

**Minutes of the
Montana/Dakotas Joint RAC Meeting
Tuesday, May 20, 2008**

A joint meeting of the Western Montana, Central Montana, Eastern Montana, and Dakotas Resource Advisory Councils (RACs) was held May 20-21 in Billings, Montana, at the Hampton Inn. The meeting began at 1 p.m. May 20.

RAC members who were present, for either the entire meeting or portions of it, included: Western Montana RAC—Corby Anderson, Stephen Flynn, Nathan Finch, Mitzi Rosillon, Dennis Phillippi, Richard Young, Michael Gibson, Jack Kirkley, Francis Auld, David Schulz, Mack Long; Central Montana RAC—Francis Jacobs, Lisa Huestis, Michael Bryant, Barbara Cole, Terry Selph, Rober Schoonover, Dan Teigen, Robert Valach, Ron Moody, Troy Blunt, Victoria Marquis, Clayton Vincent, Pat Gunderson; Eastern Montana RAC—Marian Hanson, Larry Pilster, Colby Branch, Charles Hauptman, Gerald Reichert, Jack Bailey, Bernard Rose, Ray Trumpower, Kent Williams, Mack Cole, Betty Aye; Dakotas RAC—Lyndon Bucher, Larry Dokken, Andrea Stomberg, Chance Davis, Eric Hunt, Gerald Schlekeway, Stanley Kohn, Jeffrey Buechler, Jace DeCory, Bill Bowman, John Hoganson.

Mark Jacobsen, the afternoon's facilitator, opened the meeting, and introduced Kaylene Patten, facilitator, and Melissa Dykes, note taker. He asked all the members to introduce themselves and state the issue he/she was most interested in discussing during the meeting.

Gene Terland, Montana/Dakotas BLM state director, welcomed the RAC members to the first joint meeting since 2003. He said the purpose of the meeting was to share ideas and experiences and to get to know one another. Gene noted that he had attended the Department of the Interior Honors Convocation in Washington, D.C. last week at which four firefighters from Zortman received the Group Valor Award. The four were instrumental in saving the life of a pilot whose air tanker crashed in the path of a rapidly advancing wildfire.

Gene mentioned that the state will be transitioning from a two-tier (field and state offices) to a three-tier (field, district, and state offices). The district managers will have a minimal staff. The field managers will report to the district managers. Both field and district managers will continue to be part of the state management team.

Gene next talked about land use planning and stated that it was a top priority in the BLM. He gave the status of the following resource management plans (RMPs):
Upper Missouri River Breaks National Monument—the proposed plan and final EIS have been released. We are working through the protests and hope to have a record of decision soon. The proposed Butte RMP and final EIS should be issued shortly.
The final supplemental EIS on coal bed natural gas in the Powder River Basin should be coming out soon.
The Miles City, South Dakota, North Dakota and Billings RMPs are being developed.
Gene encouraged the RACs to be involved in the RMPs' development because it is at this level that resource allocation decisions are made. This is where RACs are very helpful. The members can bring us information from the groups they represent.

Gene noted that there have been several news articles on oil and gas leasing, development and production. The majority of our leasing is in North Dakotas. In Montana and the Dakotas, the leasing level has usually been between 200,000 and 300,000 acres a year. We have about 35 million acres of subsurface minerals; about 4.3 million acres are under lease. A lot of our applications for permit to drill have been in North Dakota.

Gene said Judge Winmill ordered that the decision not to list the greater sage-grouse under the Endangered Species Act be reexamined. Theresa Hanley of the Montana State Office is on a team to look at our processes for conservation of sage-grouse. If it does get listed, it will have dramatic impacts on many BLM programs.

Gene spoke next about the coming fire season. He said he had looked at two long-range forecasts—one was terrible and the other worse. Eastern Montana will have a long hot and dry summer. The BLM's goal, and that of our cooperators, is to put fire out during initial attack. Fire seasons have been changing. There is more wildland/urban interface with fires going through subdivisions. We're seeing earlier snowmelt and hotter/drier summers. Firefighter and public safety is our top priority. We had a successful season last year due to cooperation among agencies and private landowners. The rural fire departments should get a lot of credit.

Gene mentioned the Montana/Dakotas BLM's new access to public lands initiative. There will be more information on it later in the meeting.

Access Initiative

Tim Bozorth, Dillon field manager, gave an overview of the access initiative. He said that the state management team recently decided to make access to public lands a priority workload and established an access team. The team proposed three fundamental steps to achieve results: 1) use a variety of methods, such as land exchanges and right-of-way negotiations, 2) use a number of tools, such as a permanent full-time workforce, contracts, volunteers, land trusts, and funding sources, and 3) dedicate BLM staff person(s) to acquiring access. The BLM will have discussions about a potential shared access program with Montana Fish, Wildlife and Parks and the Department of Natural Resources.

Comments and Q&As:

Q: Ron Moody--Is there now a local access team looking for opportunities to do things with the resources we have now? A: We don't have a specific group dedicated to acquiring access, but it is apparent that we need full-time staff working specifically on access. Over the last several years we've been trying to reduce positions--adding a new position is a philosophical change and demonstrates importance we're putting on this.

Q: David Schulz—In southwest Montana, user groups come to county commissions demanding access. What level are you continuing to try to block up some of these areas? What opportunities are there for local government to interact on these teams? A: Blocking up of ownership is certainly one of the tools, but it can't be the only one because of the cost and time it takes to go through a land exchange—usually a three-year process.

Q: Pat Gunderson—Fish, Wildlife and Parks has had some success working with the Malta and Miles City field offices in blocking up lands.

Overview of RACs

Lisa Heustis--Central Montana RAC: We have been focused on the Upper Missouri River Breaks National Monument RMP. When the monument was designated, Secretary Babbitt asked the RAC to make recommendations on its management. The RAC has been involved from scoping through the proposed RMP. We are also involved in the Judith Moccasin Travel Management Plan and Malta RMP, the sage-grouse management plan, and watershed plans. Some of our more prominent issues are grazing, noxious weeds, and travel planning.

Ray Trumpower – Eastern Montana RAC: We have been involved in the Pumpkin Creek land exchange south of Miles City. When it's complete, there will be 20,000 acres of public land in one large block. Last year the RAC was involved in an issue at the OHV area near Glendive. The RAC sent a letter to the BLM director urging the BLM to give law enforcement the funds and resources required to protect the public lands from abuse, particularly OHV infractions.

Andrea Stomberg--Dakotas RAC: Sage-grouse is an issue as it relates to oil and gas, coal, and uranium development.

We have seen some examples of public/private partnership and cooperation with oil companies in moving wells. We wrote a letter to the director expressing support for protection of paleontological resources. OHV use is more of an issue in South Dakotas than in North Dakota. We are working with private groups to define public lands that are appropriate for that use.

Mack Long--Western Montana RAC: We've been discussing several issues--timber management, forest health, harvest of beetle-killed trees, U.S. Forest Service recreation fee proposals, cooperative rangeland management/grazing, oil and gas, energy corridors, resource management plans, cooperative efforts between Montana Fish, Wildlife and Parks and BLM on the Clark's Fork River, OHV use, and hard rock mining and leasing.

Discussion

Gerald Schlekeway: Is anyone addressing OHV use at this time?

Dennis Phillippi, Mark Jacobsen, Barb Cole: The Western, Eastern, and Central RACs are addressing OHV use.

Ron Moody: We had extensive discussion about it for the Judith Moccasin area.

Steve Flynn: Has the BLM responded to the Eastern Montana RAC's letter?

Mark Jacobsen: No. A response from the director has not come back. Several RAC members asked for a copy of the letter which was later distributed to them.

Tribal Consultation

John Bown explained what is meant by tribal consultation. Federally recognized tribal governments have certain rights and consultation is legally required. The field manager is usually the person responsible for the consultation. The main purpose of consultation is to identify religious and cultural values and other rights that could be affected or impacted by BLM's actions so those concerns can be taken into account when making decisions.

Comments and Q&As

Q: Mack Cole—Do you have to go through the BIA Trust Office? A: We don't work through the Trust Office; we have self-determination with three tribes now--mostly on oil and gas agreements and cadastral survey. We work directly with BIA and OST.

Q: Do you have to have BIA approval? A: For oil and gas we approve (if on trust lands) the APD, but we have a memoranda of understanding with both the BIA regional offices in Aberdeen, South Dakota, and Billings, Montana, that lay out what BLM does.

Gene Terland: For those activities occurring on trust lands, we have a programmatic agreement with the National Historic Preservation Advisory Board. We have received some questions as to how well the consultation is working under that agreement. We will be in contact with the tribes to see what is working and what could be improved.

Q: Dennis Phillippi--When does the tribal council make the decision when to or not to drill for oil and gas on the reservation? A: One of our tribal governments has self-governance--it runs its own affairs with very little involvement from BIA. If a tribal government agrees to a lease, it is agreeing to allow drilling on that lease. Q: Does the tribal government determine terms and conditions? A: It negotiates the lease with an operator and then it's approved by the Secretary. Q: The tribe determines the environmental consequences? A: The BIA and BLM review any negotiated leases to make sure they're in the tribes' best interest. We still have to follow NEPA. Q: Is economics still considered in the best interest? A: Very much so.

Lonnie Bagley--We work with tribes to do NEPA on the surface.

Gene Terland--They still get involved in the terms and conditions of the lease.

Q: Larry Dokken--In North Dakota, where there is drilling next to the reservation on fee land, they're having a problem getting the access to drill on the fee land. Some of the land owners next to the reservation can't get terms for access agreements to cross tribal lands. What's being done about that if anything? A: That's not normally something that BLM would be involved in—it would be BIA. I think they operate similar to us—there would have to be a right-of-way. Q: It's the tribe that is stopping the wells from being drilled--it's privately owned, but the tribe wants a huge fee to get to the lands that are privately owned.

Q: Dennis Phillippi--Is there a flowchart that shows where you work with folks and is it written in a BLM manual? A: I don't know about a flowchart, but we do have a detailed MOU between BLM and BIA for each of the regional offices.

Mack Cole--Something that you're missing is that lands held in trust for tribes or individuals, they do fall into some of the same rules as other public lands. As far as crossing is concerned--if you have something that is a public benefit, you can enter into eminent domain.

Off-highway Vehicles and Travel Management Planning

David Jaynes of the Montana State Office gave some background on travel management. He told the RAC that until June 2003, there were no OHV travel restrictions on about 5.8 million of about 8.4 million public land acres in the three states. However, the OHV plan signed in 2003 does restrict travel to existing roads and trails.

The Eastern Montana RAC brought the OHV issue to the state director when it was working on rangeland standards and guides in 1995/96 (which dealt primarily with grazing). The RAC told the state director that OHV use had as much or more of an impact on rangeland health than did grazing and needed to be addressed.

Current situation: The Dillon FO has completed its travel management plan. The roads that have been designated will be signed beginning this fall. Missoula has all roads designated--its RMP is to be completed in 2014. Malta FO will complete its RMP in 2010--roads will not be designated in the plan but it will contain criteria. The Upper Missouri River Breaks National Monument (UMRBNM) RMP is in protest resolution stage, and the protests include travel planning. Lewistown FO will start its RMP in 2010 but has a separate Judith Moccasin plan. The Billings FO is starting its RMP, but most of its travel planning has already been completed. The Miles City, North Dakota, and South Dakota FOs are currently working on their RMPs. These plans will, at a minimum, have road designation criteria, but no designations of open/closed roads will be made until after the plans' completion.

Jason Caffey, state office law enforcement staff ranger, talked about the regulations that cover OHV and which apply to all vehicles. Jason stated that BLM has to have a combination of signs, public notices, and maps available so that the users understand the regulations. Education is the key to compliance. Right now, BLM has eight rangers covering the BLM's approximately eight million acres. With new hires, there will soon be 10 rangers. The punishment depends on the amount of damage. It's usually a fine and can vary--generally \$100-\$500. The violator can be summoned to court, and we can request restitution. If public sees violations, we ask them to get all the information possible--take photographs, get descriptions, license plate numbers, record date, time, etc. BLM doesn't want observers to confront violators.

Comments/Q&As

Q: Bill Bowman--There was an incident at a fire near Camp Crook where private and public land are intermingled. Fire districts were told they could not travel off road. This doesn't seem to make sense; do you have any flexibility? A: Emergency vehicles are exempt from travel restrictions.

Q: Dennis Phillippi--Do you have any authority for hunting violations? A: Yes.

Q: Ron Moody--8 million acres and 7 rangers--that's not enough law enforcement to prevent misbehavior. What is your delegation of authority to state game wardens, deputy sheriffs, etc. to

enforce your regulations? A: To give our authority to any other agencies, they have to follow our training standards – they don't do that. Typically the counties and the state will have their own laws that mimic our laws. Q: We really only have seven enforcement officers? A: State game wardens can enforce hunting regulations. We can issue a citation based upon other law enforcement calling in the information. We do enter into agreements with counties where we pay for extra officers.

Q: Mitzi Rossillon--Since enforcement can't adequately address all the violations, what other things can complement what you're trying to do? A: Education is the key. If people know that they're not supposed to do something, it helps. We'd like to have more signs.

Q: John Hoganson—It's good to see BLM moving forward with policy. We have people on the RACs that are advocates of off road use. What is their input?

Q: Jack Kirkley--Understaffing is an issue. If there is going to be a change in the financial drought under the next administration, would this be an area of priority? Or is this far down the list? Can it be solved by putting more money behind enforcement? A: Over the past several years, we have asked the Department and OMB for increases. On a national basis, law enforcement is a priority.

Eric Hunt--One of the things we've been doing with the Forest Service in South Dakota, where education has been neglected, we've started looking at doing partnerships. A trail ranger goes out on the trail handing out maps, etc. but doesn't issue citations. Peer pressure gets people to obey the rules. The growth of the sport is impacting South Dakota. Users will have to put some of the groundwork back in to enjoy recreation.

Colby Branch--Writing tickets alone will not solve the problem. OHV use is a legitimate use of public lands and a wholesome family activity that keeps kids off the streets. This form of recreation has seen a lot of closures. The BLM has to be reasonable in how it approaches this. People will break laws if we close all lands. I don't see a lot of difference between OHV use and a grazing trail or oil and gas road.

Q: Dan Teigen—Can you clarify what is the difference between using ATVs for ag-related use as opposed to recreation. A: Grazing or other commercial permittees have authorizations within the permits. This is covered in the OHV EIS.

Public Comment Period

No one from the public wished to comment.

Continuation of OHV discussion

Betty Aye—Could we get an overview of what happened at Shepherd Ah Nei? How is it a model for other areas?

Jim Sparks gave background on Shepherd Ah Nei. The area is north of Shepherd and has about 2,000 acres. It's had heavy use by OHVs, including full-size pickups. As the result of a lawsuit

filed by adjoining landowner, the BLM had to close the area pending an environmental assessment. We designated trails in the EA and did a lot of rehabilitation and maintenance work. We have implemented a fee system and involved users in trail rehabilitation. The possibility that it could be permanently closed spurred the OHV community to help out.

Q: Bernard Rose--Is there only one person working out there? A: We have a seasonal employee to help collect fees, monitor use, etc. The fees will pay his salary.

Colby Branch--From a user's perspective, the project has been a huge success. The history is probably fairly typical--seeing people wanting to shut down others' use of public land. The OHV groups came together and assisted the BLM in getting the place back in shape. I use the area extensively. Using other users to help police the area would be helpful.

Jim Sparks--This is not an open area. Use is limited to designated roads. The only Billings FO open area is the South Hills. We implemented the fee system in February after working with the RAC. The daily use fee is \$5. The users have been pretty good about paying the fee. The area is subject to closures due to fire danger or resource conditions, e.g., mud.

Q: Lyndon Bucher--What kind of weeds do you see out there? A: The area is holding its own. There is some knapweed, and we've been hammering it for years. We're going to treat knapweed with the fee money which will free up some money that we've been spending out there.

Q: Jack Kirkley: Would this work in a smaller population area where there aren't as many users to pay fees?

Colby Branch--Users will travel if there is a good place to ride, but there may be some critical mass of population to make it worthwhile. Nobody wants to ride where they're not welcome. Places set aside for riding take the pressure off other areas.

David Jaynes—The largest BLM OHV area in the state is in the Miles City Field Office near Glendive. People come from the Dakotas and Canada to ride there.

Q: John Hoganson--What is a good size for an OHV area?

Colby Branch--Shepherd is good size – you wouldn't want to go much less than that. Having a buffer around it is a good idea so you don't have complaining landowners.

Gene Terland--In some cases communities come to us and ask that an area be designated or express an interest in taking it over as a lease. There is a process for doing this.

Bill Bowman--This is multiple use land, but somebody has made a decision to limit it to OHV use. Don't limitations like this go against the law? A: We haven't restricted uses. Grazing continues. Adjacent to this area we have a horse area. We made it attractive to equestrians but haven't specified it just for horseback riding. People walk and ride horses on OHV trails. Hunting is also allowed.

Colby Branch--The OHV area is about 1/3 of the BLM land in the contiguous block. OHV is excluded from 2/3 of the land.

Ron Moody—During land use planning, do you consider the view of the “quiet” user? When I want to hunt on foot, I don’t want to have to step out of the way of ATVs driving off designated roads. I don’t think of myself as superior public land user, and I’m willing to move over and make room for others as long as there is room for me too. Not all uses can occur at the same time and in the same place. I’m happy that in the Judith Moccasin Travel Management Plan motorized use can occur in the northern part of the area. I don’t see why this has to be a problem if OHV riders are willing to accept reserved areas for their use.

Bernard Rose--I ride my mountain bike at Shepherd Ah Nei all the time when I know there won’t be too many OHV riders there. If you provide an area that is attractive to OHV, they will use it and possibly lower the impact in other places. Such an arrangement may depend on a certain population density. All kinds of neat things came out of this. It is a real success. People with very different interests solved a problem.

Q: Clay Vincent—I’ve heard about requests for paint ball recreation areas and that type of thing. County commissioners are concerned about liabilities. Where do we sit on liability issues on BLM land? A: We need to warn users of obvious hazards. Overall there are risks to using public land, but we are seldom sued. A person would have to prove gross negligence. Q: Does BLM have insurance: A: No, we are self-insured.

Gerald Schlekeway—There would be less resource damage if there were areas designated for OHV use. I know a designated area would be used and used.

Q: Jack Kirkley--How does the BLM sort out the difference between designated and user-created roads? A: That’s what travel planning addresses. We know what roads were in existence when the OHV EIS was signed so any new roads since that date were user-created. With the help of the RACs and scoping meetings, we can get input about what roads should be closed or left open. We can still go in and close user created roads through the planning process.

Q: Michael Bryant—The demand from all users for access to public land is growing. Are you going to hire an access person? A: Gene Terland—Our management team has accepted the recommendation of the access team so we will move forward to hire someone dedicated to acquiring access to public lands. We just have to figure out where the funding is going to come from. It will be important to work on access in partnership with other entities and, of course, we will need willing landowners.

Dennis Phillippi—I think OHV use is going to grow. Weeds are going to be an issue. I’d like to see the BLM and others look at preventive measures to curb the spread of noxious weeds on public lands. Is there is any way that local OHV groups and RACs can look at preventive measures.

Q: John Hoganson--Is the BLM leaning toward the idea of designating areas for OHV activities?

A: Any designation has to be done in the RMP process. If you think there are areas that should be designated open, please let us know. Shepherd Ah Nei use is limited to existing roads. Riders can't go off trail.

Richard Young--We tend to view OHV group as homogeneous, and I think it is not. A motocross area was proposed in the Dillon FO but rejected because the users wanted the wilderness experience of going off-trail into wild areas-they weren't interested in a designated area. Can you break down the types of OHV use?

Eric Hunt—I can't give you any percentages for South Dakota, but the vast amount of people wants to ride to a destination with scenic areas along the way. The younger folks are interested in motocross.

Nate Finch—There's more to the OHV issue than reserving play areas. In southwest Montana there is a lot of hunter OHV use. While this is a legitimate use, there is an issue with new trail creation and the spread of noxious weeds.

Mitzi Rosillon—I'd like to see the correspondence from the Eastern MT RAC to the director and get its suggestions about signs, monitoring, neighborhood watch, etc.

Jerry Reichert--We sent the letter, but I think it's too soon to come to any conclusions about the things we've asked for. We've had no response from the director. We all want to go in the same direction on things like noxious weeds. We should pay more attention to law enforcement. I don't have any statistics, but in newly-acquired FWP areas, when the wardens enforce the rules, illegal activity quits for a period of time. With more law enforcement we could get rid of conflicts--not just OHV, but hunting violations, and others. I worry that when administration looks at this, it will tell the state director to find the money in his budget. We need a new funding source. If we can get money for more biologists, why can't we get more money for law enforcement? I encourage the other RACs to write letters requesting the administration find new funding for law enforcement.

Larry Pilster--If you are a hunter or whatever else, most times vehicles have to be cleaned up of weeds. There are a lot of people from out of state at the Glendive area; we don't know what weeds they're bringing. You can throw all the money in the world at law enforcement and we still won't solve it. The Shepherd situation shows how people have to be responsible for their own actions. You shouldn't have to close an area because it's muddy—users should have enough common sense to stay away from there. I'm a strict multiple use guy. OHV use and breeding cows don't mix—we might have to look at some seasonal restrictions in grazing allotments. In the Miles City FO there's a terrible infestation of prairie dogs in the Pumpkin Creek exchange area. This would be a real good place to have an OHV area.

Q: Larry Dokken--We keep hearing about potential for noxious weed infestation. It sounds like you really don't have a problem at Shepherd Ah Nei. Do we really know how much impact the OHVs are having in relation to noxious weeds? Are there studies? A: Think there are studies, but I can't quote them off-hand.

Dennis Phillippi--In Gallatin and Broadwater counties, hunters can't access land unless they check in with the landowner--if you haven't sprayed your vehicle, you can't enter, but the owner will transport you in his vehicle. You have to drag out your animal.

Nate Finch--We have mapped and done spraying ourselves with BLM cooperation. It is public land, but vital to my operation. OHV users need to take personal responsibility. If you've seen weed infestations, you see how the use of land is diminished.

Jim Sparks—I agree with that. OHV use is probably the biggest contributing factor to weed spread.

Nate Finch—I don't want to see you close roads, but we need to find answers to the weed issue. Washing vehicles is one method. Education is probably the most important thing you can do.

Jim Sparks—The Lewistown office has a pamphlet about the risk of transporting noxious weeds by vehicle. It would help if we could distribute this across the state.

Mitzi Rosillon—At the CMR refuge, they rented a weed wash station and handed out coupons for car washes. Projects like that go a long way to getting education out there. An MSU study showed that thousands of weed seeds can be lodged in an undercarriage.

The meeting was brought to a close for the day. Mark Jacobsen recaptured some points for further discussion: OHV use, prairie dogs, weeds, and the possibility of the RACs making joint recommendation regarding OHV use. Ron Moody asked that a few minutes on Wednesday morning be saved for further access discussion.

Dan Teigen—This is more of a budget observation. A lot of things that go on come down to whether you can afford it. I don't throw dollars at a cow and expect them to stick. With an agency—you can't just throw dollars at it, but if you have a good program, it's an investment. Funding needs to keep pace with the success of a program.

Gene Terland—We don't take, for example, range money and use it for recreation. We get funding from Congress for specific programs. There is a law that allows us to charge fees at Shepherd Ah Nei. The BLM cannot lobby Congress. We put together our budget and send it to our Washington office and from there it goes to the Office of Management and Budget. I don't have an answer on how you get more money from Congress, but partnerships are a big help in finding creative solutions.

Wednesday, May 21, 2008

The meeting began at 8 a.m. Kaylene Patten was the facilitator for the day. After yesterday's meeting, she and Mark went through the comments and made a list of the major issues related to travel management and OHV use. The items were:

- Weed management
- Law enforcement funding
- Signage
- Designated OHV areas
- Education
- Funding and budget

Kaylene led a discussion about a possible joint RAC recommendation regarding OHV use and management. Gene Terland suggested that it would be difficult for such a large group to be able to formulate a recommendation in the time given. He said that he would commit to making an annual report to the RACs on what the BLM was doing with regard to transportation planning.

Q: John Hoganson--Would it be more meaningful for the director to have letter from the RACs addressing these issues?

Jerry Reichert--It's our responsibility to address these issues if we have consensus. With respect to funding and some of these other issues, it is more meaningful to send the letter than having Gene report back that we had a bunch of people talk about this.

Mary Apple reminded the members that the RAC charters state that the councils are not to provide advice about the expenditure of federal funds and that recommendations are to be made to the designated federal officials who are the field managers and state director.

Gene Terland—We could provide feedback on what we're accomplishing and what we're thinking about each year. We have money that comes to us for specified activities like recreation, weeds, law enforcement. We can tell you where our emphasis areas are and why. You can give us feedback on other areas that you think we should focus on.

Dan Tiegen--It seems we could easily come up with a letter and send it to Gene and he could add to it and send it up to the Secretary. We should have list of possibilities that might resonate with decisionmakers. Make tangible examples--show what we can do if we have the funding.

Ron Moody—I like the idea of the annual report. This isn't just a funding issue—it's also about the level of observed abuse and public complaint about OHV use. I don't think the RAC has done its job unless we produce a product of the discussion like a letter.

Eric Hurt—The Black Hills National Forest is looking at putting together a business program and introduce a sticker/fee program. We were told it had to come from the RAC, that the agency couldn't do it on its own. Can the BLM do this? Most motorized users are willing to pay a fee for a good trail.

Jack Kirkley—I think we should forward the Eastern Montana RAC letter but add education, special designated areas for OHV, and other items not listed in the original letter. I don't know that we have time to write another letter.

Q: Dennis Phillippi--What are we sending to Gene and what is the timeframe for him to get something back to the RACs? A: Gene--It depends on whether you want to go with something written and signed by the RAC chairs, or if you just want to state in the notes that is the joint recommendation. There is an Executive Leadership Team meeting in July. I could talk to the director then and get some feedback to you in late July-early August. The annual report would be prepared at the end of field season.

Larry Pilster—It's important to meet like this once in a while—we've had some really good discussions. I think it would be beneficial if we had something to Gene signed by each group

Andrea Stomberg—I agree with Larry. Each RAC needs to go back and discuss the issues. This would be much more powerful. Some of the issues are RAC-specific.

Kaylene Patten—The group's recommendation is for each RAC to send its own letter to Gene.

The members agreed that each RAC would prepare a letter to Gene. Gene needs the letters before the meeting in July.

Recreation Fee Program

Chris Miller of the Montana State Office gave some background on the Federal Lands Recreation Enhancement Act. She also provided information on the sites in which the RACs have been involved in setting the fees. She gave information on how much money each site took in last year and what the money was spent on. She added that the BLM doesn't have to spend the fees each year. The money can be saved for future projects. At the present time, fees are paying for the operation of the James Kipp Recreation Area.

Joni Packard of the U.S. Forest Service described the agency's actions under FLREA to work with the RACs on fee proposals and thanked the groups for their feedback. She said it helps the USFS strengthen and improve its process. Her handout gave an overview of the USFS recreation fee program. She talked about the types of sites and what fees are charged, described the areas that each RAC covers and what fees have been proposed to each, and described the amenities and where fees have been increased at a variety of sites. The USFS has developed a pricing tool to make sure it has consistent pricing regionwide. For fee increases that fall outside the normal rate of inflation, the USFS has to go to the RAC. If they fall within rate of inflation, the USFS is testing method to exempt them from RAC review, but it would still involve the public and have internal review.

Joni said that fees are used for the operation and maintenance of 150 cabins, maintaining campgrounds, adding new campgrounds, road maintenance in Idaho in partnership with Idaho counties.

She said that fees are not new but have been collected since the 1960s, and prior to that there were regulations for charging fees beginning in 1939. Whenever a specialized service is being provided, a fee is charged. In 1996 Congress passed legislation so that agencies could keep the fees that they charge.

Senator Baucus has introduced legislation to repeal some provisions of FLREA. The bill has been referred to committee. It would repeal some of the agencies' authority to collect fees and/or retain them. The USFS would still be able to collect fees under other laws

Q: Lyndon Bucher--What is the intent of the Baucus bill? What is he trying to accomplish.

A: David Cobb from Senator Baucus's office said that the senator is concerned that the ability to retain fees provides an incentive for land managers to raise fees. He wants to return to the structure that we had in the 1960s that provided for Congress to determine where the money will go. The FLREA gives land managing agencies the ability to charge fees on a wide variety of things that they couldn't charge for before. There are instances of people being charged for hiking.

Energy Development

John Bown of the Montana State Office covered oil and gas activity, wind power generation, and geothermal energy in a powerpoint presentation. He provided information on oil and gas leasing activity for the three states and explained the difference between competitive and noncompetitive lease sales. The field offices prepare the environmental analysis and lease stipulations for sale parcels.

Q: Betty Aye--How is price determined for noncompetitive sales? A: The minimum bid is \$2.00 per acre.

Q: Mack Cole—Does this price also apply to coal bed natural gas? A: Yes. Coal bed natural gas is leased in the same manner as conventional oil and gas.

Q: Chuck Hauptman--Was it last year or the year before that the fee for processing and application for permit to drill (APD) went up to about \$5,000? What do you folks do for \$5,000 on an APD? A: The fee is now \$4,000 and it went into effect this year. The BLM did not initiate the increase--it showed up in the appropriations bill.

Gene Terland: The increase was included in the president's budget proposal. The fee goes to the treasury, but it was designed to offset processing costs.

Q: Chuck Hauptman—What's the service the public gets for that fee? A: It's for processing the APD.

Ron Moody—The problem is trying to figure out how a RAC can productively engage in the energy development process? Energy development is structured in a whole hierarchy of laws and regulations. Where is our opportunity to give advice BLM can use?

Gene Terland—It's at the land use planning stage that we make the decisions of what will and won't be available for leasing and what stipulations are put on the lease. We want the public to raise concerns during the planning process, especially if they have new information. The Billings RMP is just getting started. Now is the time for the RAC to get involved in it.

Larry Dokken—I represent the petroleum industry in the West Energy Corridor. The EIS for it is currently being drafted. There are a lot of questions and issues concerning barriers to ROW development. It is unclear why the action is incorporating so few miles of the existing energy corridor. It's getting nearly about impossible to build new lines outside of existing rights-of-way. The BLM and USFS need to look at this issue.

John Bown--We have a lot of leases that are non-producing. The industry will buy leases, but may decide not to develop them. They can hold them for the 10 years before they have to be developed. The number of APDs is up some with the price of oil driving demand. The Bakken Formation is the main reason we're seeing an increase in oil activity. Right now it's thought to contain the largest recoverable oil resource in the lower 48 states.

Wind energy development is covered by realty actions (rights-of-way). There are applications for meteorological towers in Valley County to obtain wind data. We have a lot of wind resources but don't have the powerline infrastructure.

BLM and USFS are working on a programmatic EIS for geothermal. We don't forecast large-scale indirect use of geothermal power in Montana for power generation. Fairmont Hot Springs is an example of a direct use of geothermal energy.

Q: Michael Bryant—Do you have any geothermal leases—how long have they been in effect.

A: We had application but didn't issue a lease. It was near Marysville. The applicant asked for a noncompetitive lease. We couldn't do that.

Q: Ron Moody--What's the fee for that application? A: For direct use, the fee is based on the amount of heat removed from the ground.

Andrea Stomberg—I'd like some more information on Larry's right-of-way and energy corridors question.

Gene Terland—The EIS does not take into account private or state lands—only federal lands. The intent to identify energy corridors—in most cases they are already in existence. We are trying to get those identified and studied in a programmatic EIS, and then we'd amend our RMPs as needed. If a power company wants to put in a new line, we can tier to the EIS and maybe do an EA rather than doing a new EIS. The EIS does not preclude companies from applying for ROWs for pipelines or powerlines outside of the corridors. But we generally encourage companies to look at the corridors. We try to do this during the land use planning process.

The comments Larry raised went to the contractor preparing the EIS which is out in draft. The comments will be considered in the development of the final EIS.

Larry Dokken—I'd like to comment on Bakken Formation study. Everyone hears the big numbers; they're kind of blown out of proportion. The majority of the wells are producing small numbers of barrels per day, and at today's cost of \$6-6.8 million to drill a well, you have to have 150 barrels per day for the wells to pay out. It's not as sweet as it sounds on paper.

Q: Mack Cole--Do you see any other corridors the size of the western energy corridor coming up in the future. A: There was one proposed in the Dillon area that involves some public lands. There's also a proposal for an oil pipeline out of Canada to north of Malta to the corner of South Dakota and down to Texas.

Q: Troy Blunt--How many BLM acres are restricted from leasing? Why? Where? A: I don't have that off the top of my head. The restrictions are found in the land use plans and include areas such as wilderness study areas. We have been deferring leasing of the area covered by the West Hi-line RMP due to court decision.

Gene Terland—The figure I've heard is 8 million acres of subsurface federal mineral estate, not all of it BLM, that is not available.

Q: Michael Bryant—I heard that there is a major seismic exploration project of about 36 linear mile for which a categorical exclusion (CX) was issued. Was that something covered and authorized in the Dillon RMP? Shouldn't it have been an EA? A: Geophysical exploration was covered in the Dillon RMP. CXs for geophysical surveys are authorized if certain conditions are met. Exception criteria were reviewed and none of them were exceeded. If exception criteria would have been exceeded, we would have gone to an EA.

Sage-grouse Update/Ongoing Conservation Efforts

Gayle Sitter and Katie Stevens of the Montana State Office presented the following information on ongoing greater sage-grouse monitoring and conservation efforts:

The BLM is a cooperator in spring surveys with Montana Fish, Wildlife and Parks. The number of sage grouse is less than last year, but above the longterm average except in the Dakotas and eastern Montana. We found a 50% reduction in lek attendance. West Nile virus has been found in birds in those areas. The University of Montana is doing some research projects. We're finding that some grouse populations are very migratory, with grouse from Canada wintering south of US Highway 2 in Montana and birds from the Dillon area wintering in Idaho. We're still doing monitoring in the Miles City Field Office and trying to determine which areas the birds are using.

Q: Mack Cole--My understanding is that there is still a hunting season for the grouse. What's the status of the Naugle study? A: Montana Fish, Wildlife and Parks has reduced the hunting season. Dr. Naugle has been studying grouse in the Powder River Basin for about 6 years. His group has been tracking the number of wells and the decline in bird populations.

Q: Betty Aye--Who is paying for Naugle's research? A: Industry, Wyoming and Montana BLM and University of Montana.

Q: Dennis Phillippi--Is the bird listed? A: In Canada, but not in the US.

Q: Corby Anderson--Where is Dr. Naugle located? A: The University of MT. Other studies have also been conducted by Montana State University and South Dakota State University.

Q: Bill Bowman--What is the cost to follow these birds? Have any birds been injured during collaring? A: There is a risk, and we have lost some birds. Our banding permit allows a small number of deaths. If the number is exceeded, we stop banding. Fish, Wildlife and Parks is paying for the flights in the Miles City area this year.

Q: Francis Jacobs--When you're looking for birds, do you take into consideration the type of habitat? A: We look at that several different ways. We look at potential habitat—the soils indicate if sagebrush will grow there. We also look at historic leks.

Q: Chuck Hauptman—It seems like it's handy to blame oil and gas for the decline. Hasn't West Nile had more impact? A: There are different issues in different areas. In some areas, fire has a greater impact. In our area, oil and gas seems to have the greater impact.

Stanley Kohn--In ND we don't have the sagebrush habitat that other states have. West Nile has seemed to have more effect than other causes. We're seeing that slow changes in habitat result in a slow decline of sage-grouse. This year, it looks like there is a disease issue which results in an almost immediate decline in the population.

Katie Stevens talked about the land use plan revisions and the Fish and Wildlife Service's ongoing process to determine whether the greater sage-grouse should be listed. BLM is submitting information to assist in the determination. The decision is anticipated this December. The possible outcomes are: proposed for listing as a threatened or candidate species or with no status.

It's at the land use plan level that the RAC can help us. The plans will talk about desired outcomes for the habitat and the actions necessary meet the desired outcomes. The goal of our planning process is to improve management on the ground.

Q: Lyndon Bucher—You say you get direction from your national office for protection and restoration of habitat. What kind of measures are you looking at for restoration? A: The 2005 sage-grouse policy gave us suggested management practices. We work with local work groups to set local priorities and look at measures included in our state management plan. Some of the actions could be to reduce conifer encroachment and crested wheat grass. We have pretty good habitat in Montana as compared to other states dealing with cheat grass infestations.

Lyndon Bucher—You need to share those strategies with user groups who are interested in what can be done to restore lost habitat. They don't have a good knowledge base as to what really works. Katie—We're looking at how to get the information out. Local work groups are the key to getting the info out.

Q: Betty Aye—Can we recommend no sage grouse hunting on BLM land? A: You can make the recommendation and we could pass it on to Montana Fish, Wildlife and Parks. Since we're not yet dealing with a listed species, I don't think the state would restrict hunting. It would be pretty hard to enforce due to the scattered nature of BLM lands.

Dennis Phillippi--It is important that the public have a chance to review proposals. Katie--Projects have to go through NEPA and allow for public comment.

Ron Moody—It's important for stakeholders to keep sage-grouse off the T&E list. No agency holds the key to keeping it off the list. People have part of the solution, but not the whole solution. We need an interagency/public/private approach to come up with solution. Katie—We did have a broad working group to develop the sage grouse conservation plan; once it was done, the local working groups took it on.

Chuck Hauptman--Execution and accountability for performance are important. Stakeholders need to get information on the results. If the grouse is listed, it will be a dramatic loss for all of us. When hunting is eliminated, the public could lose interest in seeing it protected. We need a coordinated/holistic program.

Larry Pilster—I'm a member of one of the local working groups. People like to pick on oil and gas and grazing. Nobody talks about the effect of predators on sage-grouse, such as eagles and foxes. When mange hit the fox, the numbers of sage-grouse went up. After mining stopped in my area, it was discovered that mining activity and enhancement from reclamation actually increased habitat. We don't want to put the blame on any one thing. Look at the big picture. Don't put the burden on any one industry.

Cooperative Rangeland Monitoring

Tim Bozorth, Dillon field manager and RAC member Dennis Phillippi gave this presentation.

Tim Bozorth—Dennis asked me to work with him to document process in rangeland monitoring and assessment. In Dillon, when we do a healthy rangelands assessment, we do it on a watershed basis and notify the public and permittees that it's underway. We've been doing it this way for six to seven years. We've assessed about 750,000 in about 300 allotments. We use an interdisciplinary team. The team looks at the standards and their indicators. Then we work with permittees and other groups to develop alternatives to address areas that don't meet the standards and prepare an environmental assessment. The EAs go out for public review after which we review the comments and make any changes to the EA. Then we issue a decision. Monitoring plans are developed for areas that didn't meet the standards. The value of doing it this way is that we work with the permittee to reach a consensus as to the causative factors. We've used a RAC subgroup to help us resolve disputes. The key is to involve the permittees, agencies, and the public in the determination of monitoring locations, timelines, etc.

Dennis Phillippi--Most of our resource issues arise because of people's differing perspectives. I commend Dillon staff for what they've been able to accomplish with all its permittees. Each office seems to have a different approach on how it deals with the public. We're proposing to

narrow down the approach. Dillon goes out of their way to involve all the public. It's not the same in other offices: some encourage permittees to do monitoring, sometimes BLM does monitoring, sometimes BLM & permittees or BLM and other organizations do the monitoring.

I'm suggesting that the BLM tries the proposal for 3 years. Funding needs to be made available, and it can come from a variety of sources. Cooperative monitoring needs to be done. The components are listed on the handout. The purpose is to share some other ways to go about cooperative monitoring that will pay off in the long run.

Open Discussion

Kaylene asked all the members to complete their evaluation sheets.

Ron Moody—Public access to public land is a powder keg with a short burning fuse. I don't know who it will lift off the ground, but people are mad, people are getting organized, and they will take action. Ignore it at your own risk. We have to be discriminating enough to distinguish what we mean when we say access. The public needs to know what it can do on public land (travel management). This part of the country is changing. There is a systematic practice of people seeking their own advantage by denying the public the ability to travel across roads.

Mack Cole--Another item that is going to be very important is that we have a large amount of resources on public land. The price of energy going up, and we're not benefiting from these resources. What is the best way to make the energy available to the people? It is public energy. We need groups to stop these frivolous lawsuits that stop us from developing our own energy and being dependent on oil from overseas.

Gene Terland—We'll take the cooperative monitoring information and put it on the state management team agenda and look at the possibility of adopting on a statewide basis.

Jack Kirkley—In reviewing the agenda, I liked having general information on what we have concerns about. One of the things that would have been interesting to hear is what different area managers would say what they feel has been most constrained by funding deficiencies and what they would do if they had more funding. What has taken the greatest hit as to what they would like to do out on the land? Where they would put the money?

Tim Bozorth—For Dillon it would be access. If somebody gave me a blank check, I would start acquiring more public access.

Steve Flynn—The timber resource western Montana is in critical condition. Funding is woefully inadequate to address timber issues like insect infestation. I'd like to see that addressed.

Andrea Stromberg—We need to examine the use of public lands to meet our national needs. How can we work together? We do seem to get snarled in huge bureaucratic messes that make it difficult to accomplish. BLM needs to streamline bureaucratic steps and processes.

Dan Teigen—The bureaucracy can create roadblocks. Is that because we don't have the staff? Should hurdles be removed or should we figure out how to get over them more effectively? There seems to be a conflict between those who want the bureaucracy to get out of the way or do more. We need better bureaucracy so that they can do the job better, so there are fewer things that can be litigated.

Lyndon Bucher—We've heard a lot of discussion on the challenges that we have and how we think certain areas might need more funding to accomplish objectives. A lot of the constraints BLM has are coming down from Congress. Congress won't authorize the funds to pay the bills they have now. Challenges are not necessarily with the BLM, but are in DC with our representatives. Wonder if we might get more value to go to those people who are making the laws that BLM has to comply with. Until the federal government can pay outstanding bills, looking for more funding is barking up the wrong tree.

Larry Dokken—I wanted to talk about the processing of applications for permit to drill. Everybody points the finger at the BLM and the FS as delaying the process, but we need to work to eliminate protests and shorten comments. People wait until the last day to submit appeals; it slows down the process.

Jack Kirkley—I'm wondering to what extent each council member feels that he/she is being used as an advisory person as opposed to just being provided information.

Nate Finch—I wanted to comment on the presentation that Tim and Dennis gave. I was one of the permittees involved in what could have been a contentious grazing permit renewal. The process worked very well, and it worked through the RAC. A subcommittee was formed of interested parties. It spent six months working through the process. The subcommittee's findings were presented to the Western Montana RAC which determined how to advise the Dillon Field Office. The process was essentially immunized from appeal because of the involvement of such a wide range of participants and it probably saved a long appeal process. We wouldn't have achieved the results we did without using this process.

Andrea Stromberg—Could the field managers comment on how often they have actually been influenced by what they've heard from the RACs?

Rick Hotaling--We've used the Western Montana RAC several times on subcommittees to deal with real contentious issues-land use plans, shooting issue, travel management, etc. We tell the RAC about projects and ask it to look at them. We do move forward with some RAC recommendations.

Tim Bozorth--We used the Western Montana RAC extensively in the land use plan process for travel management, areas of critical environmental concern, and wild and scenic rivers.

Mark Jacobsen--We've used the Eastern Montana RAC on a variety of things. It's going to get a task this afternoon regarding the Pumpkin Creek Land Exchange. The Billings Field Office used it with Shepherd Ah Nei and the shooting area.

Lonnie Bagley--The Dakotas RAC will be involved with the resource management plan. In the past it's worked on sage-grouse issues and paleontological issues. We hope to engage the RAC more in the future.

Stan Benes—The Central MT RAC has been involved in the Upper Missouri River Breaks National Monument resource management plan. I invite all the members to drop by the office and get acquainted since I'm new to the field manager position.

Dennis Phillippi--Back to sage-grouse--were the local working groups appointed in conjunction with Montana Fish, Wildlife and Parks? How were they selected and what activity is going on now?

Tim Bozorth—I'm not sure how they were appointed. I do know there were three—Miles City, Glasgo, and Dillon. We worked with Montana Fish, Wildlife and Parks to hire facilitators for those working groups when initially set up. Our local group just completed a viewing area. Road closures, road rehabilitation, informational sign, and other projects are going on in other areas.

Toby Stroh—Glasgow's working group was open to whoever wanted to participate. After first year or two the activity has kind of waned.

Francis Auld--I know we heard a little bit about consultation with tribal governments. I encourage BLM to reinstate the liaison position. Each tribe in the area has a representative that could take part in the NEPA process. I want to thank BLM for putting the meeting together. Don't forget to vote in November.

Mary Apple—BLM wants to thank and recognize those RAC members whose six years of service will end this year. They are: Francis Jacobs, Marian Hanson, Betty Aye, Robin Cunningham, Dennis Phillippi, and Jack Bailey.

Closing Remarks

Gene Terland--We've covered a wide variety of topics. I really enjoy working for BLM because of the diversity of issues we face. In many of the issues, such as access and sage grouse, it's easy to point the finger at somebody. But the issues are much more complex—there's not just one cause or solution. It is by getting groups together with different views that you get solutions. That's the benefit of the RAC. RACs are very valuable both informally and formally to get input.

Everyone has busy schedules, and appreciate you taking time away. Thank you for your service. We'll try to meet sooner than five years from now.

For sage-grouse and other issues, it will not make a difference what we do on BLM-administered lands in the long run; the solution will depend on joint efforts with everyone. Naugle's study showed the impacts that activity have on the grouse. In Montana, it happened to correlate with oil and gas activity, but it could have been something else. I don't want anyone to feel that we're blaming oil and gas. It's a very complex issue. We have to work together to solve it. The same

goes for access. We need to work together with a diverse group of interests to come up with solutions.

The meeting adjourned at 11:50 a.m.