlton area was chosen as the starting point for travel management through activity planning to develop a game plan with the assistance of users and land owners. A letter will be sent to the folks and groups identified as having permits or otherwise are associated or have concerns with the area. A community meeting will be held at the Knowlton school, May 16, to discuss travel management on the BLM ground in this area and begin development of an activity plan to address the travel management on and to BLM administered land.

Mat addressed the group on the status of the OHV amendment at the national level. The MT/DAKs study cannot be finalized until the national process sets standards for OHV planning and designations. We asked the WO for some flexibility in our approach and process in MT considering our work and efforts on this issue to date. We need to give them specific suggestions as to how we see the process working in MT.

Members of the RAC expressed concerns with not only holding up finalizing the statewide plan but also with the expectation that all states would approach this process the same and hold another series of public meetings. While we will withhold issuing the MT/DAKs plan until the national plan is done, we don't anticipate having to revisit what we've already accomplished.

Evaluation and Wrap-up

The next RAC meeting is scheduled for:

Date: August 10, 2000; A float trip is planned for the afternoon of the 9th followed by supper that evening.

Location: Forsyth

EASTERN MONTANA RESOURCE ADVISORY COUNCIL MEETING
Billings, Montana
January 27, 2000

Attendance

RAC: Bill Schwarzkoph, Don Allen, Becky Kallevig, Bernie Lea, Art Hayes, Bill Kennedy, Larry Pilster,
Dwayne Andrews, Marty Ulrich, Don Woerner, Eldon Rice, Ken Deaver, Bucky Heringer, Bill Milton, Absent: Ernie Robinson

Public: John Gibson, Public Lands Access Association; Todd Devlin, Prairie County Commissioner

BLM: Tim Murphy, Sandy Brooks, Marilyn Krause, Todd Christensen, David Jaynes, David Squires, Kim Prill, Dick Kodeski, Jody Weil.

Field Manager Updates

Sandy Brooks: Pompeys Pillar - working on an environmental assessment for a new interpretive center. Scoping closes January 28, 2000. Major Issues include location of the building and whether or not to add a highway rest stop. Concurrently, BLM is working with an architectural firm. \$2 million have been appropriated and the Pompeys Pillar Historical Association is working to raise matching funds. A fund raising event is scheduled for May 11 at the Alberta Bair Theater with Stephen Ambrose as the speaker. Cost is \$8/person. Dick Kodeski displayed a recently completed artist's rendition of what the building might look like. Weatherman Draw - The environmental assessment is almost complete. MT SHPO has concluded that the project would have an adverse affect on the cultural resources. If BLM cannot conclude a finding of no significant impact, an EIS will be required. Pryor Mountain Wild Horses - BLM is revising the Herd Management plan. Public scoping meetings are scheduled for March 29 in Billings and March 30 in Lovell, WY. Expect major issues to be horse numbers and road closures. Four Dances and Sundance Lodge Areas - BLM is working on management plans for these areas. Public meetings will occur sometime in March or April.

Tim Murphy: Makoshika State Park - Oil and gas issues have been sorted out. The next step is to patent 2,700 acres of BLM land to the State through an R&PP. The grazing AUMS associated with the patented lands

will be administered by the State of Montana. Bureau of Reclamation Withdrawn Lands Project - Planning at this time identifies all but two parcels previously withdrawn to BOR will revert to BLM. MT Fish, Wildlife and Parks has developed a conservation easement for Joe's Island that will maintain historic public access. OHV - On January 10, the BLM Director announced a BLM wide effort to review and update OHV management. Access - This is a big issue. As Dwayne Andrews has stated, we need to broaden our thinking beyond the typical processes BLM uses (easements, building roads, exchanges). Tim challenged the RAC to come up with new ideas. Coalbed Methane - One critical issue is discharge water and its effect on the Tongue River. BLM is working to identify a dilution threshold. The environmental assessment is nearing completion. If a finding of no significant impact (FONSI) seems warranted, prior to making a final determination regarding a FONSI, or whether to prepare an environmental impact statement(EIS), BLM will make an unsigned finding and the supporting EA available for public review. A discussion ensued regarding the need for a multi-state EIS should there be interest beyond the present exploration and development proposal. Bucky Heringer commented that it is uncertain how far into Montana coalbed methane extends or if development will continue.

Report by Access Sub-Committee

Minutes from the last January 8, 2000 access sub-committee meeting were passed around. Also, Dwayne provided a handout describing his thoughts. There is concern that we are not making adequate progress on the Knowlton Project. Dwayne suggested we identify several more locations to work on at the same time. Dwayne suggested that we need new solutions and developing these solutions should be a RAC project, not just the subcommittee. One thought is to conduct local community facilitated meetings to get local ideas. Bernie feels that the RAC needs to find a way to help resolve access issues. Larry Pilster suggested that we pick areas where the local people want to resolve access issues because a blanket approach won't work. Becky suggested the RAC develop language and a process before approaching the public for consistency. Bill Kennedy asked if BLM is in a position to acquire roads (not on public land). The issue has been worked on in previous State legislatures and will likely be addressed in the next. A lot of discussion ensued on the worth of doing land exchanges considering the cost and time and the scope of the TMP project. Bernie feels travel management is not worth anything if the public doesn't have access. Bill Milton commented that if the area we picked is too difficult, just select another area. Tim Murphy felt

BLM could do a better job on documenting access issues and actions. BLM will prepare a report to the RAC on legally accessible acres. It was agreed that the committee would set up a meeting with BLM to discuss what tools are available for securing access. Art Hayes suggested that when we approach land owners to ask for access, do it with a "no holds barred" attitude. That is, what can we do together to make things better for all concerned?

A list of suggested activities and assignments was developed as follows:

• Develop a list of access tools for subcommittee to use. Ideas are due to Bernie by February 25.

• More areas identified to work on. BLM will provide by 2/29 meeting.

• Meet with BLM to discuss available tools considering scope. At 2/29 meeting.

• BLM to report on acres legally accessible. At 2/29 meeting - Squires.

• Talking points or script to use when approaching landowners. Will be developed by access subcommittee.

Update on the OHV EIS - Jody Weil presented the update. She presented examples of the types of comments received. Many of the comments indicate a general mistrust of the government and some feel the agencies will never reach site specific travel planning. It was suggested that we continue to move forward with travel planning to develop some public trust.

Jody Weil also presented an update on the Central Montana RAC's project on the Missouri River. A video on the RAC's teleconference with Bruce Babbitt was viewed during lunch.

Lewis & Clark - Kim Prill made a presentation on BLM's Lewis & Clark Bicentennial Initiative.

Public Comments. John Gibson, President of the Public Land Access Association presented comments on outfitters. The PLAA wants BLM to change its policy to allow commercial outfitters only on public lands that are available to the public.

Art Hayes commented that landowners are tired of the length of the hunting season. A shorter season or earlier season that ends before the rut would be viewed more favorable.

Wildlife Predation Report - Eldon Rice presented a summary of a Predator Management Symposium he attended.

There was a discussion on illegal wildlife reintroduction. It was reported that a person, allegedly posing as a BLM employee, was caught releasing prairie dogs in Carter County. The incident is not substantiated at this time. Tim Murphy told the group that any proposal for reintroduction involving public land would be closely

coordinated with
all affected interests.

Prairie County Gas Tax Roads - Todd Devlin, Prairie County Commissioner, explained the recent reinventory of
Prairie County gas tax roads. Prairie County has 750 miles of gas tax roads. During the recent review conducted by
MT DOT, 90 miles of roads were identified that did not meet the State's criteria. The County Commissioners
identified an additional 10 miles to drop and two miles to add. There was a lot of discussion on County Roads vs
Public Roads. Evidently there has been no search of Prairie County records to determine which roads are legal,
established county roads. Bill Kennedy suggested it was time to request an AG opinion on what is a public road.
The big issue is who has liability. Todd Devlin suggested developing a strategic plan that addresses access needs
over the next 20 years.

Drought Management Policy - Todd Christensen handed out a copy of Montana BLM's policy for livestock grazing
during periods of drought.

Prairie Dogs - Jay Parks presented a draft conservation plan for prairie dogs in Montana. The plan was briefly
discussed and what options were available to the USFWS.

Open Discussion/Q & A

Marilyn was asked to facilitate the next Access Subcommittee meeting scheduled for February 29 at 9:00 a.m. in the
Billings Field Office Conference Room.

Evaluation and Wrap-up

Meeting Feedback - need water at the tables, appreciated the Lewis & Clark presentation, the RAC's ground rules are
effective.

The next RAC meeting is scheduled for April 27, 2000 in Miles City. There will be a social event the evening before
catered by Larry Pilster.

Topics suggested for the next meeting include:

Update on Access (1 hr)

Outfitter Program (1 hr)

Powder River Depot (possible field trip or social?)

Pryor Mtn Wild Horse Herd Mgt Plan (30 min)

Coalbed Methane/Redstone EA -(30-60 min)

Updates on drought situation, Big Sky Scenic By-way, and Upper Missouri

Members asked for a summer field trip to a weed treatment area (possibly with sheep grazing), or a

proposed travel
management area (access).

After adjournment, some council members toured the new State Office Building led by Greg Albright.