

**Dakota Resource Advisory Council
May 26, 2004****Attendance**

Andrea Stomberg	Mary Buchholz	Jerry Kobriger
Ron Ness	Marian Atkins	Rod Landblom
Doug Burger	Ron Jablonski	John Hoganson
Rich Brauhn	Dan Hutt	

Guests:

Linda Gisvold, BLM North Dakota Field Office Reality Specialist
Tim Zachmeier, BLM North Dakota Field Office Wildlife Biologist

Meeting called to Order - 2:10 pm

Rod introduced a three ring binder that is being developed on the National level. We have until June 15 to make comments. Rod would like everyone to take a look at it.

Bowman County Road Update – Linda Gisvold, BLM North Dakota Field Office, discussed the road improvements that have been proposed. The plans are to widen the road, gravel, speed limit would be 50. The proposed road would run west from Camp Crook Road, south of Marmarth across BLM surface to the Montana line and connect with a road that Fallon County, Mont. is considering.

BLM has some concerns about sage grouse leks. We proposed some alternate routes. A portion of the subject road is currently a right of way to Continental Resources. (NDM 59799 issued July 1985, due to expire July, 2005; 24,500 feet long and 40 feet wide)

Before the best route is determined, impact on sage grouse and other wildlife would need considering. Currently an active Lek area exists a little less than ½ mile in on the road. Construction would be excluded between March 1 through June 15 within 2 miles of active strutting grounds. There would be “No Surface Occupancy” (NSO) within ¼ mile of active strutting grounds..... this means no construction can occur within the ¼ mile of a lek, but construction can occur within the 2 mile area as long as it is done outside of the timing restriction.

In a Conversation 05/14 between Linda Gisvold and Dan Brosz: County made a pitch for the grant monies to the Energy Development Impact Office on May 12. County will not know anything until mid 2004. Upon hearing from the Energy Office and what that decision is or isn't, construction could begin after the June 15, 2005 timing stipulation with estimated completion of November 1, 2005.

John suggested a Paleontological assessment, he said they would be happy to do that. Andrea asked how the lek has been identified. Jerry said Game and Fish have identified it. The current road is very close to the lek. Perhaps about 120 – 130 yards from centerline. It has not been surveyed yet. A scoping takes 15 – 30 days. There is not a decision date projected at this time. The county will have to decide if they want to apply to widen the road or not. BLM decides if to grant the right away.

Run down of events and conversations to date:

Dan Brosz, Brosz Engineering, Represents County of Bowman
Contacted Bureau of Land Management, Nov. 2003
County considering improving and realigning road across BLM surface
Better serve the residents and to aid oil production

Improved road to be a right of way to County (owner)
Proposed road would run west from Camp Crook Road, south of Marmarth across BLM surface to the Montana line and connect with a road that Fallon County, Mont. is also considering
Width planned is 75 feet either side centerline, 9 inch gravel overlay
Gravel will be brought in from a pit in Montana
Speed limit will be 50 m.p.h.

A portion of the subject road is currently a right of way to Continental Resources. (NDM 59799 issued July 1985, due to expire July, 2005; 24,500 feet long and 40 feet wide)

Before the best route determined, impact on sage grouse and other wildlife would need considering. Currently an active Lek area exists a little less than ½ mile in on the road
Realignment/improved road needs to consider:

Construction would be excluded between March 1 through June 15 within 2 miles of active strutting grounds. There would be "No Surface Occupancy" (NSO) within ¼ mile of active strutting grounds..... this means no construction can occur within the ¼ mile of a lek, but construction can occur within the 2 mile area as long as it is done outside of the timing restriction.

Archeological clearance necessary

Pros: Birds are there now with road as is

Mitigate disturbance

Cons: Short-term Air quality, temporary effect regarding noise levels, increased traffic, impacts to grouse

Conversation 05/14 with Dan Brosz: County made a pitch for the grant monies to the Energy Development Impact Office on May 12. County will not know anything until mid to end of June, 2004.

Upon hearing from the Energy Office and what that decision is or isn't, construction could begin after the June 15, 2005 timing stipulation with estimated completion of November 1, 2005.

** Not using the existing Cedar Ridge Road as is further away from the area being developed, plus Cedar Ridge is built on a ridge and the road would need to be realigned.

Ron asked how changing the road would affect the lek. That may be a topic more for Friday's discussion.

Figure Four Pipeline - Tim Zachmeier pointed out the area on a wall map. Tim reviewed the bison issue. Tim and the range con from South Dakota have made two trips to the area and found no problems with the bison. However, the area is pretty grazed out. He reviewed the water source issue, they are looking at redeveloping the spring. NRCS is planning on developing the spring and laying pipeline.

Right now, the ball is in NRCS's court and the tribe's. None of the concerns that have made the papers lately were happening on BLM land. NRCS is looking to develop the spring to redistribute the bison. There are no division fences between BLM and tribal land. There are no interior fences at this time.

There is a division between the Figure Four and reservation. The current fence is 8 or 10 foot woven wire fence all the way around – except for a small portion of extremely rough land. State section line law provides public access to the land for hunting, park and walk. The tribe originally built an 8-foot fence for a huge elk ranch. The controversy in the area pressured them to change to bison. Ron said that ultimately the access to the public land is limited.

Visual Resource Management (Best Management Practices) in the oilfield – Doug presented a Resource Management PowerPoint.

Problems: Sage Grouse, Energy

Solutions: Siting of Location, color selection, etc.

Federal drilling requires cultural clearance.

The law requires BLM and FS 30 days to approve an APD.

John asked if the companies had people thinking about best management practices. Ron N. said groups like the RAC have to carry the ball on proposals like this. Some of the major players do. Other companies need to see this presentation to make them aware. Often it's agencies like BLM and FS that have to point best management things out. Ron N. said that flexibility to make reasonable adjustments is important.

Sage Grouse Issue – Ron N. asked what can we do as a RAC about the grouse issue? Doug said we could find someone who could do presentations to groups like Rons' Annual Meeting. John said it needs to be pointed out that if this goes to far (making Grouse endangered) all this other stuff becomes irrelevant.

Rod reported on National Meeting – The RAC chairmen brought up lot of extremely varied interests at the meeting. A few areas were common. Some comments that came up include: It looks like the program will continue no matter what party is in place. Sustaining Working Landscapes has been shelved by Washington. Wilderness study areas and grazing were looked at. They are looking at ways to eliminate comment spamming. BLM and other agencies are looking at only responding to specific comments. Fire – they have chosen to eliminate the big (fixed wing) planes. Recreation is a big item on the agenda from the standpoint of increased usage. OHV is still very controversial. Montana and Dakotas have a good approach partly because of the pictures.

The RAC chairmen were asked what their relationships were with the Forest Service. They felt it was good to have a liaison. Twinkle Thompson is the National RAC Coordinator. We will try to have her attend one of our meetings. Law enforcement is a concern. Often there is only one person authorized to carry a weapon. We should look to contract with the local law enforcements.

Sage Grouse – there are areas that have their studies completed. June 30 is the completion date.

Charter – Many RACs meet four times a year. The charters themselves are limiting. Reimbursements were an issue. Category regulations were also restricting. Rod suggested we hold a National Meeting – perhaps within the next three to five years. Ron J. thanked Rod for speaking up for the Forest Service.

John asked if there was any discussion about Paleontological discussion. Rod said not specifically. Rich asked if there was any discussion on limited use on public lands (drought, etc). Rod said there was not an in depth discussion on that line. Doug said that is generally done by area. Marian said generally in North and South Dakota BLM land is generously interspersed with private land so they watch it pretty closely. John asked who makes the call. Doug said BLM and FS does.

Ron asked if the Joint Meeting was going to be a common occurrence. Doug said not real common. Ron said it was good to meet the new director and some of the people.

Rod said they also looked at the WH&B program. The funding has been pulled back. Marian said they just had the one and only adoption in the Montana/Dakotas. They had forty horses and eight burros and adopted out twelve of them. Thirteen people showed up. We have all these horses and no one to adopt them.

5:15 pm close

Dakotas Resource Advisory Council May 28, 2004

Andrea Stomberg
Ron Ness
Doug Burger
Rich Brauhn

Gerald Reichert
Marian Atkins
Ron Jablonski
Dan Hutt

Jerry Kobriger
Rod Landblom
John Hoganson

Guests: Marty Ott, Montana/Dakotas State Director
Tim Zachmeier, BLM North Dakota Field Office Wildlife Biologist

Meeting called to order – 8:00 am

Public Comment Period: There were no comments from the public.

Handbook - Rod asked for comments on the handbook.

Input sheets: Rod asked for completed input sheets before the meeting closes.

Rod introduced Marty Ott, Montana//Dakotas State Director – Marty stated that it was good to be back in North Dakota. He pointed out that the Dakotas RAC was dealing with issues unique to the Montana RACs. Central RAC, for example, is dealing with transportation planning for the Missouri Breaks National Monument. We appreciate our RACs. It has to do with diversity; it brings to the table other ideas. He also pointed out the sheets from Kathleen Clark and asked that the RAC fill out the sheet.

Rod mentioned that from the national standpoint we need a stronger liaison.

Marty mentioned that week after next they are meeting with FS in Missoula. They are looking at further blurring the lines for the public. Does it make sense that each of the agencies has their own buildings, vehicles, etc. A new way of doing things might be a better way of doing things.

Election for Chairman – Rod opened the floor for nominations. Dan nominated Ron Ness. Rich nominated Dan, Dan respectfully declined. Dan moved to vote for Ron Ness as chair. Rich seconded. Motion carried. Ron is the new chairman. Ron stipulated that the term is for one year. Doug complimented Rod's performance as chairman.

Sage Grouse – Marian mentioned the 90-day finding – they have been looking at the information available concerning habitat loss, degradation and fragmentation due to wildfire, non-native plant invasion, livestock management, agricultural conversion, herbicide treatments, and mining and energy developments for 90 days.

The next phase is one years for a more thorough review of all biological information available. Land Use plan was submitted on Wednesday, May 26. The Grazing Permit renewal process includes looking at leks. Habitat monitoring – 2 mile area. Ron asked if Marian was going to be meeting with Grazing Associations. BLM had no Grazing Associations in ND, one in SD. BLM is a big player in sage grouse.

Montana/Dakotas RACs came out with guidelines for overall and guidelines for rangeland. We will provide a copy of the standards and guidelines for the RAC members. Jerry Kobriger commented that another group has developed a draft for managing sage grouse. There is a lot to be learned about sage grouse. He hopes to work with BLM and FS to continue the studies. Doug emphasized his agreement with Jerry. Jerry asked that if anyone else knows of studies going on Game and Fish would like to know about it.

Marian said South Dakota is also looking at studying sage grouse. Ron brought us that there is still a hunting season for this bird and this is hard to understand. He also asked if other RACs are addressing Sage Grouse. Jerry said right now they don't feel that hunting has had an effect on the population of this bird. There is a 300 threshold on this bird and we haven't reached that yet. We're looking at approximately 600 right now. Gerald asked if there is a difference between south Dakota has made any progress as opposed to North Dakota. Tim said we need to look at habitat loss.

Marty said this issue needs coordination and corporation between agencies. Individual states have different views of how to manage this bird. Each state is working on conservation plans. We're looking to conserve this bird – and the habitat. Each state is a little different. In Montana, the population is pretty healthy – but we don't look at this by a state by state issue. If this bird is listed, there are all sorts of implicated issues that will be affected.

Marian made comments from a grazing prospective. They are looking at the fire management plans, oil and gas, time limitation for wintering wildlife. Montana found 42 new leks, SD – 3 new leks, two on BLM. Jerry – ND count was down 18 %. Fire crews have been looking at using fire as a tool. ND doesn't plan on using controlled burns. In case of wildfire the plan is immediate attack and suppression. John said it seems that in trying to manage Sage Grouse we don't really have a handle on them. He wondered if there is a major effort to find the leks and birds. Would additional surveying determine where the birds are? Marian agreed there needs to be more research. Doug asked how the RAC wants to be involved. Jerry said the document will be available to various groups to look at after the draft is released. He is hoping there will be public meetings. Doug said you can respond individually or as a group. Jerry has the mailing list for the RAC - for the draft.

Doug reviewed the quarter mile No Surface Occupancy/two mile March 1 – June 15 window. Ron asked if we were going to address the Bowman road issue. Doug, Linda and Tim will be meeting with the commission next week regarding why they want to do this. He will bring the comments from the group made during the field trip.

Coteau Coal Mine DEIS presentation – Doug showed the Powerpoint presentation. Doug mentioned that he briefed Fort Peck last week. John asked who would manage the sacred sites when all is said and done. Doug said the state passed a bill in 2003 outlining this type of situation. John asked who the land was going to be turned over to. Is the state going to hold that land? Who is going to hold the land? Probably the State Land Dept.

Dan asked if this would be taken off the tax roles. Doug said no. Gerald asked, if the state owned it? Doug said these are good questions and wrote them down and said we'll look into the answers. Rich asked if the Native Americans were aware of all of these sites. Doug said that that falls within the Traditional Cultural Properties purview.

Rich asked about German/Russian homesteads, were the homesteads identified? John asked how you know if a particular site was associated with specific sites. Rich wondered how you could separate sites to particular tribes. Gerald asked if it has been clearly described to the tribes that even without mining the sites would be destroyed.

Andrea asked for further clarification regarding what Coteau has actually purchased or controls at this point. She asked if it could be approved if some of the mitigation has not been resolved. She didn't understand how this could go forward if the properties have not been secured. John thought Doug should further emphasize that BLM only has the control over the minerals and Doug should defer all surface related questions to Coteau. Trust was largely between Coteau and the state – Mike Brand.

Rod asked for a status report (email) on this issue sometime between now and the next meeting.

John brought up Paleontological resources. He is concerned that the Govt is not as concerned about Paleontological as they should be. FS has one Paleontological person for two regions and BLM doesn't have any. MOAs and MOUs have been productive. It's time that federal agencies start expanding their own expertise in these areas.

John would like to see the Paleontological Resource Conservation Act that is currently hung up in the house right now. Rod indicated that the RAC has to have a quorum to act on an issue. Rod felt that this was a subject the RAC could certainly act on.

John said he has not had good contact with the BLM on Paleontological issues in the past. He has attempted to contact someone in Billings, but hasn't received a response. Doug said he would contact Gary Smith in the Billings State Office personally. John said the interaction between the FS and State on these issues has been very good.

John indicated surprise that the Eastern Montana RAC hasn't been involved in this issue. Doug referred to testimonies supporting the bill.. Andrea suggested John draft a resolution for the Dakotas RAC and then set up a conference call for the members to decide what action to take. Ron N. suggested an email vote, with a timeline. Rod asked what the downside of this bill was. John said the down side was the commercial opposition and groups who don't want to see government regulation of any kind. The amateur collectors would not see a change in collecting policies. All three bills are the same. The second senate bill is the most recent. The third one is the house bill. Gerald primarily addresses finding something on dealing with something found on public land.

Rod said we will pass on that particular item to director Clark.

Next Meeting

When: May 2005

Place: Field Trip will determine the exact location

