



**CHAPTER FIVE  
CONSULTATION AND  
COORDINATION**

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## COORDINATION AND CONSULTATION

### PREPARATION

The North Dakota RMP was prepared by specialists from the Dickinson District Office, with assistance and guidance from the Montana BLM State Office disciplines. Skills used to develop this RMP were vegetation and rangeland use, geology, hydrology, recreation, soil science, air quality, archaeology and paleontology, realty, wildlife and fisheries biology, animal science, forestry, economics, sociology, graphics and typing. Preparation of this RMP began in 1984 with a Federal Register notice of intent to initiate a planning activity.

### PUBLIC PARTICIPATION

Public participation occurred at **four** major steps during the preparation of this **final** RMP/EIS:

- (1) Scoping or Identification of Issues,
- (2) Development of Planning Criteria
- (3) Surface Owner Consultation, and
- (4) **Public Review of Draft RMP/EIS**

Public participation activities conducted during each of these steps are discussed below.

#### Scoping or Identification of Issues

Public participation activities for the North Dakota RMP/EIS began with the December 19, 1984, Federal Register Notice announcing the intent to initiate planning activity. This notice of intent also invited the public to suggest resource management issues to be considered, and included a call for coal resource information. A news release requesting similar public input was issued to media throughout North Dakota December 20, 1984. A supplement to the notice of intent identifying the four alternatives considered in the RMP/EIS was published in the February 28, 1986, Federal Register.

A brochure describing the BLM planning process, opportunities for public input, and anticipated planning issues was mailed to approximately 300 persons, groups, or agencies during February and March of 1985. This brochure included a return mailer for providing suggestions of issues to be considered in the plan. The Dickinson District received 33 responses to the brochure.

Five public meetings were held during March and April of 1985 to aid in identifying issues and planning criteria. The scoping meetings were held in Bowman, Dickinson, Hazen, Towner, and Williston, North Dakota. A total of 38 persons attended. News releases announcing the meetings and requesting suggested issues were issued to media servicing the general area surrounding the meeting locations.

#### Development of Planning Criteria

On July 10, 1985, a news release was issued to selected news media throughout North Dakota announcing the availa-

bility of issues and planning criteria. The issues and planning criteria were available for a 30-day comment period ending August 14, 1985. Two comments were received.

### Surface Owner Consultation

Beginning in December 1985, 1844 surface owners over federal coal were consulted regarding their preference towards coal mining. Three public open houses were held during December 1985 to answer questions regarding the consultation process. Two news releases were issued to announce the consultation process, open houses, and deadlines for response. These news releases were issued to media located in proximity to the CSAs and major population centers within the state (**Appendix B to this document**).

### Public Review of Draft RMP/EIS

Copies of the **draft RMP/EIS** were provided to approximately **430** persons, groups, local governments, and agencies that expressed interest in the management of public lands and minerals in North Dakota. The mailing list was compiled using names and addresses of: (1) parties actively involved in past planning and environmental analysis activities, (2) parties responding to our call for suggested issues and resource information, (3) parties requesting further information or **copies of the RMP/EIS** during the preparation of the plan, (4) agencies, governments, and corporations potentially affected by the plan, and (5) agencies, groups, and tribes consulted during preparation of the RMP/EIS.

**The draft RMP/EIS was available for public review and comment December 22, 1986, through March 25, 1987. A total of 36 parties provided written comments on the draft during the comment period. All of the written comments received during the comment period are reproduced under the Response to Comments portion of this document. Four public meetings were held in January and February 1987 to discuss the draft RMP/EIS and to obtain public comments. Meetings were held in Dickinson, Williston, Hazen, and Bowman, North Dakota. A total of 43 persons attended. Comments and questions received at the meetings are summarized under the Response to Comments portion of this document.**

### AGENCIES, ORGANIZATIONS AND INDIVIDUALS CONSULTED

The North Dakota RMP/EIS team consulted and/or received comments from the following organizations and agencies during the preparation of this document.

## Interest Groups

American Fisheries Society  
Audubon Society  
Badlands Environmental Association  
Billings County Surface Interest Association  
Council of Energy Resource Tribes  
Dakota Resource Council  
Defenders of Wildlife  
Dunn County United Plainsmen Association  
Friends of the Earth  
Garrison Diversion Conservancy District  
Isaak Walton League  
Lewis and Clark 1805 Regional Council for Development  
McKenzie County Energy and Taxation Committee  
McKenzie County Grazing Association  
Mercer County Landowners Association  
Mountain States Legal Foundation  
National Wildlife Federation  
Natural Resources Defense Council  
North Dakota Archaeological Association  
North Dakota Association of Soil Conservation Districts  
North Dakota Chapter The Wildlife Society  
North Dakota Grazing Association  
North Dakota Lamb and Wool Producers Assoc.  
North Dakota Lignite Council  
North Dakota Parks and Recreation Association  
North Dakota Petroleum Council  
North Dakota Paleontological Society  
North Dakota Stockmens Association  
North Dakota REC  
North Dakota Wildlife Federation  
Northern Plains Resource Council  
Professional Council for North Dakota Heritage  
Rocky Mountain Oil and Gas Association  
Roosevelt-Custer Regional Council for Development  
Roughrider 4 X 4 and Off-road Club  
Sierra Club  
South Central Dakota Regional Council  
United Sportsmen  
Watford City Wildlife Club

## North Dakota State Legislators

### U.S. Congressmen

Representative Byron Dorgan  
Senator Mark Andrews  
Senator Kent Conrad  
Senator Quentin Burdick

### Federal Agencies

Bureau of Indian Affairs  
Bureau of Reclamation  
Corps of Engineers  
Department of the Air Force  
Environmental Protection Agency  
Federal Highway Department  
Fish and Wildlife Service  
Forest Service  
Geological Survey  
National Park Service  
Office of Surface Mining Reclamation and Enforcement  
Soil Conservation Service

### State and Local Government

North Dakota, State of  
Agriculture Department  
Department of Health

Energy Development Impact Office  
Game and Fish Department  
Geological Survey  
Highway Department  
Historical Society  
Industrial Commission  
Land Department  
Office of Intergovernmental Affairs  
Parks and Recreation Department  
Public Service Commission  
Water Commission

### County Commissioners, County Agents, Planning Boards, etc.

Adams  
Barnes  
Benson  
Billings  
Bottineau  
Bowman  
Burke  
Burleigh  
Cavalier  
Divide  
Dunn  
Eddy  
Emmons  
Golden Valley  
Grand Forks  
Grant  
Hettinger  
Kidder  
Logan  
McHenry  
McIntosh  
McKenzie  
McLean  
Mercer  
Morton  
Mountrail  
Oliver  
Pierce  
Renville  
Sheridan  
Slope  
Stark  
Stutsman  
Walsh  
Ward  
Williams

### City of Dickinson

### Indian Tribes

Devils Lake Sioux Tribal Council  
The Mandan, Hidatsa and Arikara Business Council  
Sisseton Wahpeton Sioux Tribal Council  
Standing Rock Sioux Tribal Council  
Turtle Mountain Band of Chippewa

### Individuals, Academia and Industry

Approximately 300 individuals, area institutions of higher learning, and other firms or agencies known to be interested in North Dakota planning and resources and those requesting information following Federal Register notices, news releases, and public meetings were contacted.

# LIST OF PREPARERS

## Project Management

### Project Manager

Mark Stiles was responsible for the overall management of the interdisciplinary team and coordination of the document preparation process. He has a BS in Wildlife Biology and an MS in Economics, both from Colorado State University. He has been with the BLM for six years.

## Interdisciplinary Team

### Core Team

The core team that directed and coordinated the gathering of information to assess and evaluate the various resources represented by the public lands and minerals in North Dakota included:

#### Jerry Crockford, Realty Specialist

Jerry wrote the lands and mineral materials portions. He has done undergraduate work in Biology at Black Hills State College and Sheridan Community College. He has been with the BLM for eleven years.

#### Earl Greene, Hydrologist

Earl wrote the hydrology and other sections of the document and coordinated the preparation of maps and overlays. He has a BS in Forest Resources Management from the University of Minnesota and a MS in Hydrology from the University of Idaho. He has five years of federal work experience, three with the Forest Service and two years with the BLM.

#### Terrell Rich, Wildlife Biologist

Terry wrote the wildlife and vegetation portions and compiled resource assessment acreages. He has a BS in Wildlife Ecology from the University of Wisconsin and a MS in Zoology from Idaho State University. He has been with the BLM for eight years.

#### Don Ruffedt, Soil Scientist

Don prepared the soil, topography, and reclamation sections and assisted with the vegetation section. He has a BS in Soil Science from the University of Wisconsin at Stevens Point. He has 12 years of federal work experience, two years with the Bureau of Indian Affairs and ten years with the BLM.

#### Gary Smith, Archaeologist

Gary wrote the cultural resource management section, paleontology and other sections of the RMP/EIS. He has a BA in Anthropology from the University of Colorado at Boulder and a MA in Anthropology from Colorado State University. He has been with the BLM for two years.

#### Lyle Chase, Range Conservationist

Lyle wrote the agriculture and other sections of the RMP/EIS. He has a BS in Animal Science/Range Management from South Dakota State University. He has been with the BLM for twenty-four years.

#### James Rasmussen, Environmental Scientist

Jim wrote the air quality section and assisted in preparation of the oil and gas portions. He has a BA in Biology and Chemistry from Mount Marty College and a MES in Environmental Science from the University of Oklahoma. He has 11 years of federal experience, including eight years with the BLM.

#### Linn Gum, Geologist

Linn coordinated and assisted in the preparation of oil and gas portions. He has a BA in History and Geography from the University of Nebraska at Omaha and a BA in Geology and Environmental Science from the University of Colorado at Colorado Springs. He has seven years of federal service with Geological Survey, Minerals Management Service and BLM.

#### John Spencer, Geologist

John prepared the estimations of coal development potential and coal tonnages. He also assisted in preparation of coal-related portions of the RMP/EIS. He has a BS in Geology from the University of California at Riverside and a MS in Earth Science from Iowa State University. He has 13 years of federal service with Geological Survey, Minerals Management Service and BLM.

#### Jim Hetzer, Writer Editor

Jim wrote portions of the draft RMP/EIS and edited the document. He has a BA in Journalism from the University of Colorado at Boulder. He has been with the BLM for eight years.

#### Joan Trent, Sociologist

Joan wrote the sociology and economics portions. She has a BA in Psychology and a M En in Environmental Science, both from Miami University of Ohio. She has seven years of experience with the BLM.

#### Management Guidance

Management guidance was provided throughout the project by Ken Burke and Bill Krech of the BLM Dickinson District Office.

#### Program Guidance and Technical Review

The BLM Montana State Office staff provided program guidance and technical review throughout the project. Members of the BLM Montana State Office staff also participated in interdisciplinary conflict resolution.

#### Other Specialists

Graphics and printing were provided by Rick Kirkness and his staff of the BLM Montana State Office. Cartographic support was provided by Chuck Sigafos and Corla DeBar of the BLM Montana State Office.

Clerical support and word processing were provided by Jackie Kovash, Lynne Ridl, Corinne Walter, and Karen Wolf of the Dickinson District Office.

# PUBLIC COMMENTS AND RESPONSE

Comments were obtained from persons attending four public meetings held in January and February 1987 and four parties providing written comments during the 90-day review of the draft document. A total of 43 persons attended the meetings and 36 parties provided written comments.

All comment letters have been reprinted here. Oral comments provided during the four public meetings have also been printed in this section.

A total of 208 comments were identified that require response, either in the form of modification to the draft document, explanation, or clarification. Written statements requiring response are identified by number along the margins of the letter. Each oral comment is also numbered. The numbers refer to the appropriate response. Responses to comments are provided at the end of the reprinted public comments.

## List of Commenters and Order of Presentation

Dakota Resource Council  
Chevron USA, Inc.  
Professional Council for North Dakota Heritage  
Jeani L. Borchert  
Lowell Blikre  
Michelle Hoff  
North Dakota State Department of Health  
McKenzie County Energy and Taxation Association  
Cherie E. Haury  
U.S. Forest Service, Medora Ranger District  
University of North Dakota, Department of Anthropology (Ahler)  
University of North Dakota, Department of Anthropology (Kordecki)  
Fern E. Swenson  
Paul R. Picha  
The Nokota Company  
Amerada Hess Corp.  
University of North Dakota, Department of Anthropology (Artz)  
Kirk Koepsel  
U.S. Office of Surface Mining Reclamation and Enforcement  
U.S. Soil Conservation Service  
U.S. Bureau of Reclamation  
State Historical Society of North Dakota  
True Oil Company  
Michael L. Gregg  
U.S. Fish and Wildlife Service  
Marathon Oil Company  
Sierra Club, Dacotah Chapter  
North Dakota State Water Commission  
Rocky Mountain Oil and Gas Association  
North Dakota Parks and Recreation Department  
Mandan, Hidatsa and Arikara Tribes  
Diamond Shamrock Exploration Company  
Mountain States Legal Foundation  
National Park Service  
U.S. Environmental Protection Agency  
North Dakota Game and Fish Department  
Public Meetings  
    Dickinson  
    Williston  
    Hazen  
    Bowman

## DAKOTA RESOURCE COUNCIL

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29 Seventh Avenue West  
Dickinson, ND 58601  
(701) 227-1851

Field Office:  
Box 2024  
118 1/4 1st Ave. S. #4  
Jamestown, ND 58402  
(701) 252-3416

March 25, 1987

Mark Stiles, Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles:

Enclosed are comments from the Dakota Resource Council on your draft Resource Management Plan. There does seem to be an attempt at improving it over previous plans and we commend BLM for this. Most evident is the section dealing with multiple-use tradeoffs and wildlife thresholds.

We found it difficult to review several sections, however. We could not gauge whether we agreed with the conclusions that you came up with because we did not know how you came to those conclusions. In several cases we were required to look at three or four different sections in order to compare two alternatives. Only then did we find out that the information we were looking for was not included in the plan.

The bulk of our comments deals with clarification of data and a greater differentiation of the four alternatives. If one of the purposes of the draft plan is to present alternatives, then these alternatives should be distinctly separated and representative of the alternative objective. The four alternatives presented were very similar with only one or two factors separating Alternatives B, C and D and no varying degrees of application apparent anywhere except in the application of the wildlife threshold tradeoff.

1 Finally, a statement of what rules and regulations were followed in developing this plan should be included in the description of the planning process. We had difficulty finding out exactly what regulations were followed in preparation of this plan and we are still rather unclear on this point.

We thank you for the opportunity to comment and we hope you will take our suggestions into consideration when preparing your final plan.

Sincerely,

Becky Claytor  
Dakota Resource Council  
Staff

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March 25, 1987

### COMMENTS ON THE DRAFT NORTH DAKOTA RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT, BUREAU OF LAND MANAGEMENT

#### ALTERNATIVES

In formulating the different alternatives analyzed and compared in the RMP/EIS, different goals and objectives were not developed for each resource in each alternative. It would be extremely helpful to the public, as well as BLM, to develop these so the reader can compare them to the planning proposals.

2 A major deficiency of the document is the failure to clearly distinguish the alternatives. As a result, there is little difference among two or more in a number of particular instances. This deficiency is most glaring on the coal issue. The amount of acres acceptable for further consideration of coal leasing in Alternative C, the "balanced" alternative, is only 25,628 acres less -- or 4 percent -- than the amount in Alternative B, the maximized production alternative. (See Appendix G.) It appears that this problem is caused by framing the themes for Alternatives B, C, and D with a bias that is heavily weighted toward maximizing production. The themes are compared below:

Alternative B: "Maximizing commodity resource production." (p. 15)

Alternative C: "Maximize production of mineral resources . . . Along with these goals, all actions are to protect high resource values as determined by BLM." (p. 16)

Alternative D: The protection of amenity values is favored over potentially conflicting uses or actions such as the development of mineral resources. . . ." (p. 19)

The reasoned range of choices and alternatives required by NEPA and BLM's policies cannot be fulfilled when a planning effort is driven by such a narrow casting of the alternatives. We recommend that the alternatives be redefined and broadened and the multiple-use tradeoffs be similarly expanded.

#### MULTIPLE-USE TRADEOFFS AND THRESHOLDS

In Appendix D the RMP/EIS describes eight issues used in the tradeoff analysis, including one threshold issue. Most of these choices are reasonable and well supported by the material in the body of the document and respond to problems identified in BLM's previous planning efforts. For example, the OTA report criticized BLM's failure to establish buffer zones around Minuteman missile sites and to exclude producing oil and gas fields (OTA, p. 90). This has been corrected by including issues Nos. 1 and 6 in this planning document (p. 111).

In the 1986 Secretarial Issue Document on the coal program, the decision was

made to reject six additions to the lands unsuitable criteria that had been strongly recommended by other agencies, the OTA, and public interest groups. In rejecting these as additions to the LUC, however, the Secretary did pledge that BLM planners would give "increased emphasis" to these items in the multiple-use analysis phase of land use planning (Decision Sheet DS-3). The six proposals were wetlands, riparian habitat, lands adjacent to air quality class I areas, sole-source aquifers, reclaimability, and lands contiguous to National Park Service units.

3 Although a wetlands tradeoff is made for Alternative A, none of the six appear to be clearly and fully addressed in the B, C, and D Alternatives analyzed for this RMP. Thus, we are concerned that the Secretary's pledge has not been fulfilled. (See Tables D-2-D-5.) Without specific information addressing these points, the public lacks sufficient information to weigh BLM's performance or to make constructive comments.

Other parts of the document do address some aspects of these six issues. The RMP states on p. 11 that an extensive inventory of riparian habitat is available to BLM. Although wetlands and riparian habitat are not always identical areas, they do overlap; apparently BLM is equipped to directly address protection of many wetlands through the multiple-use screens.

4 On p. 131, Appendix H, (Generic Mine Scenario) it is stated that the ability to reclaim woody draws "has not been demonstrated" and mining there would be "a long-term significant negative impact." The multiple-use tradeoffs should explicitly screen out all woody draws. So far as we can determine, all woody draws have not been excluded.

5 We question the proposal to limit issue No. 8 to protecting buried-valley aquifers only under Alternative D. On page 39, it is stated that these aquifers provide good quality water that is easily obtained because they are shallow. Including this issue in Alternative C would provide a more equitable "balance of multiple uses" in accordance with the theme stated for C on p. 13. (Also see previous discussion of Alternatives and the need for a broader range of management proposals.)

Issue No. 5 raises some extremely important concerns for DRC. Our members have repeatedly testified that prevention of erosion is a critical reclaimability issue. (See DRC Comments on Scoping, April 10, 1985.) Moreover, erosion from mined lands affects not only the mine site itself but damages adjacent lands and, if severe, can destroy their productivity. First, we are unclear whether the slope percentages proposed apply to all areas or only to areas above a certain acreage size. In discussions with the planning staff, they implied that "small" areas would be exempted from this limitation although no cut-off is proposed in the RMP.

6 Discussions with the planning staff confirmed that their perception is the 30% slope limit does not present an effective protection because the mining industry does not want to deal with all the planning and impact problems such slopes pose and few if any steep slopes have been mined in North Dakota. As noted elsewhere in these comments, the alternatives are not well differentiated. Issue No. 5 presents an opportunity to help correct that

problem by increasing the spread between alternatives. Thus, we propose that the following percentages be used:

Alternative A: 30 %  
Alternative B: 0 %  
Alternative C: 20 %  
Alternative D: 15 %

7 We commend BLM for making high value wildlife values a threshold in Appendix D, Issue No. 4. We have long encouraged BLM to make use of its powers to set thresholds and believe they are essential to achieve responsible land use plans. Table D-1 needs to be clarified so that the column headings are keyed to the text on page 111. The text should be expanded to fully explain how the threshold was determined and how it will be used. Until those changes are made, we cannot determine the effects of this proposal or make substantive comments on it. For example, the column heading entitled "portion excluded" appears to be the threshold percentage but is not labeled as such and, as written, the threshold appears to be less than 1 percent for all Coal Study Areas. The relationship between Issue No. 4 and Appendix F is confusing.

#### DATA ADEQUACY

Another serious criticism raised by OTA, DRC and many other reviewers of BLM's previous planning efforts and the 1986 supplemental EIS was the lack of inadequate data in land use plans and coal activity planning. (See, e.g., OTA, p. 74 ff.) The purpose of data requirements in BLM planning regulations and CEQ regulations is to ensure that appropriate data is obtained and incorporated into the interdisciplinary planning approach prescribed by the Federal Land Planning and Management Act and the National Environmental Policy Act, as well as to inform the public and assist informed participation and comment.

If public credibility is to be restored to BLM planning, it is essential that RMPs explicitly address two aspects of data adequacy: First, BLM's own assessment of data needs and the sufficiency of information used to support the agency's conclusions. This aspect would probably best be covered in a brief, separate section in the RMP that included a list of the types of data BLM found to be sufficient and insufficient.

8 Second, BLM should inform the public as to the data used in performing the RMP analyses and making assumptions. For example, on page 107, it is stated that BLM used information collected by agencies, industry, and the public in applying the coal development screen. These sources are not cited nor is their quality evaluated. The aggregate of coal acreage identified in this RMP (Table 3-4, p. 32) is substantially larger than in previous planning efforts. Regardless of the fact that the coal screen criteria in this RMP differ from those used in previous plans, the obvious question is how solid are the supporting data? The references should be provided so members of the public can, if desired, make an independent evaluation of the quality of the data sources. A second example occurs on p. 130, Appendix H, (Generic Mine Scenario) where an assumption is made on reclaimability. It states that

9 | reclamation research indicates "optimism is justified" for reclamation to agricultural production. No citations are given. We also suggest a full explanation be given in both the text and appendix of the differences in coal screen criteria now used and previously used.

#### AREAS OF CRITICAL ENVIRONMENTAL CONCERN

10 | The law (FLPMA) charges BLM to give priority to the identification, designation, protection, and management of ACECs (43 CFR 1601.8(c)). Three areas nominated for ACEC status are discussed on page 8 of the RMP. Yet, the RMP does not state whether it proposes to designate these areas and how it will manage them to protect their "outstanding resource values." It merely suggests that the management or ownership be transferred to some other entity and does not state how BLM will preserve "the identified values." Is BLM saying that these areas do not meet the criteria for ACECs? If so, the rationale and supporting analyses must be presented.

#### MANAGEMENT GUIDANCE

11 | Beginning on page 8, the RMP describes the management guidance common to all alternatives that are derived from 1) acceptable decisions from past planning efforts, 2) decisions that have been analyzed through specific documents, 3) policies dealing with nonissue resources, 4) nondiscretionary decisions, and 5) necessary to protect past investments. The discussions in this section do not distinguish between these five categories, particularly Nos. 1, 2, and 5 and the reader is left to guess which categories apply to many specific guidance items. We recommend that a table be added to the section that shows which categories apply to each item.

#### AIR QUALITY

Air quality is a major concern in North Dakota and we have submitted extensive comments on its importance to the public's health and economic well-being and the failure of BLM's past planning and leasing efforts to properly address this issue. (See, for example, DRC Comments on Scoping for this RMP, April 10, 1985.) Although air quality issues are admittedly complex and difficult to describe succinctly, the discussions of air quality issues and impacts in the RMP are confusing and often appear contradictory.

12 | Page 134, Appendix I, states that in 1979 the NDSOH found the allowable increment for Class I SO2 deterioration had been consumed and that this decision implied that no additional sources could construct and operate within a corridor bounded by Theodore Roosevelt National Park eastward. Page 31 states no SO2 state or federal standards were exceeded at the Park monitoring station. Page 32 states USDI's Fort Union EIS found that consumption of the increment "could have occurred" over the Park. These statements are confusing and appear contradictory.

Page 129, Appendix H, states that a new mine would consume the allowable Class II PSD increments for particulates, thus "any associated PSD source could not contribute significantly" to PSD Class II annual or 24-hour particulate increments, which are expressed in micrograms per cubic meter. Page 31 states

13 | that "local sampling near coalmines may show exceedances of the AAQS and possible consumption" of the PSD increment. Page 134, Appendix I, states a lignite-fired facility would emit about 375 pounds of particulates per hour. This is confusing in the extreme. Is the RMP contending that its generic facility will not contribute significantly? Has local sampling near coal mines actually been done? If so, what are the findings? Is BLM proposing to have local sampling done? For the purposes of analysis, BLM must make some assumptions regarding type and effectiveness of control technologies used by the generic facility, what are these? How do emissions of 375 pounds per hour translate into micrograms per cubic meter?

14 | The RMP makes clear that numerous and serious conflicts have arisen between protection of air quality and coal and oil and gas developments, but the document does not contain any explicit recognition of air quality issues in its specific management proposals and alternatives. What steps will BLM take to ensure that air quality will not be further degraded?

15 | We propose an air quality multiple-use tradeoff be added for both Alternatives C and D regarding both coal and oil and gas.

#### GROUND WATER

16 | Criterion 17 in appendix C states that there were no areas identified as unsuitable under the municipal watershed designation. However, under the multiple-use tradeoffs, each alternative has a designation for municipal watersheds in order to protect Dickinson's water resource. If the municipal watershed identified under criterion 17 is to be a specific designation it should be noted as such in the plan.

17 | Descriptions of aquifer formations found in North Dakota are given on page 39. You state that "Most rural and municipal water users in North Dakota depend on ground water for their domestic water source." You do not, however, state to what extent each of these aquifers would be affected due to coal mining.

18 | In your generic mine scenario you say that the quality of groundwater will be affected by mining. Water quality of spoils will be different than aquifers prior to mining, significant quantities of leaching could occur within the affected mine area and may move through the groundwater system away from the mine. We think these are important considerations and should be sufficiently addressed.

19 | There is minimum consideration given to affects on groundwater in this plan. Buried-valley aquifers are given some consideration under multiple-use in alternatives A and D and we feel they should also be included in your preferred alternative C. In addition, the effects of mining on all aquifer formations should be included in your final plan. Provisions should be made for all major aquifers determined to be adversely affected to be screen out.

#### RECLAMATION

Several items related to reclamation concerns have already been discussed in these comments such as woody draws, slopes, wetlands, and sources of data.



Several other items deserve comment.

20 | The RMP relies on the Soil Conservation Service Land Capability Classes for determining post-mining productivity. We want to point out that these classes have limited applicability. They are drawn up for field crops and mechanical treatments associated with agriculture. They were intended for soils staying in place, not to address drastically disturbed areas, such as strip mines, that involve total removal, storage, and replacement of soils. With such drastic disturbance, some soils do not retain their original productivity levels on the post-mining area. Poor or badly timed handling can also cause loss.

21 | While the RMP proposals do address one of the factors weighed in the Land Capability Classes -- slope -- they do not address other factors such as chemical and physical properties. Highly sodic soils do occur in the North Dakota coal fields, particularly in soils of the Rhoades series. These areas should be screened out from further consideration for coal leasing.

22 | In a number of coal field counties, SCS has performed more specific county soil surveys. Where these are completed, BLM should use them in preference to the more general and county surveys referenced in the RMP (p. 35). Although BLM's concern for consistency is understandable, it seems unproductive to forego using better information for the sake of achieving consistency.

23 | Prime farmlands, under the definition of SMCRA, do exist in some areas of the coal fields but they are not mentioned in the RMP, nor are the special issues they present addressed in the proposals. This should be remedied. We have learned that SCS has mapped these areas.

24 | Appendix H states that BLM is optimistic that mined lands can be restored to "agricultural production" (p. 130). We have pointed out in previous comments on land use plans and leasing programs that no studies have been done on the ability of reclaimed lands to sustain pre-mining production levels over the long-term or through a drought cycle. We have also pointed out that no lands have yet been found to have achieved successful reclamation under the terms of SMCRA. Re-establishment of woody plants and native prairies have proved especially troublesome. We ask that these concerns be addressed more fully in the final RMP.

25 | In addition, the paragraph on page 130 about "native-type" range appears incomplete or contradictory. If introduced species are allowed to remain in the post-mining land use, then native range has not been re-established.

#### SURFACE OWNER CONSULTATION

26 | In appendix E there are two tables, one showing the results of BLM's surface owner consultation survey and the other showing the amount of acreage excluded in each CSA due to significant surface owner opposition. What is missing is an explanation of how this screen affects each area under consideration for coal leasing and how, in fact, an "area" was defined. Subjective decisions seem to have been made in using the decision factors to arbitrarily drop acreage from leasing. While we doubt this was an arbitrary decision, it is

difficult to analyze it when this information is missing.

In regards to the decision factors themselves, DRC has submitted numerous comments in the past regarding determination of significant surface owner opposition and once again we would like to reiterate our concerns.

1. We feel an area should be defined as a continuous block of locally significant federal coal. BLM does not have the responsibility of managing private and state minerals. When determining significant opposition to federal leasing in an area, the agency should only be concerned with federal minerals.

2. The application of the surface owner consultation screen should be made without regard for the leased status of adjacent state or private coal or land.

3. Table E-1 shows that 43% of the total number of landowners under previous consent agreements responded that they were opposed to leasing. DRC feels that this is a significant number of people. BLM regulations should be clarified to allow surface owners who have already signed a lease to be counted in the determination of significant opposition, if they express opposition to federal coal development.

27 | In some instances surface owners were not even consulted. This is in reference to the surface owners in the McKenzie-Williams and Southwest North Dakota areas for which MPP's were done three and four years ago. You state on page 117 that "Surface owners were not recontacted . . . because the views expressed during the preparation of these plans were considered up-to-date." There have been many changes in state and federal rules regarding surface mining in the past few years. We would imagine that many changes in attitudes toward coal leasing could have occurred in the same amount of time. In addition, surface leases have been dropped in the past few years, many of these over federal coal. In any case, this could affect the number of people who might respond opposed to coal leasing who would have been counted in favor of leasing in the past because of existing surface leases.

28 | If this RMP is to be considered complete and sufficient, surface owners in all areas covered by the RMP should be consulted. Otherwise, decisions on whether to lease are being made using outdated and insufficient information.

#### ENVIRONMENTAL CONSEQUENCES

29 | This section of the report fails to analyze the cumulative effects of some consequences that are of high public concern. Specifically, socio-economic consequences identified with mining and end use facilities. This is addressed in all the alternatives, but from only one generic mine and facility. The destructive effects of boom and bust swings are not described in the body of the RMP, despite the fact that western North Dakota communities have experienced severe dislocations.

30 Much more detailed and updated studies could have been done regarding economic impacts. On page 137 and 138 you examine the amount of revenue and source of revenue coming back to a county from a mine and end use facility. We are led to believe that the data used for this analysis is outdated due to the fact that North Dakota has no local property tax on mines. You also state that, "With minor exceptions, these taxes are distributed to the county in which the mine and facility are located . . ." Currently North Dakota law only allows for 20% of the revenue generated from the coal severance tax to go directly back to the county. Other funds go back to the county by way of the energy impact office, however these funds are discretionary and even at this time there is legislation that would either eliminate the source of this revenue or divert it to the state general fund. Economic impacts are not adequately analyzed in this section and should be a major consideration when determining whether land should be leased.

31 On page 140, Appendix I, losses to farm and ranch operations are stated to be \$138,600 annually from the generic mine and facility. No cumulative assessments are made nor is any evaluation made for reductions or losses in productivity due to off-site impacts such as air pollution, water pollution, and decreased well yields.

#### LANDS UNSUITABLE ANALYSIS

32 Unfortunately, an apparent quest for brevity on this issue has left us in the dark. Substantive comments are difficult to make without more information about the process used for the unsuitable analysis described in Appendix C. When was the analysis performed? Will exceptions and exemptions be applied at the tract selection phase of coal leasing? How do the lands identified in Appendix F as acceptable with stipulations relate to both the unsuitability criteria and the multiple-use tradeoff screens?

#### ORGANIZATION OF THE RMP

Many issues are difficult to track through the RMP from formulation to description to management proposals. In these comments we have pointed out just a few of many examples where one section does not correspond with another, such as a conclusion reached in the text is not explicitly dealt with in the management proposals. For example, woody draws can't be reclaimed but are not used explicitly in the screens; air quality concerns are ignored in the multiple use screens. We recommend that each item be carefully followed throughout the document so that the public can determine what BLM is proposing, what has been done, and what will be done.

33 The failure to include maps with information on specific resource values makes it very hard for the public to fully participate. We urge that such maps be included in the final. While the maps provided are good, they exclude such basic information as the National Park boundaries, locations of air monitoring stations and other features mentioned in the text. While it is impractical to map all the resources at a reasonable cost, it is even more impractical to require members of the public to work with so little graphic information on resources or to travel to the BLM office during its office hours for a look at the maps.

#### CONCLUSION

There is a need for clarification in many areas of this RMP and we hope that the concerns we mentioned in the above comments will be given consideration in the final plan.

With regards to the four alternatives:

Three of the coal screens apply to the four alternatives equally, and if applied correctly and fairly will yield the same results. The area in which BLM has to differentiate in the alternatives is under the multiple-use tradeoffs. There is so little differentiation that it is difficult to say whether or not we have alternatives. Our biggest concern is that if the preferred alternative, C, is supposed to be a balance between commodity production and protection of amenity resources that multiple-use tradeoffs be designed with these goals in mind. Below are multiple-use tradeoffs that we feel would make better defined alternatives.

-Buried valley aquifers need to be included in Alternative C. In addition, a tradeoff should be established for other major aquifers under Alternative D.

-Consideration needs to be given to prime farmlands as designated by the Soil Conservation Service under Alternatives C and D

-A tradeoff should be added for both Alternatives C and D regarding air quality in both coal and oil and gas development. Acceptable levels should be established under each alternative.

-In addition to the slope percentages stated previously in these comments, other areas should be screened out due to difficulty in reclamation. All woody draws should be screened out under Alternatives C and D.



**Chevron U.S.A. Inc.**

6400 South Fiddler's Green Circle, Englewood, CO 80111, P.O. Box 599, Denver, CO 80201

M. M. (Lia) Flesche  
Staff Analyst  
Legislative and Regulatory Affairs

March 24, 1987

North Dakota BLM  
Draft Resource Management Plan and EIS

Mr. Mark Stiles, Project Manager  
Dickinson District Office,  
Bureau of Land Management  
P.O. Box 229  
Dickinson, ND 58602

Dear Mr. Stiles:

Chevron U.S.A. Inc. believes that overall, you did a commendable job of preparing the draft North Dakota RMP and EIS. Your discussions of oil and gas activities in Chapters 3 and 4 were succinct and germane. We support your selection of Alternative C as the preferred alternative, since it would allow the continuation of oil and gas activities subject to reasonable safeguards. However, there are a couple of serious problems that we would like to address.

One major concern with the draft is that you assert that you have the authority to place special stipulations on split-estate lands, where the surface is privately owned and the subsurface is federal. The BLM does not have the legal right to control uses by such surface owners. If the private surface owner and the BLM voluntarily enter into an agreement regarding surface activities, that's fine. But the BLM cannot unilaterally impose special lease stipulations on split-estate lands. To do so would be to infringe upon the private property owners' rights.

34

Second, we are confounded by your assertion on page 141 that North Dakota is not subject to the withdrawal review requirements of FLPMA's Section 204 (43 U.S.C. § 1714). Every state containing BLM withdrawals is subject to FLPMA.

35

Third, Chevron is opposed to the special stipulation on page 146 regarding the Fort Union Historic Site. Though we realize that exceptions may be granted to this stipulation, we believe that it is contrary to the Secretary of Interior's mandate under FLPMA (43 U.S.C. § 1732), which directs that all public lands shall be managed for multiple use unless such lands have been dedicated to specific uses under another law.

36

We realize that the purpose of this 3.5 mile radius area is to protect scenic values which could be affected by oil and gas activities. However, there are many ways to minimize visual impacts without having to resort to prohibiting surface occupancy. Drilling activities are only a temporary intrusion upon the surface resources. With all of the reclamation methods available today there are no long term visual impacts from our activities.

Northern Region - Exploration, Land and Production

Mr. Mark Stiles

-2-

March 24, 1987

In Section 504 of the 1984 Wyoming Wilderness Act, Congress stated its intention regarding how lands adjacent to wilderness areas are to be managed:

Sec. 504. Congress does not intend that the designation of wilderness areas in the State of Wyoming lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within any wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

If Congress feels that nonwilderness activities can take place up to the edge of wilderness areas, then undoubtedly such activities should be allowed up to the edge of historic sites.

36

Finally, Chevron believes that your document would be clearer and improved if the maps of the four alternatives as well as the chart on page 19 would show which/how much acreage is subject to a NSO stipulation separate and apart from that acreage that is subject to seasonal restrictions.

Thank you for the consideration of our views.

Sincerely yours,

  
M. M. Flesche

MMF:js

March 23, 1987

Mr. Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58601

Dear Mr. Stiles:

I am writing on behalf of the Professional Council for North Dakota Heritage concerning the Draft North Dakota Resource Management Plan and Environmental Impact Statement (1986). The Professional Council for North Dakota Heritage (PCNDH) is an organization of professional archeologists, historians, and cultural resource managers. One of the goals of the PCNDH is to "initiate responsible action to conserve and preserve archeological and historical resources in North Dakota". With this goal in mind, the PCNDH would like to voice support of the Draft RMP/EIS which excludes the Knife River Flint National Register District from future federal coal leasing.

The Knife River Flint Quarries have long been recognized as an extremely significant cultural resource of immeasurable scientific and educational value. The Draft RMP/EIS is to be applauded for excluding mining of Federal coal in this unique but relatively limited area. Preservation of the Flint Quarries will ensure the conservation of an archeological record which spans over 10,000 years of human endeavor.

Once again, the PCNDH supports and urges the adoption of the Draft RMP/EIS.

Sincerely,

*David D. Kuehn*

David D. Kuehn  
President  
Professional Council for North Dakota Heritage  
P.O. Box 669  
Belfield, ND 58622

March 23, 1987

Mr. Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58601

Dear Mr. Stiles:

I am writing to demonstrate my support of the exclusion of the KRF quarries from surface mining as indicated in the North Dakota Resource Management Plan and Environment Impact Statement. The flint quarries are a unique and valuable resource and their destruction would be regrettable, to say the least. I appreciate your understanding of the intricacies of this issue.

Sincerely,

*Jeani L. Borchert*

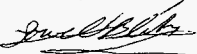
Jeani L. Borchert  
P.O. Box 975  
Belfield, ND 58622

Mark Stiles, Project Manager  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58601

Dear Mr. Stiles:

I am writing this letter to commend the Bureau of Land Management on the position it has taken on the preservation of the Knife River flint primary source area in the Draft North Dakota Resource Management Plan and Environmental Impact Statement, December 1986. The significance of the KRF Primary Source Area for the study of aboriginal land and resource utilization cannot be understated. As Knife River flint was a widely transported and traded commodity. The information gathered by studies within the Primary Source Area furthers the understanding of prehistoric peoples not just in the immediate area, but over a major portion of the plains region. Due to the extremely complex nature of the quarries and related workshops and campsites, mitigation based on a complete gathering of information is impossible within any limited time frame. Thank you for your efforts to preserve this significant and irreplaceable cultural resource.

Sincerely,



Lowell Blinke

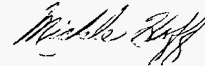
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MAR 26 1987	
BUREAU OF LAND MANAGEMENT	
DICKINSON DISTRICT OFFICE	
DICKINSON, NORTH DAKOTA	
ROUTE TO:	INITIAL DATE
ADMIN. SERV.	
ASST. DIR.	
EXT. AFF.	
GEN. INV.	
INSTR.	
INT. SEC.	
LEGAL COUNSEL	
PLANNING	
RECORDS MGMT.	
TRAINING	
WATER RES.	
WILDLIFE	
PLANT & SOIL	
RECREATION	
STATE REL.	
TELETYPE	
INSPECTION	
GEOL.	
PUBLIC AFF.	
SHIP. PER.	
FILE ROOM	

Mark Stiles, Project Manager  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58601

Dear Mr. Stiles:

Knife River Flint and the cultural resources in its primary source area are nationally important. The Bureau of Land Management has taken the correct position in the draft Resource Management Plan Environmental Impact Statement for North Dakota. The Environmental Impact process was set up with options and alternative so that all resources would be considered. Multiple resource planning requires hard decisions on trade offs. It seems that cultural resources seldom survive the trade offs when they are against energy production or other potential money making resources. The importance of Knife River Flint warrants a stand to protect the primary source area. The Bureau of Land Management should be commended for protecting this resource.

Sincerely,



March 25, 1987



NORTH DAKOTA  
STATE DEPARTMENT OF HEALTH  
State Capitol  
Bismarck, North Dakota 58505

ENVIRONMENTAL HEALTH SECTION

February 23, 1987

1200 Missouri Avenue  
Box 5520  
Bismarck, North Dakota 58502-5520

Mr. Mark Stiles  
First District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles:

The North Dakota State Department of Health appreciates the opportunity to comment on the draft "North Dakota Resource Management Plan and Environmental Impact Statement." Provided are comments pertaining to the air quality sections of the report. In general, we feel that clarification of a number of items is necessary for the final document.

Should you have any questions concerning this matter, please contact myself or Mr. Dana Mount, Division of Environmental Engineering.

Sincerely,

*Gene A. Christianson*  
Gene A. Christianson, Chief  
Environmental Health Section

GAC/MD:saj  
Encl:

Environmental  
Enforcement  
701-224-3234

Environmental  
Engineering  
701-224-2348

Hazardous Waste  
Management & Special Studies  
701-224-2368

Water Supply &  
Pollution Control  
701-224-2354

Comments on "North Dakota Resource Management Plan and Environmental Impact Statement"

Submitted by the North Dakota State Department of Health  
Environmental Health Section

Page 8, paragraph 1 under Air Quality

- 37
- The statement "Should analysis show the potential for any . . . for their permit review" indicates that analysis will be performed, but does not delineate the specific analysis to be used. For example, will modeling analysis consistent with EPA and State guidelines be performed? Will compliance analysis be applied to every new well or to the entire field? The procedures used in the analysis should be explicitly defined.

Page 29

- 38
- In paragraph 1 under Air Quality the statement indicates Violations of National Ambient Air Quality Standards have occurred in the Williston Basin. Because the Williston Basin is associated with oil/gas production the statement infers the National Ambient Standard for SO<sub>2</sub> has been violated which is not the case. The data provided in Table 3-1 do not indicate any exceedances of the National AAQS.
  - In paragraph 8, agricultural activity must be considered an important source of TSP.
  - In paragraph 9, the statement "Comparison between the monitoring site results and the AAQS (Table 3-2) indicates violations of those standards" should indicate the specific standards being discussed.

Page 31, Table 3-1

- 39
- Parentheses should be placed around "SO<sub>2</sub>" under the Pollutant heading.
  - "Long Butte" should read "Lone Butte" under the Location heading.
  - The second observation under "3-hr Maximum Concentration" for SO<sub>2</sub> at TRNP-N should be 78, not 92.
  - The first observation under "24-hr Maximum Concentration" for SO<sub>2</sub> at TRNP-N should be 41, not 78.
  - The heading for the last column on the far right under the pollutant "Total Suspended Particulates (TSP)" is missing.

- ↑
- The H<sub>2</sub>S data are presented as 1-hr concentrations yet data collected by the Health Department are 1/2-hr averages. This should be clarified.

Page 31, Table 3-2

- 40 - For the pollutant sulfur dioxide, the 1-hr North Dakota Standard should read "715  $\mu\text{g}/\text{m}^3$  1-hr average not to be exceeded."
- For the pollutant sulfur dioxide, the Federal Secondary Standard should read "1300  $\mu\text{g}/\text{m}^3$  3-hr average."
- For the pollutant nitrogen dioxide, the North Dakota 1-hr standard should read "200  $\mu\text{g}/\text{m}^3$  1-hr average not to be exceeded more than 1% of the time in any 3-month period."
- For the pollutant hydrogen sulfide, the 75  $\mu\text{g}/\text{m}^3$  North Dakota Standard should read "75  $\mu\text{g}/\text{m}^3$  1/2-hr average not to be exceeded over twice per year."

Page 31

- The sentence "Standards apply only to .... or general public." in paragraph 1 is incorrect. Standards apply only to areas outside the controlled property of a given facility.
- The last sentence of paragraph 3 should indicate that the 24-hr State standard was exceeded.
- 41 - The first sentence of paragraph 4 should indicate that no State or Federal SO<sub>2</sub> standards were exceeded. Also, the use of the term "percentages" in the last sentence may be incorrect.
- The last sentence in paragraph 5 is true for TRNP-N and perhaps Dunn Center, but inappropriate for Lone Butte. Health Department data indicates that moderate wind speeds at Lone Butte (~15 mph) were associated with the highest measured SO<sub>2</sub> concentrations.
- The first sentence of paragraph 6 should indicate the North Unit of Theodore Roosevelt National Park.
- 40 - It should be noted in the text of paragraph 6 that the State H<sub>2</sub>S standards are welfare standards, not health standards.
- 41 - In paragraph 7 it would be best to reference the 45  $\mu\text{g}/\text{m}^3$  standard for H<sub>2</sub>S.

Page 32

- 42 - With respect to the first paragraph, the Lostwood National Wilderness Area is a Class I area, not Lostwood National Wildlife Refuge.
- 43 - The North Dakota Class II PSD 24-hr increment for particulates in Table 3-3 should be 37, not 30.
- 44 - The first sentence in paragraph 2 does not indicate the pollutant (i.e., SO<sub>2</sub>, TSP) being discussed.
- The air quality (modeling?) study discussed in the last sentence of paragraph 4 indicated that the problem wells were located outside of the Bear Den and Croff Fields, not in these fields. Also, the emission data used in the referenced study was severely overestimated. Due to the exaggerated emission levels the predicted exceedances are not realistic.
- 45
- 46 - Perhaps some reorganization is necessary for the Air Quality Section pages 29-32. There is a separate section for Total Suspended Particulates, but not for the other pollutants. Also, the SO<sub>2</sub> PSD discussion is provided under the Total Suspended Particulates section.
- 47 - Citations should be given as to the sources of the ambient air quality data.

Pages 55, 65, 74, and 84

- 48 - Paragraph 3 of the Air Quality sections on these pages contains the statement "Prior to any leasing of Federal coal a detailed site-specific analysis of potential air quality impacts will be conducted." A discussion of the specific analysis should be provided.

Page 129, paragraph 3

- 49 - The background concentration for a pollutant under the PSD process does not consume any of the allowable increment. Therefore, the modeling analysis showed that 6.2  $\mu\text{g}/\text{m}^3$  of an allowable increment of 19  $\mu\text{g}/\text{m}^3$  was consumed.
- 50 - Please indicate the source (citation) for a background 24-hr TSP concentration of 100  $\mu\text{g}/\text{m}^3$ . Typical TSP concentrations at rural locations in North Dakota for 24-hrs range from 15 - 50  $\mu\text{g}/\text{m}^3$ .

Cherie E. Haury  
916 Belmont Road  
Grand Forks, ND  
58201

March 20, 1987

Mr. Mark Stiles, RMP Project Manager  
Bureau of Land Management  
Dickinson District Office  
P.O. Box 1229  
Dickinson, ND 58602-1229

Dear Mr. Stiles:

I have recently had the opportunity to examine the RESOURCE MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENT for North Dakota (December 1986). I was pleased to see that this document expresses a recognition and concern for protecting North Dakota's important cultural resources. Both prehistoric and historic cultural resources are unique and irreplaceable. These sites are an important part of the heritage of both the Native Americans and Euro-Americans of North Dakota and hold a great deal of potential for teaching us about our history and cultural processes and development. It is very important that these sites be preserved out of respect for this heritage and the cultures associated with them and that we take the opportunity to learn what we can about the cultures which are part of the structure of our present.

I believe that the most important portion of this resource management plan is the decision to remove the National Register eligible Knife River Flint Quarry district from future consideration for coal leasing. I realize that this is a very large district and that there has probably been a great deal of pressure to exploit the potential energy resources within the area. I cannot emphasize how strongly I support this decision. The KRF Quarry sites were a pivotal part of a vast continental trade and technological network. The extent and extreme age of these quarries has been documented recently. This recent research has served to indicate how much we can learn from these sites concerning the prehistory of North Dakota and prehistoric technology and trade on a continental scale.

In making this resource use tradeoff decision the BLM has demonstrated a strong sense of responsibility toward all of the aspects of the land under its administration. I hope that the BLM continues to act to balance all of its responsibilities in this way.

Sincerely,

*Cherie E. Haury*  
Cherie E. Haury

Dear Mr. Stiles,

3-19-87

I am submitting these comments as a director and representative of the McKenzie County Energy and Taxation Association which is an affiliate of Dakota Resource Council.

This group feels there has been, and will continue to be, a decrease in the quality of life for the people in Western North Dakota ever since the onset of energy development. We concede there has been economic gain for many people, cities, and the state and this will continue for many years. But in the scheme of things in nature, it will be very short term.

Public land is experiencing degradation at an increasing pace from energy exploitation. Animal and plant populations have suffered tremendously in large areas now scarred by roads and trails and tank batteries. The destruction of hardwood draws is shameful.

We urge the BLM to take every safeguard of the public land in your care for the benefit of future generations. We support Alternative D in the Plan.

Sincerely,

*Dennis E. Johnson*  
Dennis E. Johnson  
RR1 Box 72  
Watford City, N.Dak. 58854

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APR 1 1987  
BLM





United States  
Department of  
Agriculture

Forest  
Service

Medora  
Ranger  
District

Route 6 Box 131B  
Dickinson ND  
58601

Reply to: 2820

Date: March 20, 1987

K  
Bureau of Land Management  
ATTN: Bill Kroch  
Dickinson District Office  
P.O. Box 1229  
Dickinson, ND 58602-1229

Dear Bill:

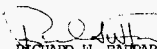
I am writing in response to your draft EIS/RMP of the Dickinson District lands in North Dakota. Since your planning effort basically excludes the Little Missouri National Grassland I can't really find much to comment on that would affect lands administered by the Forest Service. Your treatment of Federal minerals as it pertains to leasing and development under our surface appears to be compatible with management direction in our soon to be released Forest Plan.

51 One item I did find was an apparent typo on page 22 where it is stated that 334,663 acres of public land would be disposed of under Alternative C. I assume the correct figure is 34,663 since BLM only has about 67,000 surface acres statewide.

52 The other item I would like to address is the section of land Section 10, T14N, R10W in Billings County. This section is within our administrative boundary and was apparently overlooked when the various scattered tracts of 20 lands within the boundary were originally transferred to Forest Service jurisdiction. This section is identified for disposal in your RMP and since it is the only parcel of BLM acreage within our boundary it would seem to make sense to transfer it to Forest Service administration. About 2/3 of this section is already within grazing allotments administered by the Forest Service and the Medora Grazing Association. The remainder is apparently in a private allocation assigned to another member of the Association who has other Forest Service land in nearby allotments.

Aside from the preceding two items, I feel the Draft RMP address the issues well and the preferred alternative strikes a reasonable balance between commodity and amenity values. I appreciate the opportunity to comment.

Sincerely,

  
RICHARD W. FARRAR  
District Ranger

cc: S.O.



FS-6200-2817-921

UNIVERSITY OF NORTH DAKOTA

ANTHROPOLOGY  
BOX 8254, UNIVERSITY STATION  
GRAND FORKS, NORTH DAKOTA 58202  
(701) 777-3008

March 22, 1987

Mr. Mark Stiles, Project Manager  
Dickinson District Office  
Bureau of Land Management  
P. O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles:

I am writing to comment on the draft document entitled North Dakota Resource Management Plan and Environmental Impact Statement (RMP/EIS) produced by the Dickinson District Office of the Bureau of Land Management (BLM).

I am an archeologist by profession, and for that reason, I will confine my comments largely to matters in the document which concern cultural resources. The basis for my comments comes from more than a decade of experience in the archeology of North Dakota and, particularly, from five years of archeological studies in the Knife River Flint Primary Source Area in Dunn and Mercer counties, North Dakota.

I see several very positive aspects to the RMP/EIS regarding the proposed treatment of cultural resources. Under the discussion of General Management Guidance on page 9, an important point is made regarding the treatment of cultural resources. The BLM will require full assessment of cultural resources, including compliance with NEPA, on a development site-by-development site basis, prior to lease offering. This implies that, at a minimum, the BLM will expect cultural resource inventories and NRHP evaluations to have been completed prior to lease offerings. This would appear to be sound management policy which affords cultural resources necessary consideration at an appropriately early stage in the site development process.

Another very positive aspect of the document is the explicit presentation of the four goals on page 12 concerning the BLM's management of cultural resources. These stated goals make it clear that the BLM has and will continue to make a strong commitment to the preservation and proper management of significant cultural resources overlying federal coal or on lands potentially affected by other BLM management procedures.

Perhaps the most significant management decision presented in the document is the decision to apply the multiple resource tradeoff process to federal coal which lies within the Knife River Flint Quarry National Register District (KRF District) and, as a result of this process, to withhold from leasing all federal coal underlying lands within the KRF District. I strongly support this decision. This is a very sound management decision which is grounded in a good understanding of the wide array of new data which has recently become available concerning archeological sites both within the KRF District and outside the KRF District. This decision seems clearly based on the view that the cultural resources within that KRF District are of regional and national significance.

Mr. Mark Stiles  
 March 22, 1987  
 page 2

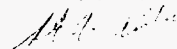
and that the KRF District, as a unit, is qualitatively distinct from any other definable land tract of similar size in North Dakota. I share and support this view. A great deal of scientific inventory and evaluative data are now available which support this decision by the BLM. I feel that it is extremely important and appropriate that the BLM has made this management decision regarding the KRF District at this time, in the context of this long-range planning document, rather than at a later date and in another context. The presentation of this decision as an integral part of all three new management plans (Alternatives B, C, and D) speaks well of the awareness of the BLM staff regarding up-to-date cultural resource information as well as the solidness of their commitment to the four general cultural resource management goals stated on page 12.

53 One further comment I can offer is that I would suggest greater attention be given to indirect impacts from coal leasing and mine development. Several types of indirect impacts to cultural resources are mentioned on pp. 132 and 135 in Appendices H and I. I would suggest that the greatest indirect impact could potentially be the complete destruction of regionally or nationally significant cultural resources through building construction, road construction, gravel mining, and related developments which would occur on lands outside the direct mine area as a spin-off from mine development. If not mitigated in some manner, such indirect impacts could be potentially as destructive of spatially concentrated resources in areas such as the KRF District as would actual mining. I would suggest that the BLM should consider means for mitigating such destructive indirect impacts, particularly for known nationally significant areas such as the KRF District, through implementation of appropriate "stipulations" in the lease agreements for specific coal tracts. An example of such a stipulation might be to require that the developer work with appropriate county officials and community planners to develop zoning regulations which will serve to identify and protect regionally and nationally significant cultural resources from undue destruction in indirect impact/development areas.

Overall, I think the draft RMP/EIS is a very well conceived, well organized, and well written document. It spells out in lucid terms the cultural resource management concerns and goals of the BLM within the state of North Dakota. It demonstrates a commitment to those goals through the judicious but appropriate use of the multiple resource tradeoff process applied to acknowledged, nationally significant cultural resources such as the KRF District and Writing Rock State Historic Site.

Thank you for the opportunity to comment on this document.

Sincerely yours,



Stanley A. Ahler  
 Associate Professor

Department of Anthropology  
 P.O. Box 8254-University Station  
 Grand Forks, ND 58202

March 22, 1987

Mark Stiles  
 RMP Project Manager  
 Bureau of Land Management  
 Dickinson District Office  
 P.O. Box 1229  
 Dickinson, ND 58602-1229

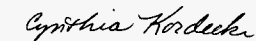
Dear Mr. Stiles,

Although I have not had the opportunity to see a copy of the BLM Resource Management Plan/Environmental Impact Statement, I understand that a decision has been made to drop the Knife River Flint Quarry Area from further consideration for coal leasing. Professionally and personally concerned with the archeological resources of North Dakota, I commend this decision.

I look forward to scrutinizing the Resource Management Plan/Environmental Impact Statement as it becomes available to me.

Thank you.

Sincerely,



Cynthia Kordecki  
 Advanced Archeological Assistant

23 March 1987


Mr. Mark Stiles, RMP Project Manager  
Bureau of Land Management  
Dickinson District Office  
P.O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles,

I wish to offer my support for the removal of the Knife River flint district from future coal leasing considerations. This will aid in the protection of valuable and irreplaceable cultural resources.

Thank you for your consideration on this matter.

Sincerely,



Fern E. Swenson

23 March 1987

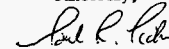
Mr. Mark Stiles, RMP Project Manager  
Bureau of Land Management  
Dickinson District Office  
P.O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles,

In the interest of the protection of valuable and irreplaceable cultural resources I wish to offer my support for the removal of the Knife River flint district from future coal leasing considerations.

Thank you very much for your consideration on this matter.

Sincerely,



Paul R. Picha

# Nokota

March 19, 1987

Mr. William F. Kretch  
District Manager  
BLM - Dickinson District Office  
P. O. Box 1229  
Dickinson, ND 58602

Re: Nokota's Comments Concerning BLM's Draft North  
Dakota Regional Management Plan/Environmental  
Impact Statement (RMP/EIS)

Dear Mr. Kretch:

Review of BLM's Draft North Dakota RMP/EIS indicates that Nokota's concerns transmitted to you on July 31, 1986, remain pertinent and unanswered. Therefore, said letter is hereby resubmitted within the official comment period and will constitute the major portion of our comments. Additional comments concerning BLM's Dunn Center Coal Study Area (CSA) follow.

54 Only a small portion of BLM's 228,060-acre Dunn Center CSA has any real development potential within the time frame this RMP will be in effect. Nokota and U.S. Bureau of Reclamation have been intensively studying a 19,680-acre area within the Dunn Center CSA since 1982 in conjunction with Nokota's Dunn-Nokota Methanol Project. The Final Environmental Impact Statement (EIS) for this area is scheduled for completion this summer, yet it is not clear if BLM has utilized this data within its macro-analysis of the Dunn Center CSA. For example, the Bureau of Reclamation's Draft EIS revealed no adverse impacts associated with mining within Section 8, T144N, R93W, yet BLM has proposed not to lease the federal coal within the north half under the Multiple Land Use screen. This is a major change, as this area was formerly available for federal coal leasing and was included within Nokota's February 23, 1984, expression of leasing interest. Unfortunately, the RMP is not specific enough to ascertain the reasonableness of BLM's action and it must, therefore, be disputed. Pending analysis comparable to the Bureau of Reclamation's studies, it is requested that this area be recommended for lease.

55 Nokota must also dispute the withdrawal of Section 10, T144N, R94W because of "significant landowner opposition." Nokota has control over about 75% of this section via two leases:

The Nokota Company / 305 N. Mandan Street P.O. Box 1633 Bismarck, North Dakota 58502 701/223-6188

Mr. William F. Kretch  
March 19, 1987  
Page 2

<u>Lease #</u>	<u>Lease Date</u>	<u>Legal Description</u>	<u>Lessor</u>
PCL-749	1/12/72	Sec. 10: S½	Geo. J. & Vina Schmidt
CL-507	1/16/71	Sec. 10: NW¼	Firm B. Morse

It appears that BLM has maximized the size of the "significant landowner opposition" block by combining leased and unleased areas. While this could be justified if the leased areas were completely surrounded by unleased and/or opposed to mining leases, this is not the case for Section 10. Nokota has valid leases on the eastern and western flanks of Section 10 and, therefore, has mining access into this section. Given the above, it is inappropriate for BLM to withdraw this coal under "significant landowner opposition," and it should be reinstated.

56 BLM's "broad-brush" approach to the Dunn Center CSA is not appropriate within the area designated as Nokota's 25-Year Mine Study Area (enclosure). As mentioned earlier, this area represents less than 9% of BLM's Dunn Center CSA but has been intensively studied by Nokota, the U.S. Bureau of Reclamation and other interested parties. BLM's North Dakota RMP/EIS should maintain consistency with the results of the Bureau of Reclamation's upcoming Final EIS. Proposed deviations from the Bureau of Reclamation's recommendation should be justified on a section-by-section basis and should not be totaled together with similar areas within the larger Dunn Center CSA.

Nokota requests that all federal coal, except for unleased landowner opposition areas, within the 25-Year Mine Study Area be allowed to proceed into the EIS where projected impacts can be assessed.

Sincerely,

THE NOKOTA COMPANY

*Ralph D. Bartz*  
Ralph D. Bartz  
Manager  
Technical Services, Mining

Enclosure

/vg Enclosures not reproduced.

Nokota

July 31, 1986

Mr. William F. Krech  
District Manager  
BLM - Dickinson District Office  
P. O. Box 1229  
Dickinson, ND 58602

Dear Mr. Krech:

Thank you for taking the time to meet with members of the North Dakota Lignite Council on July 23, 1986, concerning the Bureau's North Dakota Regional Management Plan (RMP). As you are aware, The Nokota Company is the sponsor of the Dunn-Nokota Methanol Project and has submitted an expression of leasing interest in specific federal coal land within the Dunn Center tract containing approximately 2929.35 acres. Based upon your letter of June 20, 1986, to Mr. John Dwyer, comments exchanged during the meeting, and review of the Dunn Center proposed study map obtained from BLM, we have the following concerns:

Issue #1: Tract Size and Delineation

The map provided Nokota encompasses about 225,000 acres. A large majority of this area has minimal to no chance for development within the time frame the RMP will be in force. BLM's analysis of these massive study blocks is misleading and counterproductive to effective coal lease programs, as people wrongly assume the extent of development and that development projects can be sited anywhere within the large area. It also appears that the original Fort Union II study area has been increased by over 100,000 acres to encompass North American Coal Corporation's (NACCO) recently released Halliday tract. Nokota requests that the BLM prevent much confusion and waste of resources by:

1. Acknowledging Nokota's expression of leasing interest dated February 23, 1984, in specific federal coal lands containing approximately 2929.35 acres and recognizing that Nokota's development plans, like those of existing mine operators, are the result of years of study and regulatory review and are, therefore, very site-specific. The Department of Interior's EIS for the Dunn-Nokota Methanol Project is examining the impacts associated with these development plans, including the potential mining of coal within the 25-year mine study area. Nokota has no development plans for any other portion of the Dunn Center study area, including the area immediately north of SR 200.

The Nokota Company / 699-N. Menden-Gessae P.O. Box 1633 Bismarck, North Dakota 58502 701/223-6188

Mr. William F. Krech  
July 31, 1986  
Page 2

2. Providing basic information that would convey the degree of development potential within remaining areas. We would recommend that BLM add the overburden thickness contour lines to the D-seam (Beulah-Zap). It is suggested that the contour line intervals be set at 20 to 80 feet, 80 to 120, and 120 to 160. Overburden depths greater than 120 feet are not believed to be economically mineable in the foreseeable future.
3. Creating a Halliday tract which would include the recently dropped NACCO leases and subdividing the remaining area into smaller areas (see enclosure). Tracts should differentiate between areas subject to development plans on file with state and federal agencies and areas with no development plans. It is envisioned that many of these subtracts would be dropped because of lack of development interest and that they would not proceed into the EIS study phase. In addition, tract maps should record barriers to mine development (highways, railroads, coal croplines, major electrical transmission lines, unsuitable topography, etc.).

Issue #2: Cultural Resource Areas

The BLM's reference to screening for "unacceptable environmental conflicts" implies that an arbitrary subjective determination on these issues will be made at BLM's discretion. The BLM does have discretionary powers under the third coal screen (Multiple Land Use), but this authority is granted only "...to protect other resource values of a locally important or unique nature not included in the unsuitability criteria discussed in paragraph (e) of this section." (43 CFR 3420.3, emphasis added) Cultural resources are specifically handled by the unsuitability criteria contained within 43 CFR 3461, Criterion 7, and, as such, do not fall under the discretionary third screen.

BLM's apparent belief that eligible sites that comply with the stringent unsuitability criteria contained within 43 CFR 3461 are best excluded from leasing, based upon use of the discretionary Multiple Land Use coal screen, appears to be based upon an imperfect understanding of the National Historic Preservation Act of 1966, as amended (NEPA).

NEPA, and particularly Section 106, specifically does not authorize BLM to "protect" eligible cultural resources by denial of coal leases; nor does the mere Determination of

Mr. William F. Krech  
July 31, 1986  
Page 3

Eligibility authorize similar BLM actions, as the Keeper's "professional judgment" does not veto any use of the property (January 29, 1982, letter to the Dickinson BLM from the Keeper).

The formal listing of an eligible district requires the consent of the private owner or the consent of a majority of such owners where more than one is involved. Such consent was overwhelmingly denied for the KRF eligible district by a vote of private landowners in early 1983. It is a distinct possibility that the current 9,900-acre KRF eligible district will not be listed in its entirety. It would, of course, be a perversion of Congressional intent and the interests of private landowners to suppose that having given the landowner such substantial rights with respect to "listing" in the Register, and the consequences that follow, the BLM could by-pass the entire procedure by applying its Multiple Land Use coal screen to prevent coal leasing without regard to the possibility that an actual listing might never materialize.

Excluding eligible cultural resources from leasing is not authorized by law and may circumvent and limit the landowner and developer's substantive rights. In addition, the cultural resources in question do not belong to the federal government and do not constitute a federal "resource."

Nokota requests that the BLM allow these areas to proceed into the EIS where impacts can be noted. This action would parallel the Department of Interior's EIS for the Dunn-Nokota Methanol Project and would allow additional research time for the area in question.

Sincerely,

THE NOKOTA COMPANY

G. E. Andersen  
President

GEA/vg  
Enclosure

Enclosures not reproduced.

AMERADA HESS CORPORATION

BOX 1486  
WILLISTON, NORTH DAKOTA 58801  
701-774-9000

March 19, 1987

Mr. Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P. O. Box 1229  
Dickinson, North Dakota 58602

Dear Mr. Stiles:

SUBJECT: Comments on the Draft North Dakota Resource Management Plan and Environmental Impact Statement (RMP/EIS)

Our main concern with the RMP is the increase in acreage with special oil and gas lease stipulations.

My understanding is that these special stipulations are primarily no surface occupancy and seasonal restrictions for the protection of wildlife. If, in fact, surface occupancy adversely affects the wildlife, will the special lease stipulations on federal land just shift the impact to adjacent state or private land with significant additional cost to the industry?

Sincerely,

*J. T. Fell*  
J. T. Fell

JTF/jd

xc: G. E. Miller  
D. M. Castro  
K. A. Wagner  
R. T. Thomas  
K. A. Rossland  
Alice Freil Benitez, RMOGA

RECEIVED

MAR 20 1987

BUR. OF LAND MGMT.  
Dickinson District Office  
Dickinson, North Dakota

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ANTHROPOLOGY  
 BOX 8254 UNIVERSITY STATION  
 GRAND FORKS, NORTH DAKOTA 58202  
 (701) 777-3008

March 18, 1987

Mr. Mark Stiles, RMP Project Manager  
 Bureau of Land Management  
 Dickinson District Office  
 P.O. Box 1229  
 Dickinson, North Dakota 58602

re: Comments on "Draft Resource Management Plan/Environmental Impact Statement" for the Dickinson District.

Mr. Stiles:

I am writing in response to the invitation for public comment on the above-referenced document (hereafter RMP/EIS). My comments specifically address those portions of the RMP/EIS that pertain to cultural resources. I write from the perspective of my 11 years experience in Plains archeology. Since 1983, as a member of the research faculty in the Department of Anthropology, University of North Dakota, I have directed or participated in seven cultural resource studies in southwestern North Dakota.

The RMP/EIS is, in general, a fine document. With only a few exceptions, those sections that deal with cultural resources are clearly presented and well-informed.

The treatment of cultural resources under "Management Guidance..." (Chapter 1, pp. 12-13) and under "Affected Environment" (Chapter 3, pp. 48-50) is up-to-date and well-rounded. The section under "Management Guidance" demonstrates a clear understanding of the BLM's responsibilities under the Section 106 process. The section under "Affected Environment," in particular, shows that the writer(s) have made an effort to familiarize themselves with important background studies. Such familiarity with background material is something all-too-often lacking in federal agency documents of this sort.

I strongly support the BLM's decision to exclude the Knife River Flint Quarry National Register District from consideration in coal leasing. The KRF quarries are without a doubt the most significant prehistoric cultural resource considered in the RMP/EIS. The BLM's actions under either of the four alternatives would be an important step towards ensuring the preservation of this nonrenewable heritage resource.

As the BLM is aware, the District, although declared eligible for the National Register by the Keeper of the Register, has not actually been listed on the National Register. It therefore does not qualify for exclusion under the BLM's Unsuitability Criterion 7, as interpreted in 1983, and as established by the courts in 1985. However, the BLM concludes that the District can be excluded as a multiple-use tradeoff under 43 CFR 3420.1-4(e). This is a highly commendable decision. The District has not to date been listed on the

National Register, but as the District may be aware, the reasons for this have little or nothing to do with its importance as a heritage resource. The Knife River flint quarries deserve consideration as a multiple-use tradeoff, since they are undoubtedly a unique, important, and irreplaceable cultural resource. In addition, as UND has pointed out in previous comments to other agencies, those wishing to develop the coal resources that underlie the District have yet to demonstrate that adequate supplies of coal suitable to the developers' needs cannot be obtained in areas lying outside the District. There appears to this writer to be no compelling reason for leasing coal within the District. **My comments, therefore, support and commend the BLM for excluding the District from leasing as a multiple-use tradeoff.**

While my overall reaction to the RMP/EIS is positive, I feel several areas need clarification. Perhaps if I had time for a more careful reading of the document, I would find that you have indeed addressed some or all of these concerns elsewhere in the document.

1. Does or does not Alternative A (No Action) exclude the KRF Quarry National Register District and the Townley Homestead as multiple-use trade-offs? These resources are mentioned as multiple use trade-offs in the discussions of Alternative A on p. 15 and p. 61. However, there is no column for cultural resources on Table D-2 (p. 113), implying that the acres covered by the two historic properties are not included in the total acreage in this table. The acreage of cultural resources are included on tables for other Alternatives (p. 114-116). Why not for Alternative A?

Also, the text on page 15 implies that the district and the homestead site are definitely to be excluded under Alternative A, but page 61 states only that "It is assumed that the 3,931 acres would remain excluded." What exactly does "assumed" mean in this context? In Alternatives B, C, and D, the District (along with other listed/eligible resources) is unconditionally excluded as a multiple-use tradeoff. Why is the exclusion made conditional for Alternative A? What specifically are the conditions that would negate the "assumed" exclusion of 3931 acres?

In briefly discussing the above concerns with others, I've learned that part of the uncertainty involving Alternative A has to do with a court decision, which was still pending at the time the RMP/EIS went to press. This decision, if understood correctly, involved whether cultural resources on private surface, as well as public lands, qualified for criterion 7. I assume that this decision (and its ramifications for Alternative A) will be discussed in the final RMP/EIS.

2. "Generic" scenarios for dealing with impacts to cultural resources are given in Appendix H and I (p. 132, 135). One good thing about the scenarios is that they acknowledge that coal development will lead to indirect impacts to cultural resources. Unfortunately, no steps are mentioned for dealing with such impacts. I disagree with the statement that such impacts are "uncontrollable but predictable." Surely if an adverse impact can be predicted, steps can be taken to control it: e.g., by limiting off-road vehicle use, by fencing particularly important sites and site areas, etc.

My major concern is that neither scenario explicitly states what steps

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the BLM will take in planning for the demands that energy development can be expected to place on cultural resources. The scenarios state only that "stipulations" will be developed "in the event of a lease and mine proposal" (p. 132) and "in the event of a facility site selection" (p. 135). I believe that there is also a need for advance planning (contingency planning) prior to the occurrence of such "events." I raise three specific concerns:

(a) For clarification, the BLM should state more explicitly what form the "stipulations" concerning cultural resources would take. Would they be offered in an EIS; a cultural resource management plan; an MOA between BLM and the ND SHPO; or all of the above? What exactly is meant by a "stipulation."

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(b) The BLM has conducted a cultural resources overview of the Dickinson District, and is presently conducting a Class II inventory. Does the BLM intend to use these studies in advance planning for energy development? If so, how?

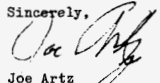
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(c) The statement on page 135 (quoted above) implies that cultural resource "stipulations" would not be made until the site of an end-use facility had been selected. Wouldn't cultural resources be considered prior to that: i.e., in the process of deciding among alternative selections?

To summarize, although I would recommend that some very minor clarifications be made, I feel that the RMP/EIS in general gives adequate treatment to cultural resources. The individual(s) responsible for developing and writing the sections on cultural resources deserve praise for giving their subject sensitive and sensible consideration. Again, I strongly support the BLM in its decision to exclude the Knife River Flint Quarry National Register District from consideration for coal leasing.

Thank you for providing the opportunity to comment on this document.

Sincerely,

  
Joe Artz  
Associate Research Archeologist

Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

January 21, 1987

Dear Mr. Stiles,

I would like to comment on the North Dakota Resource Management Plan and Environmental Impact Statement.

My concerns center around the land disposal method preferred in the plan. The plan inadequately addressed land disposal. The BLM has not fully considered the options for land disposal. Other federal agencies (U.S. Fish and Wildlife Service, National Park Service, National Forest Service, and Corps of Engineers) should be given the first priority in managing tracts that the BLM does not wish to manage. State agencies should be given the second priority in managing lands slated for disposal. Finally, local governments wanting to manage the lands for public use need to be given

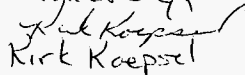
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the opportunity to manage remaining tracts. After this process was occurred, the remaining tracts should be considered for disposal or trade.

North Dakota has some of the most amazing and productive ecosystems in the country including the prairie pot hole area and the badlands. The BLM has holdings in both of these regions and should look for other agencies to manage these lands, if it chooses not to. The Pembina Gorge is also a very unique area. I feel the U.S. Fish and Wildlife Service would be an excellent agency to manage many of the BLM's scattered tracts, because it currently manages scattered tracts throughout the state in its Wildlife Production Areas.

I hope the BLM makes changes in its final plan. Please send me a copy

Sincerely,  
  
 Kirk Koepsel  
 11608 S. Apache Tr.  
 Conifer, CO 80433



United States Department of the Interior  
 OFFICE OF SURFACE MINING  
 Reclamation and Enforcement  
 BROOKS TOWERS  
 1020 15TH STREET  
 DENVER, COLORADO 80202

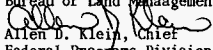
March 17, 1987



6010.2

MEMORANDUM

TO: Mark Stiles, RMP Project Manager  
 Dickinson District, North Dakota  
 Bureau of Land Management

FROM:   
 Allen D. Klein, Chief  
 Federal Programs Division  
 Western Field Operations

SUBJECT: North Dakota Resource Management Plan and  
 Environmental Impact Statement (RMP/EIS)

We have reviewed the draft RMP/EIS for the State of North Dakota and are submitting several comments and suggestions (attached) for your consideration. We appreciate this opportunity to participate in the review of the document and look forward to seeing the final RMP/EIS when it is published.

If you have any questions concerning these comments or any other matter relating to the EIS, please feel free to contact Floyd McMillen in Denver at (303) 844-2451 or FTS 564-2451.

Attachment

OSMRE REVIEW OF THE  
NORTH DAKOTA DRAFT RMP/EIS

Comments/suggestions:

66 Page 1, description of the planning area. In the second paragraph the EIS states that "Federal minerals are also located under state or privately owned surface." Then it states that "This RMP proposes management strategies for federal minerals located under \* \* \* private lands". Please explain why no mention is made of management strategies for the federal minerals located under State-owned lands.

67 Page 32, total suspended particulates. Please provide the reference for the air quality study of the Bear's Den and Croff fields mentioned in the last paragraph of this section.

32 Page 59, coal study areas. Please reexamine the acreages being declared unsuitable under criterion 11, 14, and 15 for cases where exceptions (i.e., those allowed under 43 CFR 3460) could potentially apply. Also, we suggest that the reader be informed that an unsuitability designation does not always mean that a designated area will not be mined. Our experience with surface coal mining has shown numerous cases where unsuitable designations were changed to allow additional coal recovery after site-specific exceptions were applied. (See also coal study areas discussions on pages 68, 77, and 87.)

1366M



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

P.O. Box 1458  
Bismarck, ND  
58502-1458

March 12, 1987

Mark Stiles  
Bureau of Reclamation  
P.O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles:

The Soil Conservation Service has reviewed the draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) for the Dickinson District, North Dakota. We have the following comments:

- 68 1) We are unable to locate any discussion concerning potential impacts to prime farmlands within the draft plan/EIS.
- 69 2) On page 35, Table 3-6 may be somewhat misleading in that there are no mapping units recognized as Land Capability Class I (LCC) in North Dakota. We suggest changing the LCC's associated with the high success grouping to II, III & IV and those associated with the moderate success grouping to III, IV & VI.

We appreciate the opportunity to comment.

Sincerely,

AUGUST J. DORNBUSCH, JR.

ACTING State Conservationist



The Soil Conservation Service  
is an agency of the  
Department of Agriculture



IN REPLY  
REFER TO: MB-154

United States Department of the Interior  
BUREAU OF RECLAMATION  
Missouri Basin Region  
P.O. Box 36900  
Billings, Montana 59107-6900

MAR 11 1987

Mr. Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

Reference: Review of BLM's North Dakota Resource Management Plan and Environmental Statement

Dear Mr. Stiles:

We have reviewed the subject document and have no comments to offer on the document itself. However, we do wish to provide you with information on Bureau of Reclamation activities in North Dakota so as to avoid any possible conflicts between your activities and ours.

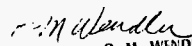
As part of our activities under the Garrison Diversion Unit Reformulation Act of 1986, we are beginning preliminary investigations for providing municipal, rural, and industrial water to the Fort Berthold, Standing Rock, and Fort Totten Indian Reservations. As also authorized under this Act, we are initiating studies for developing irrigation on 15,200 acres on the Fort Berthold Reservation and 2,380 acres on the Standing Rock Reservation.

We are, under the same Act, presently involved in completing an environmental assessment/FONSI for the Southwest Pipeline Project. Minor portions of this project have already been constructed by the State of North Dakota, but much remains to be done. We sent a copy of the draft NEPA package for this project to your office in December 1986; the final document and FONSI will also be sent to you in 2 or 3 weeks.

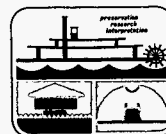
Lastly, we are enclosing the "Draft Supplement to the Draft Supplemental EIS - Reformulation Plan - Garrison Diversion Unit, North Dakota" for informational purposes. A final supplemental statement on the reformulated Garrison Diversion Unit will also be sent to you when it is completed to update you on our planning activities for this project.

Thank you for the opportunity to comment on your document.

Sincerely yours,

  
G. M. WENDLER  
For B. E. Martin  
Regional Director

Enclosure



State Historical Society  
of North Dakota (State Historical Board)  
North Dakota Heritage Center, Bismarck, N.D. 58505  
Telephone 701-224-2666

IN RESPONSE PLEASE REFERENCE: 85-150

January 23, 1987

Mark Stiles  
Project Manager  
Bureau of Land Management  
P O Box 1229  
Dickinson ND 58602

RE: Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS).

Dear Mr. Stiles:

We have reviewed the above referenced document and find it basically complete and acceptable. We strongly support the decision to find the Knife River Flint Quarries District in Dunn County to be of such value in the consideration of multiple use tradeoffs that the area will not be considered for coal leasing. The following comments are offered to aid the Bureau in producing the best quality Final RMP/EIS possible:

Page Comment

12-13:

The Section 106 process is over simplified here, but the description presented is basically acceptable. You should include a category of "No Historic Properties" [36 CFR 800.4(d)] to cover those potential undertakings which will not have any historic properties (significant cultural resources) in their areas.

Data recovery is often employed to reach a finding of "No Adverse Effect" [36 CFR 800.9(c)(1)] on archeological resources, as well as a mechanism to address "Adverse Effects" per se.

Interested persons [36 CFR 800.1(c)] must be notified in determinations of "No Effect" [36 CFR 800.5(b)] and "Adverse Effect" [36 CFR 800.5(e)(1)]. The public must be informed and provided an opportunity to comment in cases of "Adverse Effects" [36 CFR 800.5(e)(3)].

13: If historic properties are discovered during implementation, it says here that "the contractor" must notify the BLM. This is not clear - what contractor?

15, and elsewhere, including Appendix D:  
We concur that the Knife River Flint Quarries District and the Writing Rock State Historic Site are of such great importance and value that they

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Mr. Stiles  
Page 2  
January 23, 1987

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should be excluded from leasing. Our records indicate that the A. C. Townley Homestead site has not been formally recorded or evaluated at this writing. If the site has integrity and can be associated with Townley's efforts to establish the Nonpartisan League, then it is most certainly eligible for inclusion on the National Register of Historic Places. Since this site has not been recorded or evaluated yet, we recommend that it not be included in the multiple-use tradeoffs process at this time, and that if found significant that all alternative treatments be considered.

61-62:

We concur that these decisions may significantly effect historic properties not considered here in detail. The Bureau should take affirmative action to comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and related regulations to be found at 36 CFR Part 800, on each of these undertakings as they are run through the Bureau's system.

62, and others:

While standard data recovery methods would, in most cases, provide adequate treatment for historic properties, there are likely to be some instances where preservation in place or other extraordinary treatments will be warranted. The Knife River Flint Quarry District, quarry sites outside of that District's boundaries, and burial mound sites known in the coal fields are examples of where extraordinary measures should be considered. We concur that Knife River Flint quarry sites outside the eligible District will be complex to deal with, and that data recovery may well contribute to our understanding and somewhat offset the loss of those properties outside the District.

70

105, Appendix A:

Activity Planning: you should include reference to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and related regulations to be found at 36 CFR Part 800, as this appears to have been deferred at the Land Use Planning Stage (this RMP/EIS) because surveys are not yet completed.

132, Appendix H:

The generic mine description for cultural resources should include reference to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and related regulations to be found at 36 CFR Part 800, since this has been deferred to Mine Plan Stage.

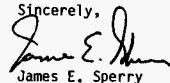
135, Appendix I:

The generic end-use facility description for cultural resources should include reference to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and related regulations to be found at 36 CFR Part 800, since it has been deferred to this stage.

Mr. Stiles  
Page 3  
January 23, 1987

Thank you for providing us the opportunity to comment on this document. We hope these comments will be of value to the Bureau. If you have any questions regarding these comments, please feel free to contact Mr. C. L. Dill of our staff at (701)224-2672, or in writing.

Sincerely,



James E. Sperry  
State Historic Preservation Officer  
(North Dakota)

CLD/je  
cc: ACHP, Golden

4/14

57

ROBERT D. BYRON  
ADM. ASST.  
TO H.A. TRUE, JR.

DRAWER 2300  
CASPER, WYOMING  
82602

March 3, 1987

Mr. Mark Stiles  
Project Manager  
North Dakota RMP  
Bureau of Land Management  
202 East Villard  
P. O. Box 1229  
Dickinson, North Dakota 58602

Dear Mr. Stiles:

Following are our comments on the North Dakota  
Draft Environmental Impact Statement and Proposed  
Resource Management Plan on which comments are due  
March 25, 1987.

34 Please advise me where the Montana BLM office  
obtains the power to establish special stipulations  
on split estate lease lands. I do not believe you  
have the authority to apply stipulations to  
privately owned surface. The BLM in other western  
states has recognized the problems and the potential  
for lawsuits in attempting to apply stipulations to  
private surface land and has avoided these types of  
situations.

35 You state North Dakota is not subject to  
Section 204 of the Federal Land Policy and  
Management Act on page 141. This is very strange  
since Section 204 of FLPMA concerns withdrawal  
procedures when dealing with any public lands. In  
Alternative D, you propose withholding roughly  
100,000 acres from leasing and although this is not

Mr. Mark Stiles  
Page 2  
March 3, 1987

↑ your preferred alternative, it certainly falls under  
Section 204 of FLPMA because you are proposing  
withdrawing more than 5,000 acres and any withdrawal  
of over 5,000 acres must be reported to Congress.

Sincerely,

*Robert D. Byron*  
Robert D. Byron

ROB:cjw

1824 5th Avenue North  
Grand Forks, ND 58201

10 March 1987

Mark Stiles, Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

Re: Draft RMP/EIS for the Dickinson District

Dear Mr. Stiles:

I am writing to applaud the Bureau's decision to drop the 3761 acres of Federal coal within the KRF Quarry National Register District from further consideration for coal leasing. Certainly this core area of prehistoric surface mines contains irreplaceable information regarding flint quarrying and the stone technologies of ancient North Dakotans. Moreover, the rich archeological deposits of the KRF District hold an inestimable wealth of recoverable knowledge concerning many aspects of the histories and lifeways of Northern Plains peoples over the past 11,000 years.

Beyond the KRF District, the Bureau's overall concern for the proper identification and treatment of other cultural resources is quite clear.

Sincerely,

Michael L. Gregg



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
1500 CAPITOL AVENUE  
BISMARCK, NORTH DAKOTA 58501



FEB 12 1987

MEMORANDUM

To: District Manager, Bureau of Land Management  
Dickinson, North Dakota (Attn: M. Stiles)

From: Field Supervisor, Fish and Wildlife Enhancement  
Bismarck, North Dakota

Subject: Draft North Dakota Resource Management Plan and Environmental Impact Statement

We have reviewed the subject draft plan/environmental statement and offer the following comments for your consideration. These comments reflect coordination with our Endangered Species Office in Grand Island, Nebraska.

General Comments

The Resource Management Plan (RMP) and draft environmental impact statement (EIS) provide a comprehensive land-use plan that replaces all prior management direction established in the Management Framework Plans (MFPs), the North Dakota Grazing EIS and the Dickinson District Oil and Gas Environmental Assessment. Our review of the RMP was primarily directed to coal, oil and gas, and land pattern adjustment issues that have not been finalized in previous Bureau of Land Management (BLM) planning documents. We have not commented on range and vegetation management because those issues were thoroughly addressed in our comments dated April 12, 1984, on the Draft North Dakota Grazing EIS.

In general, we would like to complement the BLM on the development of this comprehensive RMP. We believe that BLM has done a very good job developing rational, multiple-use management alternatives to address the major issues of coal leasing, oil and gas leasing, land pattern adjustment, and off-road-vehicle use on BLM administered lands in North Dakota. Although the respective alternatives superficially appear to allocate similar acreages for coal and oil and gas leasing, significant differences exist in the magnitude of protection afforded to wildlife and associated habitats via the wildlife unsuitability criteria, multiple-use screens, and leasing stipulations. We support BLM's selection of Alternative C (balanced multiple-use) as the preferred alternative.

The preferred BLM management direction presented in this document is very gratifying to the Fish and Wildlife Service (FWS). It represents significant contributions during the past 6 years by FWS, BLM and North Dakota Game and Fish Department (NDGFD) biologists. Joint agency recommendations considered but never implemented in prior BLM MFPs for the Golden Valley, West-Central, Southwest and McKenzie-Williams planning units have now been incorporated into the preferred management alternative for the RMP.

In the assessment of the coal study areas (approximately 1 million acres) and preferred Alternative C, 148,045 acres of wildlife habitat are considered unsuitable for further consideration for coal leasing as a result of Wildlife Unsuitability Criteria 11 (golden eagle nest sites), 13 (falcon nest sites), 14 (migratory birds of high federal interest) and 15 (resident species of high state interest). In addition, 90,224 acres were identified under the multiple-use screen as having high value to wildlife, but did not qualify for the wildlife unsuitability criteria. However, approximately 41 percent (37,194 acres) was excluded from further consideration for coal leasing due to overlap with other environmental screens. Of the remaining 53,050 acres acceptable, only 27,745 acres could be leased because of a wildlife habitat threshold concept. Cumulatively, a minimum of 223,353 acres of significant wildlife habitats will not be available for leasing. Special reclamation stipulations relative to isolated wetlands and small parcels of native prairie or wooded draws will apply on an additional 206,117 acres. The FWS was a party to the environmental screening process on federal coal acreage and fully supports BLM's coal leasing direction within the preferred alternative.

Alternative C also provides significant protection to fish and wildlife resources through the addition of special oil and gas lease stipulations to new or renewal leases in areas of special resource concern. In particular, raptors (golden eagle, prairie falcon and ferruginous hawk), elk calving areas, sage grouse, wetlands, riparian habitat, bighorn sheep winter range and lambing areas, and prairie dog towns will all receive greater protection at the leasing stage. Similar restrictions can also be applied at the time of Application for Permit to Drill (APD).

The land pattern adjustments strategy for the preferred alternative appears to be responsive to the need to retain important wildlife habitats in federal/state ownership. We support BLM's efforts to exchange some of these scattered tracts to other resource oriented agencies (e.g., FWS or NDGFD) for more efficient management. Otherwise, these tracts, as well as the Big Gumbo and Lost Bridge Management Areas, should be retained by BLM.

#### Specific Comments

1. Page 8, Air Quality - We are pleased that additional oil and gas stipulations relative to hydrogen sulfide (H<sub>2</sub>S) will be required as conditions of approval for all APDs, regardless of the alternative selected. This action should not only improve air quality but reduce the chronic losses of wildlife (primarily raptors and passerine birds) to H<sub>2</sub>S poisoning.

- 72 | 2. Page 43, Threatened and Endangered Plant Species - The discussion on Category 2 species should be expanded to include Visser's buckwheat (*Eriogonum visseri*) which is also on the Category 2 plant list for North Dakota. This plant is found in the central part of the state.
- 73 | 3. Page 44, Interior Least Tern - During 1986 surveys, the FWS documented breeding colonies of both the least tern and piping plover on sandbars on the Yellowstone River near the Montana-North Dakota border. The distribution for the least tern should be expanded accordingly.
- 73 | 4. Page 44, Piping Plover - The Draft Recovery Plan for the Great Lakes/Northern Great Plains Populations of Piping Plover reports that piping plovers breed in 22 counties in North Dakota. Primary counties are as follows: McLean, Burleigh, Oliver, Morton, Mercer, Kidder, McLean, Sheridan, Ward, Mountrail, McHenry and Pierce. As referenced above, plovers have now been documented on sandbars on the Yellowstone River in McKenzie County. The distribution for the piping plover should be revised to reflect this new information.
- 74 | 5. Page 59, Coal Study Areas - Although no piping plovers are known to breed in the coal study areas, BLM should be cognizant that potentially suitable habitat exists in the CSAs and that expansion of breeding distribution should be monitored.
- 36 | 6. Pages 145-146, Appendix K, Oil and Gas Lease Stipulations and Leasing Restrictions - The stipulations, as proposed, are excellent. Over the past 5 years the FWS has developed a set of standardized raptor/oil and gas stipulations based on biological data, field experience and the literature. We have received wide acceptance of these stipulations by other resource agencies in western North Dakota. To maintain consistency on recommendations by affected agencies (i.e., FWS, BLM, National Park Service, U.S. Forest Service, Fort Berthold Indian Reservation), we recommend that BLM change the dates on activity near ferruginous hawk nests from "April 1 and July 15" to "March 15 and July 15".
- 75 | Apparently, lease stipulations for the Golden Eagle Special Review Area (Alternative A) have been inadvertently omitted from Appendix K and should be added.
- 75 | It is not apparent from the discussion in this appendix whether the Montana BLM standard lease stipulation has been revised to include a notice to the lessee regarding potential raptor breeding habitat (not only golden eagle but also prairie falcon and ferruginous hawk) and additional stipulations at the APD. We suggest that this issue be clarified in the final environmental statement.

Summary

In summary, we believe that the Draft RMP and EIS adequately addresses fish and wildlife resources, impacts from the proposed management alternatives and appropriate mitigation measures. We also believe that the preferred alternative (Alternative C) represents a balanced multiple-use approach to lands and mineral resources under BLM's administration in North Dakota. This alternative will allow for the orderly and sensible development of federal mineral resources while protecting valuable wildlife resources. We commend BLM on their management direction and support Alternative C as a reasonable and prudent alternative.

If you have any questions regarding our comments, please contact Roger Collins (FTS: 783-4492).

*M. S. Zschonker*

cc: ARD-FWE, Denver (60120)  
 (Attn: D. Hoffman & J. Ellis)  
 FWE, Grand Island (64320)  
 (Attn: W. Jobman)  
 EC, Washington

Southern Rocky Mountain District  
 Exploration United States



P.O. Box 120  
 Casper, Wyoming 82602  
 Telephone 307/235-2511

February 10, 1987

Mr. Mark Stiles  
 Project Manager  
 Dickinson District Office  
 Bureau of Land Management  
 P. O. Box 1229  
 Dickinson, North Dakota 58607

Re: Comments on North Dakota  
 Resource Management Plan  
 and EIS.

Dear Mr. Stiles:

The issues and objectives of the plan are to provide for "the least restrictive leasing stipulations necessary" while "ensuring that multiple use objectives are met."

76 The proposal outline in Alternative D violates these criteria by suggesting no leasing of 99,497 acres. The look at less restrictive stipulations was not taken. Additionally, there is no indication as to what method of withdrawal will be followed. Will the Federal Land Policy Management Act Sec. 204 procedures be used? Although the plan states that North Dakota is not subject to FLPMA, this plan is prepared in accordance with the ACT. Stipulations are appropriate measures to protect surface resources, but should be used according to the issues statement; the least restrictive.

35 There is no indication of the standard stipulations issued by the Montana State Office. The question of the BLM's role in even attaching lease stipulations to non-Federal surface tracts should be re-examined. Although the statement is made in Appendix K that "These stipulations do not dictate surface management on private lands...", the intent and reality of these stipulations can affect lessees significantly. Lease stipulations for surface resources should not be utilized and, therefore, should not be attached to leases with private surface. Resource protection still applies in areas such as

34 ↓



Mr. Mark Stiles  
February 10, 1987  
Page 2

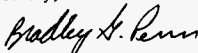
↑  
archaeological and threatened and endangered species without the stipulations. Additionally, Section 6 of the lease form provides for additional protection of the environment.

77 Although the BLM and the oil and gas industry know the phases of leasing, exploration, drilling, development, production, and reclamation, it might be helpful to identify the different phases and to separate them into identifiable units. The data are available in the text to show that all leases are not drilled and that all wells drilled are not producers.

78 The stipulations represented on Map K-1 are rather vague and it is assumed that the shading of a township represents a stipulation in a portion of the area and not necessarily the entire township. This map presentation is vague because of the redundancy of areas with special stipulations overlapping the other areas, making the presentation additive instead of alternative specific. It would help if the special stipulations were explained, such as sage grouse scrubbing ground, raptor nesting, or wetlands, to delineate the specific problem in the areas involved. It would also help to identify which areas are Federal minerals and the total Federal lands.

Thank you for the opportunity to comment on this plan.

Sincerely,



Bradley G. Penn  
Land/Environmental Coordinator

BGP:mg

cc: R. K. Bitter  
K. V. Bonati  
L. M. Bullock  
E. M. Grant  
J. D. Polisini  
R. H. Sims, Jr.  
M. M. Wade

(87-M-81)



## DACOTAH CHAPTER SIERRA CLUB

1112 Cottonwood Grand Forks, ND 58201

Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

January 10, 1987

Dear Mr. Stiles,

The following are comments on the Draft North Dakota Resource Management Plan/Environmental Impact Statement dated December of 1986.

### Land Disposal

79 The Sierra Club is very concerned with the BLM's proposed disposal of public land. North Dakota is one of the states with the least amount of public land in the nation. Many of the tracts of land slated for disposal are used or have the potential of being used by recreationalists. We maintain that the proposed plan inadequately addresses the effects of land disposal and does not fully explore alternatives to disposal.

The BLM should give other public agencies the opportunity to acquire and manage public lands before selling these tracts to private concerns. We recommend that tracts of public land in Billings and Golden Valley Counties be transferred to the Forest Service for management in the Little Missouri National Grasslands.

65 Public Lands in the Prairie Pothole Region of the state should be transferred to the U.S. Fish and Wildlife for Waterfowl Production Areas or to the North Dakota Game and Fish Department as Game Management Areas. The Prairie Pothole Region is one of the most outstanding waterfowl production areas in North America. The region has also been severely affected by wetland drainage. The public lands remaining in this region should be retained in public ownership. Both the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department own scattered tracts of land in this region and would provide adequate management of these lands. Both agencies would also keep these lands open to public access.

RECEIVED

JAN 12 1987

BUR. OF LAND MGMT.  
Dickinson District Office  
Dickinson, North Dakota

Public Lands within Cavalier County's Pembina Gorge should be transferred to the North Dakota Parks and Recreation Department or to the Nature Conservancy. The Pembina Gorge is one of the most outstanding natural areas in the state, and these lands need to management so that the public can enjoy the recreational and natural values these lands possess.

Grant County's Public Lands should be transferred to the Forest Service for management within Cedar River National Grasslands.

The BLM should also consider the possibility of trading public lands outside of the Big Gumbo and Lost Bridge retention areas for additional tracts within these areas.

We feel a good example of how the BLM has dealt with disposal of scattered tracts of public lands in a region where few public lands exist, is the Northeast Resource Management Plan in Colorado. Many of the tracts of public lands, which the BLM did not want to manage in that plan, other government agencies wanted to own and maintain. Since North Dakota has so little public land for recreation and other uses, we feel the BLM needs to do a more thorough and complete job of finding other agencies that want to manage these lands.

#### Coal Management

3 The draft plan failed to consider all the information now required in the Secretarial Issue Document (page DS-3). The Final plan needs to include an analysis on the effects of coal development in relation to wetlands, riparian habitat, aquifers, reclamation, air quality, tribal sacred sites, single grave sites, paleontological sites, and oil and gas wells. Although the BLM examined wildlife thresholds, the plan did not examine other thresholds such as socioeconomic thresholds, clean air thresholds, etc.

#### Oil and Gas Development

80 The Draft RMP inadequately addressed the impacts of oil and gas development. We maintain that the Connors v Burford decision relates to all public lands, and that the BLM is required to conduct an environmental analysis on the effects of oil and gas development before leasing occurs. This plan should include that analysis.

We appreciate the opportunity to comment on the draft RMP and are looking forward to seeing the improved final version.

Sincerely yours,

*Dexter Perkins*  
Dexter Perkins  
President



GOVERNOR GEORGE A. SINNER  
CHAIRMAN

HYDROLOGY DIVISION  
224-2754

VERNON FAHY  
SECRETARY & STATE ENGINEER

February 10, 1987

Mark Stiles, Project Manager  
Dickinson District Office, BLM  
P. O. Box 1229  
Dickinson, North Dakota 58602

RE: SWC Project #1400

Subject: Review of Draft North Dakota Resource Management Plan and  
Environmental Impact Statement

The cover letter in the draft solicited comments, particularly with regard to errors in analysis, new information or alternatives, and needs for clarification. This letter is a response to the solicitation.

81 The draft listed four alternatives for BLM resource management. Alternative A is the current management plan. Alternative C is the preferred alternative. Alternatives B and D are 'development' and 'conservation' variations from Alternative C. A direct comparison of the current plan (Alternative A) and the suggested Alternative C to highlight the direction in which BLM is proposing to move resource management of lands under their control would be informative. A comparison of plans "A" and "C" indicates BLM plans:

- 1) a 46% increase in lands available for coal lease, most of the added lands having special stipulations,
- 2) more than doubling the amount of land available for disposal or exchange plus adding for exchange only slightly more land than currently available for disposal or exchange,
- 3) managed land under oil and gas lease will go from 6% to 45% carrying "special stipulations" (related to wildlife habitat) in addition to the "Montana BLM stipulations", and
- 4) off-road vehicle travel is to be restricted during spring snowmelt (March through May) in some parts of the Pierre Shale outcrop area along the Cedar Creek anticline (Big Gumbo Management Area).

Upon reading the draft I found a few instances, generally related to hydrogeology, where changes are suggested:

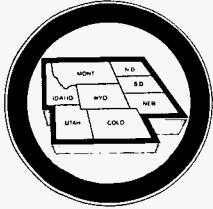
SECRETARY OF STATE, BUREAU OF LAND MANAGEMENT, NORTH DAKOTA, 18505 (08/24/2750)

- 82 1) page 39, column 1, paragraph 5 - "[Fox Hills-Hell Creek] total dissolved solid concentrations are usually 1000-3000 mg/l and locally can be as high as 10,000 mg/l." In areas where the Fox Hills-Hell Creek aquifer is used as a water source the preponderance of water quality analyses indicate a total dissolved solids (TDS) concentration in the 1000-1500 mg/l range. Parts of Divide and Williams Counties, where the aquifer is virtually unused, have TDS concentrations in the 1500-3500 mg/l range. The 10,000 mg/l concentration may be a result of a mixing of waters or a misidentifying of aquifer zones (I am interested in where the reported 10,000 mg/l Fox Hills-Hell Creek water is from). The sentence presents a misleading representation of the general range of water quality where the aquifer is used as a water source.
- 83 2) page 39, column 2, paragraph 3 - the paragraph discusses glacial and alluvial aquifers. Not specifically mentioned are glacial outwash deposits which are often surficial, have TDS concentrations in the 300-1000 mg/l range, commonly have possible pumping rates in the 500-1500 gallon per minute range, and are often used as irrigation water sources. The buried-valley yield range used in the paragraph, 100-500 gpm, is low on the upper end. Buried valley aquifers will often yield up to 1000 gpm and occasionally 2000 gpm.
- 84 3) page 41, figure 3-5 - the map actually shows glacial drift aquifers in the state, not just buried-valley aquifers. The original source of the map is a North Dakota State Water Commission compilation of the aquifer maps as identified in county studies.
- 85 4) page 42, column 1, paragraph 1 - "Ground water in this [Lost Bridge] part of North Dakota is closely related to the geology." The statement does not really say much. Ground water is always related to geology, as well as climate and topography when near land surface. Ground-water in the Lost Bridge area is not significantly more closely related to geology than in surrounding areas, or in western North Dakota generally.
- 86 5) page 76, column 1, last paragraph - "Federal coal acres overlying buried-valley aquifers found acceptable for coal leasing..." Presumably what is being referred to here is buried-valley aquifer land adjacent to potential coal mine areas. The sediment fill and ground water in buried valleys would seem to preclude coal mining in the foreseeable future while more readily attainable coal resources are available.
- 87 6) page 130, column 1, paragraph 7 - "Studies have shown that a "mine floor aquifer" may be formed due to an increase in hydraulic conductivity, storage capacity, and vertical permeability of the spoil materials (Van Voast 1981, Van Voast et al. 1977)." A mine floor aquifer (or base of spoils aquifer) is formed due to the mining method.

- 88 ↑ Overburden removal with a dragline results in clasts rolling to the base of the spoil pile forming a rubble zone containing enough void spaces to act as an aquifer in the post-mining setting. The term "hydraulic conductivity" is a replacement for "permeability". It may be more technically correct to use one or the other rather than mixing both in one sentence.
- 87 7) page 130, column 2, paragraph 3 - "PSC regulations state that all coal processing wastes including ash will be placed in excavated pits approved by the Commission, so that those materials will not adversely affect ground-water quality and flow, create public health hazards, and cause instability in the disposal areas." The State Health Department, Division of Hazardous Waste Management and Special Studies is the lead agency in regulating waste disposal, including that generated by power plants in coal mine areas.

*Alan Wanek*  
Alan Wanek, Hydrologist

AW:ad



1860 Lincoln Street, Suite 404 • Denver, Colorado 80295  
303/860-0099

March 25, 1987

Mr. Mark Stiles  
Project Manager  
North Dakota RMP  
Bureau of Land Management  
P. O. Box 1229  
Dickinson, ND 58602

RE: North Dakota Draft Resource Management Plan and Environmental Impact Statement

Dear Mr. Stiles:

On behalf of the Rocky Mountain Oil and Gas Association (RMOGA), I am submitting the following comments concerning the Draft Environmental Impact Statement (DEIS) and Draft Resource Management Plan (RMP) for the State of North Dakota. RMOGA has hundreds of members who account for more than 90% of the exploration, development and transportation activities in the Rocky Mountain West. Consequently, we are extremely interested in how the federal government manages lands under its jurisdiction, as well as how energy and mineral resource activities are administered on these lands.

RMOGA strongly supports federal management of public lands which affords maximum opportunities for the exploration and development of energy resources. Therefore, we support the decision contained in Preferred Alternative C to make all federal oil and gas reserves open to oil and gas leasing. However, we are gravely concerned with the BLM Montana State Office policy which allows the application of special stipulations on leases which encompass split-estate lands. While the BLM has the authority granted by nondiscretionary statutes to protect threatened and endangered species and to regulate for conservation of oil and gas, it lacks any power to control privately owned surface uses. The BLM's authority to effect National Environmental Policy Act (NEPA) mitigation extends only so far as it has legal control over the mitigation measures.

34

March 25, 1987

Mr. Mark Stiles  
Project Manager  
North Dakota RMP  
Bureau of Land Management

page two

According to Preservation Coalition v. Pierce, 667 F2d, 851 (9th Cir., 1982), and Friends of Endangered Species v. Jantzen, 760 F2d, 976 (9th Cir., 1985), a federal agency may assert control only as far as the law permits. BLM is not able to dictate surface use to private owners nor to impose stipulations to protect privately owned surface. Moreover, it is our belief that this concept represents federal zoning of private lands and should, therefore, be eliminated.

The imposition of mitigation measures upon private land places the BLM in a tenuous position. The only way to gain such authority is to enter into an agreement with the surface owner. As a result of such agreement, the BLM will likely be forced to mediate between lessees and surface owners. It is our understanding that BLM offices in other western states have made a concerted effort to completely avoid such conflict situations. We believe it is evident that these other BLM state offices recognize that the widespread regulation of private surface is beyond the scope of both the authority and duty of the BLM as defined by the Federal Land Policy and Management Act (FLPMA), and is something to be avoided.

Of additional concern is the statement on Page 141 of the planning documents which indicates that North Dakota is not subject to Section 204 of FLPMA. Section 204 dictates those withdrawal procedures the BLM must follow when making, modifying, extending or revoking land withdrawals. We recognize that there is some question as to whether North Dakota is subject to Section 204(L) of FLPMA, which deals specifically with reviewing existing withdrawals. However, North Dakota BLM is clearly subject to the remaining provisions of Section 204, and is probably subject to Section 204(L) as well. Since the Draft EIS and Draft RMP have been prepared in accordance with FLPMA requirements, we do not believe the BLM can pick and choose what parts of statutes it wants to follow. While FLPMA does not specifically apply to any but the eleven contiguous western states, the provisions of FLPMA have been adopted Bureau-wide in the form of regulations. Therefore, North Dakota is subject to all FLPMA requirements despite the fact that it was not specifically included in the statute.

35

Even though the BLM has not proposed in its Preferred Alternative to designate lands unavailable for leasing, Management Alternative D does propose to withhold approximately 100,000 acres from leasing availability. According to FLPMA, a withdrawal aggregating 5,000 acres or more must be reported to Congress. The BLM has stated that leasing is a discretionary action and it reserves the right to determine which areas should be made available for leasing and which areas should not be made available. Such discretion is indeed within the scope of the BLM's authority; provided the BLM proves that less restrictive measures were found inadequate. In the event that such justification can be

65

March 25, 1987

Mr. Mark Stiles  
Project Manager  
North Dakota RMP  
Bureau of Land Management

page three

↑ substantiated, a no lease decision may be warranted. However, according to FLPMA, a no lease decision constitutes a withdrawal which must be reported to Congress. Therefore, we encourage the BLM to include in its discussion of Management Alternative D a statement which indicates that the no lease decision would result in a formal withdrawal request being forwarded to Congress for action.

89

With regard to the table on Page 19, it would be helpful if the lease categories were further divided. There is a critically important difference between leasing with no surface occupancy stipulations and leasing with other less restrictive stipulations, such as seasonal or timing restrictions. This table should be revised in the final document to reflect separately the acreages associated with NSO and seasonal stipulations. It would also be beneficial if this separation were indicated on the Alternative maps. Industry as well as the public would have a clearer demonstration as to which lands are subject to what types of constraints.

90

Another item of concern relates to Appendix K, Oil and Gas Lease Stipulations and Leasing Restrictions. On Page 146 the BLM indicates that in accordance with the Preferred Alternative C, "no surface occupancy would be allowed within the visible area within a 3.5 mile radius of the Fort Union Historic Site". We believe this proposed "buffer zone" is unnecessary and will cause undue hardship to lessees in the area. While many people believe that energy companies are capable of using directional drilling techniques in many areas, directional drilling is subject to numerous scientific and technological criteria before it is deemed feasible. For instance, one must consider whether the well is an exploration effort or a confirmation well used to define a known structure. An additional factor involves the depth of the proposed well. In most cases it is only feasible to directionally drill for one-half mile. It would be virtually impossible to directionally drill 3.5 miles.

↓ The ostensible purpose of the proposed buffer zone is to protect scenic values associated with the Fort Union Historic Site which could be impacted by oil and gas activity. There are many methods currently employed which minimize visual impacts without having to resort to prohibiting surface occupancy. We believe the BLM has abdicated its responsibility by creating this NSO buffer zone. In our opinion, this decision indicates that the BLM is unwilling to work with operators to develop a reasonable plan of operation for conducting activities in this area. In addition, designation of such a buffer zone creates a precedent for avoiding reasonable, site-specific management. This decision should be modified to allow oil and gas leasing with special stipulations that permit surface occupancy. Further, drilling proposals should be evaluated on a case-by-case basis to determine how operations may proceed under reasonable

March 25, 1987

Mr. Mark Stiles  
Project Manager  
North Dakota RMP  
Bureau of Land Management

page four

↑ constraints to protect visual quality. The BLM must keep in mind that oil and gas activities are temporary in nature and that reclamation procedures are utilized which eliminate any long-term visual impacts.

In conclusion, I would like to thank you for the help you have provided RMOGA regarding this planning effort. If you would like to discuss our comments in greater detail, please do not hesitate to contact me.

Sincerely,  
*Alice Frell Beritez*  
Alice Frell Beritez  
Public Lands Director

AFB:cw



**NORTH DAKOTA PARKS AND RECREATION DEPARTMENT**

Pinehurst Office Park  
1424 West Century Avenue  
Suite 202  
Bismarck, ND 58501  
Phone: (701) 224-4887

March 26, 1987

Mark Stiles, Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

Dear Mr. Stiles:

The North Dakota Parks and Recreation Department has reviewed the Draft North Dakota Resource Management Plan and Environmental Impact Statement and have the following comments. Our concerns focus on natural areas protection, rare flora and fauna protection, recreation including ORV area designations and Areas of Critical Environmental Concern.

**I. Alternatives**

In general, we concur with selection of Alternative C as the preferred alternative, with the following exceptions:

- 91
1. Off-road vehicle use designation under Alternative D is preferred for Big Gumbo area. This would be in alignment with our Department's administration of the state nature preserve program and the state all-terrain vehicle (ATV) program. Parts of the Big Gumbo area were identified through the Natural Heritage Inventory as requiring management as a natural area. We are also aware that the Big Gumbo has very fragil soils and vegetation, which could be destroyed by indiscriminant ORV use. At the same time the state ATV program recommends ATV use be set up in desinated areas and/or trails. The Big Gumbo might be able to provide such designated areas and trails, but more research is needed. At the very least, BLM should coordinate their activities with our Department before opening the entire Big Gumbo to ORV use certain times of the year. We might be available to recommend areas or trail locations and standards.
  2. Oil and Gas Lease Stipulations  
92  
Floodplains (page 146) "No surface occupancy (NSO) would be allowed to protect the floodplain of the Missouri River from possible pollution" should be in the preferred alternatives. There are two main reasons for this. First, the State Outdoor Recreation Interagency Council (SORIC) is presently completing a statewide rivers assessment and through a random public survey, found the free flowing stretch of the Missouri River ranked highest in the state for recreation use, conservation of natural, cultural, and recreational values, and economics. In addition, it was

ranked by SORIC as a Class 1, greater than statewide significance river. Second, the National Park Service listed the Missouri River in their final Nationwide Rivers Inventory.

**Natural Areas** Federally designated natural areas, state-dedicated nature preserves and state managed natural areas should be included as a lease stipulations to the effect that NSO would be allowed on the sites. Their township-range information should be added to the map of North Dakota Oil and Gas Lease Stipulations. These stipulations should be placed in the preferred alternative.

FEDERAL: Site	County	Township Range
74 Big Top, Two Top Mesas Fischer Lake Rush Lake Sibley Lake	Billings	T144N R101W
	Stutsman	T142N R67W
	Cavalier	T163N R62W
	Kidder	T140N R72W
STATE: Cross Ranch	Oliver	T143N R81, 82W T142N R81, 82W
		T161N R55W T129N R54W
Gunlogson Arboretum Head-of-the-Mountain Sentinel Butte Pembina Gorge	Pemina	T139N R104W
	Sargent	T163N R58, 57W
	Golden Valley	T164N R58W
	Cavalier	

**II. Specific Comments**

- 93
- A. **Areas of Critical Environmental Concern** - We are pleased to see you will consider future ACEC proposals, but question your management guidance for ACEC's (page 13) which states that "ACEC designation will be made when critical resource values cannot be made through other management actions." This guidance is in contradiction to the provisions of FLPMA which require the BLM to give priority to the designation and protection of ACEC's in the development and revision of land use plans. Also, FLPMA and the new draft ACEC guidelines (BLM manual section 1617) state that ACEC's are areas where special management action or attention is required to protect and prevent irreparable damage to important historic, cultural, scenic, and natural values or to protect human life and safety from natural hazards. We do not believe that this means that ACEC's should be designated when there are no other alternatives to management. We suggest your guidance follow the intent of the law more closely.

In regards to the three areas that were nominated for ACEC designations, we concur with your recommendations, as long as BLM ensures the critical resource values will be protected and properly managed.

For your information, a portion of the Big Gumbo site may be nominated for designation as an ACEC in the future. This could logically overlap into future resource activity plans you may be initiating for the Big Gumbo area for wildlife (page 10).

94

General Recreation Comments - As pertaining to recreation resources, all alternatives provide like consequences. We would encourage some type of recreation management and development plan for trails, camping, access for hunting, fishing, hiking, etc. Recreation areas are needed in western North Dakota to provide regional sites and opportunities not available locally. Recreation desires are quite diversified which require some type of land use planning. The BLM North Dakota Resource Management Plan does address this issue to an extent, however, further direction should include implementation of 1985 SCORP recommendations.

#### C. Threatened, Endangered and Rare Species and Non-game Species

We are concerned that throughout the planning process there has been no consideration given to threatened and endangered or rare plant species. We also are disappointed that information in the Natural Heritage Inventory data bank, which is the State's most complete single source of existing data on North Dakota's rare, endangered, or otherwise significant plant and animal species, plant communities and other natural features, was not used in the planning process. There are several steps in the planning process in which the information will be useful to the BLM. These are:

95

1. Lands Found Unsuitable, Criteria 8 and 10.
2. Populations of many of the non-game species (especially threatened, endangered and rare) listed in Appendix M (See page 45 under Other Non-game Species).
3. Multiple Use Trade-offs (we understand that Game and Fish will be commenting on this and defer to them.)
4. Special oil and gas lease stipulations for our proposed natural area criteria and for threatened and endangered species criteria.
5. Land pattern adjustment criteria (Appendix N), especially for site-specific evaluation criteria: threatened and endangered species and rare species of high interest to the state. Along this line, we recommend you include plant species as well as wildlife species.

Lastly, the Dakota Buckwheat (Eriogonum visherii) is also a federal "Category 2" species (page 43).

#### D. Oil and Gas Lease Stipulations and Leasing Restrictions (Appendix K) and Oil and Gas Processing Procedures (Appendix L).

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Besides the addition of nature preserves, state managed natural areas, and federally designated natural areas as an oil and gas lease NSO stipulation (see section on alternatives), we recommend including the areas proposed as ACEC's for NSO restrictions. Also, we question why Knife River Indian Villages National Historic Site is not given NSO protection but Fort Union National Historic Site is.

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98 Lastly, we recommend the BLM apply the same criteria in Appendix K (plus our additions) to the Application for Permit to Drill process to assess impacts and mitigate when possible.

#### B. Recreation

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Off-Road Vehicle Travel Restrictions (page 4). - In areas where ORV use does not cause significant impacts and are designated as open to ORV use, management plans should be implemented to allow trail development by interested agencies, utilizing trail standards established by appropriate agencies.

100

Off-Road Vehicle Use Designations (page 5) - Determination should be made between different types of ORV use. Four-wheel drives, all-terrain vehicles, snowmobiles, and mountain bikes are examples of specific vehicles with variable use on different terrains.

Recreation Assessment (page 48) - Your recreation assessment should include the most recent 1985 State Comprehensive Outdoor Recreation Plan (SCORP). According to the 1985 SCORP, high priority recreation opportunities which should be incorporated in the discussion of coal study areas and surface lands include:

- Motorized and non-motorized trails
- Access to recreation areas located in remote regions
- Camping
- Access to Missouri and Yellowstone Rivers
- Facilities for primitive and developed recreation areas
- Acquisition of hunting areas.

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These items were determined through public workshops located in Williston, Dickinson, Minot, and Bismarck representing western and central North Dakota. As noted, there is a need for developed recreation sites in western North Dakota. If policies of the BLM do not promote development, perhaps consideration should be given to leasing appropriate sites in specific areas recognized as prime recreation regions. Hiking, walking, and nature trails should be considered as potential recreation opportunities in coal study areas. According to the 1985 SCORP, "Trails have been listed as a priority need in every region. Bicycling, jogging, and hiking/walking are mentioned most frequently with ATV, snowmobile, nature/interpretive, and cross-country ski trails closely following."

As stated in the 1985 SCORP, responsibilities of federal agencies include:

"Developed trails and related recreation sites on federal lands in conjunction with needs addressed in the SCORP in an effort to maximize the federal estate ..."

"Cooperate with state and local governments in identification and development of water-based recreation sites within federal jurisdictions."

Recreation and Visual Resources Impacts (pages 61,70,80,89) - As demonstrated through oil and coal development in previous years, population immigration will have a definite impact on surrounding regional and community recreation opportunities. Mitigation, as stated in the plan, must address and require additional opportunities. At such time when mitigation is imminent, recommendations for high priority recreation activities as addressed in the 1985 SCORP should be followed.

**E. ORV Impacts Under Alternative C (page 77)**

We are not convinced that ORV restrictions in the Big Gumbo Area, as proposed under Alternative C, would adequately protect vegetation. Hence, we recommend Alternative D be selected for ORV use restrictions (See section under Alternatives).

**F. Land Pattern Adjustment**

101 | What is the management guidance for R & PP? We did not see it included under the Lands and Realty Section (page 11).

102 | We are particularly interested in the procedure for handling those sites identified for disposal that we have also identified as possessing high public natural resource values. In other words, we call for a planning framework which ensures that high natural resource values are not jeopardized. This pertains to, but is not limited to, the three sites originally nominated as Areas of Critical Environmental Concern and others. North Dakota Game & Fish Department previously provided a current summary of North Dakota Natural Heritage Inventory data appropriate for site-specific evaluations. We reiterate that the absence of site information does not necessarily mean that the site is not significant. The natural resource data files are expanding each year and the North Dakota Natural Heritage Inventory will provide appropriate updated information on BLM scattered tracts through the Natural Areas Coordinating Committee. Additional site information from BLM tracts visited by North Dakota Natural Heritage Inventory staff for the first time in 1986, and a summary of information on Big Gumbo will be sent under separate cover.

Thank you for the opportunity to comment. If you have any questions on these comments, please contact Pamela J. Dryer of my staff.

Sincerely,

  
Doug Eiken  
Director

DE/jar



THREE AFFILIATED TRIBES • FORT BERTHOLD RESERVATION

*Mandan, Hidatsa and Arikara Tribes*

NATURAL RESOURCES DEPARTMENT

P.O. Box 460 • New Town, North Dakota 58763 • (701) 627-3620

March 24, 1987

Mark Stiles, Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58602

RE: N. D. Resource Management Plan and  
Draft Environmental Impact Statement

Dear Mr. Stiles;

These comments are submitted regarding the above referenced documents. They are intended to be as specific as possible. The section of document being commented on will be identified and precede the comments.

**Chapter Two - Land Pattern Adjustment**

The Tribes support the consolidation of tracts within the Lost Bridge area. This consolidation is discussed in Alternative C - Preferred.

52

Where land pattern adjustment includes the possible disposal of BLM managed lands the discussion should include the possibility of the transfer of those lands to the Bureau of Indian Affairs to be held in Trust for the Three Affiliated Tribes. This is particularly true for those lands identified in Table N-1 which are adjacent to the Fort Berthold Reservation.

**Chapter Three - Air Quality**

The Three Affiliated Tribes have had an ambient air monitoring program since 1982. For the first five years the program was funded by the U.S. Environmental Protection Agency utilizing authority contained in Section 103 of the Clean Air Act. These grants allowed the Tribes to construct monitoring facilities near Lost Bridge, Twin Buttes, and the community of Dragswolf.



Mark Stiles  
March 24, 1986  
Page No. 2

Suspended particulate matter and meteorological parameters are monitored at all sites. In addition, sulfur dioxide is monitored at Lost Bridge as was hydrogen sulfide for three years. The Tribes also prepared an emission inventory and an air pollution climatological study of the reservation utilizing the Section 103 grants.

In fiscal year 1987 the tribal Air Quality Program is being funded by a Section 105 grant. A primary purpose of these grants is to develop programs to prevent and control air pollution. Using the monitoring data, emission inventory, and climatological study the Tribes are considering a wide variety of regulatory approaches. The Tribes have discussed at length the possibility of redesignating the Fort Berthold Reservation to Class I in regard to Prevention of Significant Deterioration. The redesignation of Indian reservations is authorized in Section 164 of the Act.

103 | Although, it is unlikely the Tribal Business Council will elect to redesignate the Fort Berthold Reservation to Class I, it is very likely that the Tribal Air Quality Management Plan will be significantly more stringent than the North Dakota State Implementation Plan in regard to PSD sources. It is therefore very likely that the Tribal Air Quality Management Plan would therefore affect oil and gas development west of the reservation and coal development west, south, and east of the reservation. I think it is imperative that in developing the resource management plan BLM consider what affect redesignation, or any tribal air quality regulations would have on utilization of BLM managed resources.

This topic should also be addressed in the first paragraph of the section regarding Air Quality contained in Chapter Two. The last sentence should be changed by adding the phrase "or the Three Affiliated Tribes" after (NDSDH).

#### Chapter Three - Cultural Resource Management

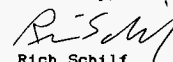
104 | In the Social Well-Being portion of this section the last sentence of the last paragraph implies that the Fort Berthold Reservation has a low proportion of tribal members graduating from high school. This is not the case. According to 1980 U.S. Census data the percentage of the Indian population on the reservation over twenty five years of age that has completed high school is approximately 59%. This figure compares favorably with the statewide figure of 66%.

Mark Stiles  
March 24, 1986  
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#### Map K-1

105 | This map shows indicates which areas would have special stipulations included in oil and gas leases issued under each alternative. Several townships on Fort Berthold have been shaded. It appears that for convenience the smallest area where special stipulations are applied for each alternative is an entire township. It appears that the only departure from this convention is Township 148 North, Range 95 West. The eastern half of this township is entirely within the reservation boundaries. Even within this portion of the township where there are no federal minerals the shading pattern varies. This departure from the norm needs additional clarification.

Sincerely,



Rich Schilf  
Geologist/Environmental Quality Coordinator

cc: Ed Lone Fight, Tribal Chairman  
101.2



**Diamond Shamrock**  
Exploration Company

March 23, 1987

Bureau of Land Management  
Dickenson District Office  
P.O. Box 1229  
Dickenson, N.D. 58602-1229  
Attn: Mark Stiles

Re: Draft North Dakota Resource  
Management Plan EIS

Dear Mark:

Diamond Shamrock Exploration Company offers the following comments  
on the subject draft EIS.

106 The decision contained in your Preferred Alternative C to make all  
federal oil and gas reserves open to oil and gas leasing is a noble one;  
however, we question why 206,117 acres of federal oil and gas leases would  
have Special Lease Stipulations applied to them in addition to Montana  
BLM Standard Lease Stipulations. Site Specific Stipulations attached to an  
approved Application for Permit to Drill would be more appropriate, as  
these Special Lease Stipulations may not be representative of an entire  
lease area. As a matter to this Special Lease question, along with Land Pattern  
Adjustment and Off-Road Vehicle Use Designations, Diamond Shamrock's  
Preferred Alternative is Alternative A - continuation of present management.

34 An area of concern to us is the BLM Montana State Office policy, which  
allows the application of Special Stipulations on leases which encompass  
split-estate lands. The BLM lacks any power to control privately owned  
surface uses other than to protect threatened and endangered species,  
and to regulate for conservation of oil and gas. Thus, BLM is not able to  
dictate surface use to private surface owners, nor to impose stipulations  
to protect privately owned surface.

Thank you for this opportunity to comment.

Sincerely,

*James M. Pachulski*

James M. Pachulski  
Sr. Environmental & Regulation Engineer

JMP:kc

Diamond Shamrock Exploration Company A Subsidiary of Diamond Shamrock  
P.O. Box 2530, Mills, Wyoming 82644



**MOUNTAIN  
STATES  
LEGAL  
FOUNDATION**

1200 Lincoln Street, Suite 600  
Denver, Colorado 80203  
303-861-0244

Mark Stiles  
Project Manager  
Dickinson District Office  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, North Dakota 58602

RE: COMMENTS ON THE DRAFT NORTH DAKOTA RESOURCE  
MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Stiles:

STATEMENT OF INTEREST

The Mountain States Legal Foundation (Foundation or MSLF),  
on behalf of itself and its members, submits the following  
comments regarding the Draft North Dakota Resource Management  
Plan and Environmental Impact Statement (hereafter Draft Plan).  
The Foundation and its members have a substantial interest in  
the resource decisions to be made in the North Dakota Plan.  
MSLF is a nonprofit, membership, public interest legal  
foundation. The purpose of the Foundation is to promote in the  
court system the principles of free enterprise, protection of  
private property rights and individual freedoms, and limited  
government regulation. Since its establishment in 1977, MSLF  
has actively litigated cases concerning the management of  
federal lands and their resources.

MSLF members in North Dakota make their living in the oil and gas, mining, energy production, and livestock grazing businesses and depend on access to federal lands and minerals. The Draft Plan's alternatives and underlying decisions directly affect their access and use of these resources.

The Foundation commends the Dickinson District for its efforts to produce a plan with a goal of true multiple use of the public lands. The Draft Plan makes an obvious effort to account for site specific uncertainty. Management decisions based upon a case-by-case analysis of particular proposals, in the light of policy set out in the overall resource management plan, is surely what was intended by the drafters of both the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701 et seq., and the Bureau of Land Management's (BLM) planning regulations.

But while the Draft Plan makes an excellent start toward achieving the goals of multiple use management, there are several areas that must be reconsidered. Despite the best of intentions, the statutorily mandated multiple use cannot be achieved if, in the course of case-by-case analysis, or even embodied in the Plan itself, there exists a preference or prioritization of one resource use over another. The Foundation's concerns about the Draft Plan are briefly summarized as follows:

- 107 | I. Multiple use lands, that is those lands not withdrawn, classified, or otherwise legally dedicated to something less than "multiple use," must be available to the uses identified in FLPMA, 43 U.S.C. § 1702 (1).
- 108 | II. The methodology of several aspects of the Draft Plan and EIS is not made clear in violation of 40 C.F.R. § 1502.24.
- 34 | III. The Draft Plan imposes surface use stipulations on split estate lands and this action is beyond the authority of the BLM.
- 109 | IV. Restrictions on the use of riparian areas should not be applied to grazing uses.
- 110 | V. Preparation of the Draft Plan and EIS was not an interdisciplinary effort in violation of 43 C.F.R. § 1610.1 (c) and 40 C.F.R. § 1502.6.
- 111 | VI. The wildlife data used in the Draft Plan and EIS is inadequate in violation of 43 C.F.R. § 1610.4-3.
- VII. The negative environmental consequences of commodity production are overstated.

Because of the breadth of these flaws, and especially because of the failure of the Draft Plan and EIS to address the methodology of some of the most critical decisions, the Plan must be submitted for comment in Draft once more after correction of these deficiencies. To do otherwise deprives the public of the opportunity to comment on the underlying basis of the decisions made in the plan, in violation of FLPMA and NEPA. The Foundation's concerns are more particularly set out below.

I. THE DRAFT PLAN AND EIS FAILS TO ABIDE BY THE  
MULTIPLE USE MANDATE OF FLPMA AND AGENCY  
REGULATIONS

107 It is clear from several aspects of the Draft Plan that multiple use as defined by FLPMA is not being implemented on the ground. For instance, in the application of the coal screens, the presence of any single conflict between coal and another multiple use "tradeoff" resulted in an area being dropped from further consideration of coal leasing. Draft Plan at 111. This process contradicts multiple use by failing to harmonize and coordinate uses and is illegal. The Surface Mining Control and Reclamation Act, 30 U.S.C. § 1272, and 43 C.F.R. § 3420.1-4 (e)(3) makes it clear that beyond the designation of areas as unsuitable for surface mining (the first coal screen) coal planning is to be done in the context of multiple use planning. FLPMA does not allow the elevation of one multiple use over another in such an arbitrary and summary way. Indeed, Congress rejected recommendations for dominant use management.

112 The Draft Plan also proposes to manage the federal surface estate as an "extensive recreation management area for dispersed, non-developed activities, e.g. hunting and trail activities." Draft Plan at 12. It is not clear that this is intended to be an exclusive use, but the exclusion of other major multiple uses violates FLPMA. That such a preference is

in fact being given to non-commodity uses is not farfetched.

107 The specific purpose of Alternative D is the protection of amenity values. To this end, the Draft Plan states explicitly that cultural resources, wildlife habitat, and recreation are favored over conflicting uses such as minerals. Draft Plan at 19. As is clear from an examination of the text and history of FLPMA, such preferential dominant use management is clearly illegal.

The definition of multiple use in FLPMA and its legislative history show that Congress intended that public lands be open to a multiplicity of uses. It is equally clear that Congress opposed the management setting of priorities on public land.

Congress specifically admonished the Secretary of the Interior to use and observe the principles of multiple use and sustained yield in the course of land use planning. 43 U.S.C. § 1712 (c)(1). The Public Land Law Review Commission (PLLRC), after specifically faulting the multiple use concept for causing management difficulties in One Third of the Nation's Land pp. 44-45, proposed that public land be managed for the highest and best use of a particular area. Id. at 48-52. Primary uses would be dominant over secondary uses, which would be allowed only if compatible with the primary use. Yet Congress rejected the PLLRC's recommendation in favor of a longstanding policy of true multiple use.

The legislative history shows that Congress considered the PLLRC recommendation but chose the status quo. FLPMA's mandate that public land be managed in accordance with the principles of multiple use and sustained yield is derived from the definitions in the Classification and Multiple Use Act (C&MUA) of 1964, 43 U.S.C. §§ 1411-1418 (expired). See, S. Rep. No. 583, 94th Cong., 1st Sess., 1, 38 (September, 1975), reprinted in 1976 U. S. Code Cong. & Admin. News 6175; also reprinted in Legislative History of the Federal Land Policy and Management Act of 1976 (1978) 66, 103, 104 (hereafter Legislative History).

Similarly, Congress endorsed the then existing land use planning process and procedures. Both the Senate and the House agreed that the land use planning section was necessary because BLM's authority expired and that explicit statutory authority to support the BLM's activities was necessary. Legislative History 110, 435. Moreover, the general mandate and criteria for land use planning was substantially the same in both the Senate and House bills. <sup>1</sup>

<sup>1</sup>s. 507, § 103(a) and (b) provided for the authority and criteria for land use plans. Legislative History at 110-111. In H.R. 13777, land use planning appeared in § 202 with an additional (eighth) objective requiring coordination with plans of state and local governments and Indian tribes. Classification review and termination were also added. Legislative History at 435-436.

Congressional intent to retain the principle of multiple use over the PLLRC recommendation is clear. The Senate report on S. 507 includes a summary of the Commission's efforts. Legislative History at 34-37. Congress considered most of the PLLRC recommendations to be meritorious, specifically noting that more than 100 were incorporated in the initial legislation. Legislative History at 35. Nonetheless, those recommendations for a 'primary use' of the public lands were rejected by Congress. The only inference that can be drawn from these facts is that, after careful study, Congress determined that multiple use was superior.

While it is true that FLPMA provides for multiple use to include the use of land for some or all resources, 43 U.S.C. § 1702(c), it does not follow therefrom that any one resource is to be given priority over another. Indeed, Congress established a concept of "principle or major uses"<sup>2</sup> which include "domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, right-of-way, outdoor recreation, and timber production." 43 U.S.C. § 1702(1). The House report explained:

The term 'principle or major uses' is defined for the purposes of Section 202 of the bill. They represent the uses for

<sup>2</sup>Termination of a major use is a management decision that must be reported to Congress. 43 U.S.C. § 1712(e).

which Congressional oversight is particularly needed. The definition does not mean to imply that other uses such as 'watershed' are not of great public significance.

Legislative History at 436. In the instances described above, the Draft Plan and EIS pit major uses against each other for "priority." Congress has already rejected any such preference in favor of harmonizing and coordinating multiple uses.

Congressional concern over restraints on multiple use of the public lands is evident from its enactment of Section 202(c) of FLPMA which provides, among other things, that in the development of land use plans the Secretary of the Interior shall use and observe principles of multiple use and sustained yield and use a systematic interdisciplinary approach to consider a variety of physical and social scientific data to arrive at a plan. 43 U.S.C. § 1712(c)(1) and (2). This section also provides for classification termination and Congressional review of the termination of a major use. 43 U.S.C. § 1712(d)(c). Congress' desire to eliminate restraints on multiple use is further reflected in Section 204(1) which mandates the review and termination of withdrawals which close the public lands to specified purposes. 43 U.S.C. § 1714(1). That Congress favored the removal of restrictions on multiple use is reflected in debate on the withdrawal review provisions. Legislative History, 670, 684, 687.

Congress has spoken clearly to this issue. Prioritization of major areas on public lands is unacceptable. To the extent that the Draft Plan and EIS does so, it violates the text of FLPMA and the policy of multiple use.

Similarly, no Bureau regulations authorize the prioritization of resource values in land use planning. In fact, the regulations are directly contrary to the concept. The principles of resource management planning, as set forth in 43 C.F.R. § 1601.0-8, expressly adopt the principles of multiple use and sustained yield in Section 202 of FLPMA. Furthermore, under 43 C.F.R. § 1610.4-4, inventory data and other information used in resource management planning must be analyzed in a way consistent with multiple use principles.

The Bureau's acceptance of true multiple use policy is explicit in its regulations for implementation of the Classification and Multiple Use Act, 43 U.S.C. §§ 1411-1418 (now expired). These regulations are especially important when it is recalled that Congress derived the multiple use principles of FLPMA from the C&MUA and did not direct radical changes in BLM's land management policies under that Act. Legislative History at 103-104, 110, and 435. 43 C.F.R. § 1725.3-1 (1985) states that no overall priority is assigned by either the C&MUA or the Secretary to a specific use on lands

retained for multiple use management. Insofar as the Draft Plan and EIS prefers some uses over others, it runs directly counter to this regulation.<sup>3</sup>

II. THE DRAFT PLAN AND EIS DOES NOT IDENTIFY THE METHODOLOGY UNDERLYING CRUCIAL DECISIONS IN VIOLATION OF REGULATION

The regulations of the Council on Environmental Quality require that an EIS identify the methodologies used and explicitly reference the sources relied on for conclusions. 40 C.F.R. § 1502.24. In five different cases the Draft Plan fails to do so. In each case this failure deprives the public of the opportunity to examine and comment upon the basis, if any, for decisions made.

Management prescriptions, described as a variety of specific management actions addressing individual issues, are not identified, nor is the process for arriving at the prescriptions explained. Draft Plan at 7. If this Draft Plan is at all similar to others already in effect or circulation, it is crucial that these prescriptions and the process for

<sup>3</sup>This policy is reflected in the agency's planning regulation designations which lie outside the scope of multiple use. These are designation of areas unsuitable for surface mining and the designation of areas of critical environmental concern, both of which are mandated by statute. 43 C.F.R. §§ 1610.7-1 and 1610.7-2.

arriving at them be subject to public comment. Prescriptions and their underlying rationale, if improperly used, have the ability to determine the outcome of the planning process well before even alternatives are developed.

Management prescriptions, goals and specific plans have not been developed for Wildlife Habitat Management. They will be developed as necessary and when an inventory for seasonal use is completed. Draft Plan at 10. The process by which these prescriptions will be developed, and their effect on other land uses, must be set out in detail. Additionally, the Draft Plan should consider what the absence of these prescriptions means to land users now, and what effect their eventual imposition will have on existing uses.

The Draft Plan imposes special stipulations for mitigation of environmental effects of coal mining. But unlike the stipulations for oil and gas leases, they are nowhere described with particularity. Draft Plan at 16. Again, this defeats the purposes of public notice and comment.

For purposes of excluding areas from coal development as a result of the multiple use tradeoff, one criteria identified areas exceeding established thresholds of regionally important wildlife habitat. Draft Plan at 16 and Appendix D. Yet again, no rationale for the designation of these areas is offered. The basis for determining these areas, indeed the underlying basis for determining the "threshold" itself must be

explained. This is especially important in light of the Draft Plan's admission that no wildlife prescriptions have been developed and that no seasonal use inventory has been completed. Draft Plan at 10.

117

Finally, no reason is offered for the use of the three criteria, all of which must be met, used to determine coal development potential.<sup>4</sup> Draft Plan at Appendix B, 107.

Absent an explanation for these decisions and the methodology underlying them, they are arbitrary. The revised Draft Plan and EIS should consider these points in detail.

III. THE BUREAU OF LAND MANAGEMENT HAS NO AUTHORITY TO IMPOSE SURFACE USE STIPULATIONS ON MINERAL LEASES UNDER PRIVATELY OWNED SURFACE ESTATE

34

In North Dakota the BLM manages 4.8 million acres of federal mineral estate, and only 67,520 acres of surface estate. It appears, however, that in leasing the mineral estate BLM intends to impose surface use stipulations, from the most standard to the most outrageous, upon leases under private surface estate. Draft Plan, Appendix K at 145. This BLM cannot legally do.

<sup>4</sup>1) Maximum 20:1 stripping ratio; 2) Maximum 200 feet of overburden; 3) Coal at least 5 feet thick. These apply to coal with over 5000 Btu/lb.

Oil and gas stipulations include standard and special stipulations. Draft Plan, Appendix K. But off-road vehicle stipulations apply to all oil and gas leases as well. Draft Plan at 19. Additionally, each oil and gas facility is allowed only one main road. Draft Plan at 12. The BLM reserves the right to include stipulations to protect the surface owner, and to include the surface owner in discussions, at lease issuance. Draft Plan at 145.

118

The special stipulations for coal mining are not set out in detail.<sup>5</sup> Draft Plan, Appendix F at 125. At least one is the banning of mining on slopes greater than 30% grade. Draft Plan at 16. This stipulation is being applied despite the Draft Plan's admission that slopes greater than 30% have been reclaimed successfully and that the North Dakota Public Services Commission (NDPSC) allows steep slope mining in certain circumstances and requires reclamation. Draft Plan, Appendix D at 111, 66. The Draft Plan further finds that application of the NDPSC reclamation requirements results in no long term impact on the soil. Draft Plan at 75.

<sup>5</sup>The certain application of surface use stipulations on private surface is underscored by the fact that of all the Coal Study Areas in the Draft Plan, only 1318.57 acres are under federal surface estate. Draft Plan at 46.



Appendix I of the Draft Plan even suggests that stipulations would be applied to an end use facility coal power plant. The impact of the facility on wildlife could be mitigated by: 1) siting the plant with regard for wildlife areas; 2) adjusting work shifts to avoid wildlife crossing roads; 3) provide mass transportation for employees; 4) provide funds for state agencies to curtail poaching; and 5) adopt a poaching clause in union contracts. Draft Plan, Appendix I at 135.

The BLM thus reserves the right to determine private surface use in conjunction with mineral leasing.<sup>6</sup> The concept seeks to accomplish mitigation under NEPA by means inadequate for that purpose. Moreover, the means create anomalies in BLM regulations.

On split estate lands, surface use has already been dictated to a large degree by the private owner. While BLM has

34

<sup>6</sup>The Draft Plan and EIS also states that where necessary to protect other resource values and to assure access to federal lands, easements and protective covenants will be imposed upon transferred patents. This is aimed primarily at patents granted for land disposal purposes. But to the extent BLM may wish to impose such restrictions on mineral patents, it is without authority to do so in the absence of specific statutory authority to withhold a reservation or exception.

the authority by virtue of nondiscretionary statutes to protect endangered species and bald eagles, and to regulate for conservation of oil and gas, it lacks any power to control privately owned surface uses. The only way to acquire such authority is to reach an agreement with the surface owner. Since the BLM does not own or control the surface it has no interest to protect.

BLM's authority to effect NEPA mitigation extends only so far as it has legal control over the mitigation measures. See e.g. Preservation Coalition v. Pierce, 667 F.2d, 851 (9th Cir. 1982); Friends of Endangered Species v. Jantzen, 760 F.2d, 976 (9th Cir. 1985). A federal agency may only assert control as far as the law permits. BLM is not in a position to dictate surface use to private owners or to impose stipulations to protect privately owned surface values.

Even as a matter of policy, the imposition of mitigation measures on private surface is a poor idea. First, the BLM has scrupulously avoided mediating between lessees and surface owners. The imposition of mitigation measures upon private land places the BLM in the very position that it has sought to avoid. Second, the BLM is essentially claiming the right to mitigation for the predicted displacement of wildlife and other resources from private lands. However, the BLM has steadfastly refused to give credit for the private owner's provision of

habitat on his private lands when assessing impacts on federal land and imposing terms and conditions for uses of federal land. This policy contradicts past policies, thereby creating anomalies that cannot be reconciled.

This pervasive regulation of private surface is beyond the scope of both the authority and duty of the BLM as defined by FLPMA. The concept represents federal zoning of private land and must be eliminated.

IV. RESTRICTIONS ON THE USE OF RIPARIAN AREAS MUST BE CONSIDERED ON A CASE-BY-CASE BASIS AND SHOULD NOT BE APPLIED TO GRAZING PERMITS

The Draft Plan states that no disturbance of riparian vegetation will be allowed except for essential road and utility crossings and that all leases, permits, and rights of any will have a stipulation to that effect. Draft Plan at 11. This stipulation is unduly restrictive and should be considered in light of site specific circumstances. Among others, it has the potential to severely affect grazing permittees.

BLM leases 53,420 acres in North Dakota for grazing. This acreage is divided into 97 allotments with 9751 AUMs. Draft Plan at 46. Despite the fact that over 1,000,000 cattle graze in the western half of North Dakota, not a single allotment is in the (I) or unsatisfactory condition category. Draft Plan at 10, 45. Restrictions on access to riparian areas means fencing

and development of new sources of water for livestock. Furthermore, cattle are not inclined to eat the vegetation in riparian areas, preferring shorter grasses. It is, rather, the wildlife that consumes riparian vegetation. Damage caused to riparian areas by animal feeding is more appropriately attributed to the mule deer, white tail deer, and pronghorn that, together, approach a population of 9.5 animals per square mile in the resource area. Draft Plan at 45.

V. THE INTERDISCIPLINARY TEAM WAS NOT REPRESENTATIVE OF THE VALUES INVOLVED AND THE ISSUES IDENTIFIED AS REQUIRED BY REGULATION

Regulations at 43 C.F.R. § 1610.1(c) and 40 C.F.R. § 1502.6 are clear. Preparation of an EIS is an interdisciplinary process and the expertise of the preparers must reflect the issues and values to be addressed. Two of the four primary values addressed in the Draft Plan and EIS are coal leasing and oil and gas leasing. Yet there was only one preparer out of thirteen who could be considered expert in oil and gas geology from the information available in Chapter Five. None of the team's credentials indicates expertise in coal mining. Draft Plan at 94-95. This situation must be remedied. The lack of an expert in coal production perhaps explains why, when

Alternative B has more coal available to be mined than does Alternative C, these two alternatives do not differ at all in the economic impact of mining.<sup>7</sup> Draft Plan at 72, 81, 82.

VI. WILDLIFE DATA IS INADEQUATE TO SUPPORT THE DECISIONS MADE.

120 A myriad of wildlife stipulations on oil and gas leases are proposed by the Draft Plan and EIS. And yet no wildlife inventory for seasonal use has been completed. Draft Plan at 10. Stipulations for elk and bighorn sheep are set out in detail, yet to the knowledge of the BLM there is no elk winter range or calving habitat and no bighorn sheep winter range in the resource area. Draft Plan at 19, 146. In fact, there are evidently few, if any, bighorn sheep in the area. Draft Plan at 59. While site specific consideration of wildlife habitat will of course reveal more refined data, decisions concerning the environmental effects of various activities on wildlife have been made in the absence of useful data.

121 In short, the requirement for a systematic, interdisciplinary approach to land use planning based on useful

<sup>7</sup>Although minor, the identity of impact suggests a lack of reasonable alternatives which is required by the National Environmental Policy Act, 42 U.S.C. § 4321 et. seq.

↑ inventory data and information collection, required by PLPMA at 43 U.S.C. § 1712(c)(2) and by regulation at 43 C.F.R. § 1610.4-3, has been disregarded. A meaningful analysis of the management situation based on fact and consistent with multiple use principles is required by 43 C.F.R. § 1610.4-4. But in the absence of decisions based on fact no such analysis can legitimately have occurred. The Draft Plan is therefore arbitrary.

VII. THE ENVIRONMENTAL IMPACTS OF COMMODITY DEVELOPMENT ARE OVERSTATED.

Given the high degree of mitigation and reclamation required by both BLM and the State of North Dakota, the negative environmental impacts associated with commodity development by the Draft Plan and EIS are significantly overstated. In fact, based on information contained in the Draft Plan itself, it is safe to say that any impact will be minimal to slight.

122 Oil and gas exploration and development, for instance, is said to impact recreation and visual resources by limiting hunting and presenting a long term visual intrusion. Draft

Plan at 25. Furthermore, the standard stipulations alone, it is said, are inadequate to protect wildlife. Draft Plan at 69. But in the preferred alternative, standard stipulations are augmented by special stipulations to protect wildlife. Draft Plan at 78. Furthermore, reclamation of commodity producing sites improves habitat diversity. Draft Plan at 132. Thus, even without the special stipulations<sup>8</sup> the end result is to the benefit of hunters and wildlife. Visual standards, up to and including camouflage, are imposed on oil and gas leases to protect the visual resource.<sup>9</sup> Draft Plan at 80. The impact of oil and gas exploration and development on soils and hydrology is characterized by the Draft as slight and minimal respectively. Draft Plan at 66, 67.

<sup>8</sup>Which, as discussed earlier, are not based on a factual analysis of the wildlife resource.

<sup>9</sup>Again, it would appear that this surface use restriction will be applied on non-federal surface estate. In these circumstances this mitigation measure is even more absurd than others when compared to the BLM's conclusion that a coal fired power plant will be of benefit to the visual resource as a landmark and to break up an otherwise monotonous horizon! Draft Plan at 135.

123 The effect of mining on wildlife results from the degradation of native prairie and wooded draws.<sup>10</sup> Draft Plan at 131. But this conclusion does not take into account that 70% of the land in Coal Study Areas is cropland which can be reclaimed and does not have the characteristics of the habitat for wildlife. Draft Plan at 49.

124 The negative social impacts attributed to commodity development -- fragmentation of the community, crime, overcrowding -- overstate the problem. Draft Plan at 26. In a day of agricultural collapse and relatively high unemployment, the social benefits of employment opportunities, social and economic expansion and diversity, and increased tax revenues, far outweigh the meager, and really speculative, disadvantages that can be identified. Draft Plan at 51, 52, 81, 82.

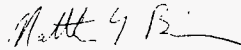
125 The Draft Plan's attempt to blame poaching and harassment of wildlife on increased access as a result of legal and legitimate endeavors is unreasonable. Draft Plan at 137. The presence of a road, for instance, does not force an individual to poach. Legitimate activity should not be held accountable for the criminal acts of others.

<sup>10</sup>The Draft Plan concludes that there is no formally designated habitat for threatened and endangered species, nor are there any threatened and endangered plant species in the resource area. Draft Plan at 43, 44. The preferred alternative has no impact on threatened and endangered species. Draft Plan at 77. Because of their absence from the resource area, together with mitigation required by statute, no alternative could adversely impact threatened and endangered species.

CONCLUSION

The Foundation urges the correction of the Draft Plan as suggested in these comments. It is hoped that the BLM will undertake to resubmit the Draft Plan for public comment upon those aspects of the planning process heretofore not available for review.

Cordially,



Matthew Y. Biscan  
Mountain States Legal Foundation



United States Department of the Interior  
NATIONAL PARK SERVICE

ROCKY MOUNTAIN REGIONAL OFFICE  
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Denver, Colorado 80225

IN REPLY REFER TO:

L7619 (RMR-PP)

MAR 25 1967

Memorandum

To: Mark Stiles, Project Manager, Dickinson District Office,  
Bureau of Land Management

From: Associate Regional Director, Planning and Resource Preservation,  
Rocky Mountain Region

Subject: Draft North Dakota Resource Management Plan/Environmental Impact  
Statement, Dickinson District Office, Bureau of Land Management  
(DES 86/0049)

This memorandum constitutes National Park Service (NPS) comments on the subject draft Resource Management Plan/Environmental Impact Statement (RMP/EIS), prepared by the Bureau of Land Management (BLM). We have arranged our comments in the order of the individual environmental conditions or resource management programs presented in Chapter IV - "Environmental Consequences."

We appreciated the opportunity to comment on this well-organized draft Resource Management Plan/Environmental Impact Statement, and we look forward to working with you to resolve mutual concerns as the final document is being prepared.



Richard A. Strait

Enclosure

DRAFT NORTH DAKOTA RESOURCE MANAGEMENT PLAN/  
ENVIRONMENTAL IMPACT STATEMENT

DICKINSON DISTRICT OFFICE  
BUREAU OF LAND MANAGEMENT

Air Quality

Air quality is a special concern of the National Park Service (NPS) because Theodore Roosevelt National Park is a Class I air quality area. Air quality modeling has determined that the Class I sulfur dioxide (SO<sub>2</sub>) increments for the park have been exceeded. Scientific examination of SO<sub>2</sub> sensitive plant species in the park indicate that present levels of that pollutant are reaching the threshold at which damage may occur. That threshold may be reached with any additional development of SO<sub>2</sub> sources (oil and gas wells, mine-mouth coal-fired power plants) in the vicinity of the park.

The draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has identified areas in the vicinity of the park for both oil and gas and coal development. Because the coal is primarily lignite, which is difficult to transport, power plants utilizing the lignite would have to be built near lignite mines. The NPS will review any future individual oil and gas or coal/power plant proposals and permit applications near the park for their possible adverse impacts on SO<sub>2</sub> sensitive resources in the park.

Because the SO<sub>2</sub> increments are exceeded in the park, potential lease applicants should be aware that NPS certification of no adverse impacts on park air quality related values would be required as a condition of receiving necessary air quality permits. We have enclosed language the NPS recommended be included in the Bureau of Land Management (BLM) Notice of Sale for the South Wibaux-Beach tract of the Round One Fort Union Coal Lease Sale (July 29, 1983, memorandum to the Fort Union Project Manager). The enclosure discusses a coal lease applicant's responsibilities under the Clean Air Act, including NPS certification of no adverse impact, and the limited alternatives available for obtaining an air quality permit.

In 1983 it was determined that three coal tracts proposed for leasing in the Fort Union Basin near Theodore Roosevelt National Park would cause SO<sub>2</sub> concentrations at the South Unit of the park to be exceeded. The NPS Air Quality Division did a study which determined that no unacceptable adverse effects on air quality related values were expected to occur from coal development associated with three permit proposals for coal and three permit proposals for natural gas processing. However, they did find that SO<sub>2</sub> concentrations from those proposed facilities approached the threshold levels known to produce effects on certain sensitive plant species in the park.

The draft RMP/EIS now proposes leasing coal in three additional coal study areas near the park, which will likely increase SO<sub>2</sub> concentrations there.

40 On page 31, Table 3-1 or Table 3-2 should include a column reflecting the number of times that State or Federal air quality standards were violated per location. In Table 3-2 the two State standards for hydrogen sulfide have the identical footnote, which is incorrect. The 75 ug/m<sup>3</sup>, 1/2-hour average cannot be exceeded more than twice in 1 year, not twice in 5 days.

Minerals

BLM's preferred alternative--identifying 571,388 acres as acceptable for coal leasing and 460,394 acres for oil and gas leasing--poses significant threats to Theodore Roosevelt National Park, Knife River Indian Villages National Historic Site, and Fort Union Trading Post National Historic Site. The draft RMP/EIS inadequately addresses the cumulative effects of such leasing. Coal mining and oil and gas operations are currently regulated on a case-by-case basis. Although individual proposals can be reviewed and modified to minimize immediate and localized impacts, cumulative effects cannot be determined or adequately addressed under the current review system.

No methodology has been devised or implemented to date to adequately assess the cumulative effects that additional coal mining and oil and gas developments would have on the character of the NPS-administered areas in North Dakota. We recommend that BLM provide additional time to assess, and possibly mitigate, the cumulative effects of increased mineral development on NPS units in North Dakota.

The draft RMP/EIS states on pages 56, 65, 74, and 84 that it is highly unlikely that all of the coal and oil and gas acceptable for further consideration would be developed, based on recent downward trends and various restrictions. Therefore, significant impacts to the park units may not even occur with the proposed alternative. However, if BLM's preferred Alternative C is adopted and all the minerals leased, owners of the lease have a right to develop. If this occurs, stipulations could minimize (but not prevent) adverse impacts from taking place to the NPS units. Due to the potential impacts to Theodore Roosevelt National Park, we recommend that Alternative D be modified as follows:

1. Do not lease coal in the following townships, or lease only under the condition that no processing sites be located in these townships.

a. Dickinson Coal Study Area

141N,R99W	141N,R98W	(*tracts already excluded under
142N,R98W	142N,R99W	multiple use trade-offs and
143N,R98W	140N,R99W*	unsuitability criteria)
139N,R99W*	138N,R99W*	

b. Golden Valley Coal Study Area

142N,R105W	141N,R105W
140N,R105W	139N,R105W

c. Eikhorn Coal Study Area

148N,R99W	148N,R98W
149N,R98W	

127 2. BLM does not justify isolated tracts for disposal in Alternative D, but recommends retaining all public land. Due to the difficulty in managing isolated tracts, we recommend that the surface land section in Alternative C which identifies isolated tracts for disposal replace the surface land section in Alternative D.

128 In reference to the maps for Alternative D, Map 3 - Dickinson Area has some omissions of the coal screens in the Dickinson Coal Study Area. In Township 141 North, Range 99 West, Sections 20 and 30 are improperly designated as Federal coal open to leasing. Alternatives B and C maps show portions of these sections "screened-out" from further consideration by surface landowner opposition. Given the complexity of the mapping we are sure this is simply an oversight, but we felt it should be mentioned given the proximity of these lands to Theodore Roosevelt National Park.

129 Only Map K-1 (Oil and Gas Stipulations) shows the location of Knife River Indian Villages National Historic Site; it is omitted on all the management alternative maps for the Beulah Area. On Map K-1, the location of Fort Union Trading Post National Historic Site is omitted. These omissions may limit the ability of the general public to analyze the various alternatives and their implications for these areas.

97 We are pleased that BLM has proposed special stipulations under Alternatives C and D for any Federal oil and gas leases within 3-1/2 miles of Fort Union Trading Post National Historic Site, to protect the historic viewshed of the area. However, we note that Map K-1 shows the area around Knife River Indian Villages National Historic Site as having special stipulations, under Alternative A only, for future oil and gas leasing. It is our understanding that BLM has determined that no Federal oil and gas is located within 3-1/2 miles of the Knife River NPS unit.

130 Under Alternative D, a "No Leasing" designation is proposed on 99,497 acres, providing long-term protection to several important natural, cultural, and recreational resource areas. We support this designation for these lands, but believe that the statement on page 85--which says that by removing these lands from leasing "irreversible impacts" will result--is inaccurate. Unless these lands are to be officially withdrawn from oil and gas leasing, an administrative closure can be reassessed at such time as the document is revised. As it is written, the statement provides little flexibility for future considerations and thus could be perceived by some interests as a permanent closure and a negative impact, thereby reducing the desirability of this alternative. We agree, of course, that any drainage from Federal reserves--caused by nearby State or private wells--which might occur during the closure is irreversible in terms of royalties to the Federal government. However, for these areas this may be an acceptable trade-off between resource values.

#### Soils

131 We are concerned that coal mining on slopes of 25-30% may be difficult to reclaim and therefore have high erosion potential. Such erosion could affect productivity of the reclaimed area and add to stream siltation problems, including drainages into parklands. On page 111, the draft RMP/EIS states that "... industry has successfully reclaimed small areas of extreme slope." While it may be possible to reclaim small areas of extreme slope, the final plan should reevaluate the inclusion of areas over 20% slope for further consideration. In this regard, on page 34 the document states that 24% of the surface over Federal coal in the tracts is hilly, with steep slopes greater than 15%. The Soil Conservation Service Land Capability Classes (LCC's) lists slopes greater than 15% in LCC's VII and VIII. LCC's VII and VIII are listed as either having a low potential for reclamation (LCC VII), or being unsuitable for reclamation (LCC VIII).

The draft RMP/EIS states that 79,478 surface acres above Federal coal are on slopes greater than 30% and 165,509 acres are on slopes between 15% and 30%. Alternatives A, B, and C propose mining on slopes up to 30% and Alternative D states that no slopes over 15% will be mined. It is our recommendation that no slopes over 15% be mined because of the difficulty in reclaiming the land. On page 74, the document states that most of the 165,509 acres on slopes between 15% and 30% have already been excluded from other coal screening criteria. However, the actual number of acres excluded are not specifically identified in the draft RMP-EIS.

#### Hydrology

132 Buried valley aquifers are afforded protection under Alternatives C and D. Because large-scale coal mining can severely disrupt ground water aquifers on which most farms, ranches, towns, and the various NPS units depend, the NPS wishes to be consulted on special aquifer stipulations to be incorporated on any leases in the Dickinson and Elkhorn Coal Study Areas (CSA's).

133 There is some discrepancy in the draft RMP/EIS on protection of buried valley aquifers between Alternatives C and D. Under the summary section, Alternative C mentions protection of 12,318 acres of buried valley aquifers and Alternative D does not identify any acres for protection. On page 16, under coal leasing, Alternative C does not mention protection of aquifers. On page 19, under coal leasing, Alternative D mentions protection of buried valley aquifers by excluding the areas from coal leasing, but no acres are identified. In the table on page 23, Alternative C includes protection of 12,318 acres, but Alternative D does not identify any acres for protection. On page 76, Alternative C mentions 12,318 acres, and on page 86, Alternative D identifies 70,809 acres for protection of buried valley aquifers. However, Appendix F, on page 125, identifies 110,120 acres protected under Alternative D. The document needs to be corrected in the various sections to ensure consistency.

87 Several rivers flow through or adjacent to the various NPS units and water quality is an important consideration. Prevention of coal mining impacts from acid mine drainage and increased sediment loading should be addressed in general in this plan and specifically in any future coal leasing program and

↑ associated National Environmental Policy Act (NEPA) documents. With the number and acreage of CSA's upstream from Knife River Indian Villages National Historic Site along the Knife River, there is significant water quality degradation potential.

#### Vegetation

134 Woody draws and wetlands adjacent to parklands are valuable wildlife habitat and key watershed areas. We believe such areas exceed the value of coal and oil and gas reserves, and should be excluded from further consideration for leasing. Alternative A identifies 47,373 acres of woody draws to be impacted from coal development, Alternative B identifies 29,387 acres, Alternative C identifies 16,771 acres, and Alternative D identifies 6,117 acres.

#### Wildlife

135 The protection of wildlife habitat, including woody draws, is maximized in Alternative D and adequate in Alternative C. A greater degree of flexibility is preferable, however, to take into account expanding habitat use by big game species, new raptor nesting sites, and other changes. Such habitat changes may often extend into parklands. The reapplication of the wildlife unsuitability criteria for coal development, and habitat reconnaissance as a part of the oil and gas leasing process, are necessary at the specific activity planning stage.

136 We recommend that the stipulations pertaining to golden eagles and prairie falcons on page 146 be revised. By simply protecting known raptor eyries and not protecting potential habitat, BLM is not considering possible expansion of a population. Specific habitat requirements should be identified for each species of raptor (e.g. height of eyries, exposure, height of cliff, etc.). Once these parameters are identified for each species of raptor, similar unoccupied habitats should be identified and protected to allow for expanding populations. The peregrine falcon's comeback in recent years is a good example of an expanding population. Because of the success of the recovery program, areas never before documented to have peregrines are now occupied by nesting pairs. Also, eyries that were abandoned in the 1950's have recently been reoccupied.

137 We question the seven-year break-off point for protection of nests as mentioned on page 146. Old stick nests may survive up to 15 years. If a ledge or tree has been used once by a raptor, the ledge or tree met an ecological requirement for that species, and may be used again years later. Great-horned owls, red-tailed hawks, golden eagles, and ravens have all used nests built by other birds. Previously occupied and potential raptor habitat should be identified and protected to the greatest extent possible. In general, though, we compliment the authors on their extensive efforts to quantify and protect wildlife habitat in the CSA's.

#### Lands and Realty

138 The NPS recommends that the land exchange process as presented in Alternative C should go forward regardless of the management alternative finally selected. The BLM will probably identify some scattered tracts with high cultural or natural resource value which should be retained, but the consolidation of public domain surface would facilitate management of natural, cultural, and recreational resources.

#### Recreation and Visual Resources

139 The NPS would prefer the best protection from off-road vehicle (ORV) disturbance to vegetation, soils, and wildlife on public lands adjacent or draining into parklands. We recommend ORV use in the Big Cumbo area and other areas of consolidated public domain lands should be limited to maintained roads from March 1 through June 1, and be limited to roads and trails the remainder of the year, except as permitted in grazing and other leases. Though not mentioned in the draft RMP/EIS, State law prohibits vehicle use off of established roads and trails during hunting seasons.

On August 2, 1979, the President issued a directive which requires that: "Each Federal Agency shall, as part of its normal planning and environmental review process, take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory prepared by the Heritage Conservation and Recreation Service in the Department of the Interior. Agencies shall, as part of their normal environmental review process consult with the Heritage Conservation and Recreation Service prior to taking actions which could effectively foreclose wild, scenic, or recreational river status on rivers in the Inventory."

Since that time, Heritage Conservation and Recreation Service responsibilities with regard to Nationwide Rivers Inventory (NRI) streams have been transferred to the National Park Service.

All or part of three NRI stream segments are found in North Dakota. They are the:

1. Pembina River from the Red River to the Canadian Border which is listed as having outstandingly remarkable scenic, geologic, and wildlife values;
2. Missouri River from Square Butte Creek to the Oliver/Mercer County line and from the Knife River to Garrison Dam which is listed as having outstandingly remarkable scenic, recreational fish, wildlife, historic, and cultural values; and,
3. Little Missouri River from Lake Sakakawea to Marmarth, North Dakota, which is listed as having outstandingly remarkable scenic, recreational, geologic, fish, historic, and cultural values.



On September 8, 1980, procedures for interagency consultation to avoid or mitigate adverse effects on rivers in the NRI were published in the Federal Register (copy enclosed). These procedures require agencies proposing actions to:

1. Determine whether the proposed action could affect a NRI stream;
2. Determine whether the proposed action could have an adverse effect on the natural, cultural, and recreational values as listed above for the NRI stream segments;
3. Determine whether the proposed action could foreclose options to classify any portion of the inventory segments as wild, scenic, or recreational river areas; and,
4. Incorporate avoidance/mitigation measures into the proposed action to the maximum extent feasible within the Agency's authority.

140 We cannot find any discussion of how the subject draft RMP/EIS would affect the eligibility and the natural, cultural, and recreational values of the above-listed NRI stream segments. This is probably an oversight, as we can find no indication that either the Nationwide Rivers Inventory or the Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory were consulted in the preparation of this document. Questions on the NRI or on the enclosed procedures may be directed to Mr. Duane Holmes at FTS 776-8705 or commercial (303)236-8705.

We recommend extensive revision of the materials on visual resources contained in the draft RMP/EIS. Setting the tone was the statement on page 135 that "Large structural features of a power plant or mine would imply a visual importance for orientation, or the stark architectural lines and pure planes of color contrasting with the simple curvilinear landforms of the countryside can be considered positive." Although this may be true to someone who works at the power plant, a visitor to a national park will likely not have a positive impression of a power plant or mine within view of the national park.

141 We have enclosed language used in the visual resource impact portion of an EIS for a coal mine near Bryce Canyon National Park. It summarizes visitor reactions to mining visible from park viewpoints. This language might be of help to BLM in rewriting this section of the document.

The discussion in Appendix I on perception of a power plant is not objective. "Neglecting cultural bias" is an impossibility. The presence of a power plant in the general landscape would be considered positive by some individuals, such as a plant employee, but may be considered negative by others, such as a long-time area resident, who may not feel he needs "relief from a relatively uniform countryside." This paragraph should be expanded to reflect both sides of the issue, if not, we recommend that the discussion be eliminated from the document. As it is written, we feel this paragraph is highly subjective and does not demonstrate the appreciation many people have for the prairie environment. There is no mention in Appendix I of plumes that may be produced from coal-powered facilities by the burning of lignite.

142 An important visual resource not addressed in the draft RMP/EIS is night sky views of the stars. Because of the relatively flat terrain in western North Dakota, mining operations and power plants developed near NPS units could degrade night sky viewing from within the parks. The NPS recognizes night sky viewing as an important resource. The document should address night sky viewing as an important resource in Chapters 3 and 4, and should discuss impacts from potential processing sites.

The draft RMP/EIS states (page 80, second paragraph) that protective buffer zones may be necessary to protect high visual qualities of specific lease proposals or during activity planning around the Missouri Breaks and Lake Sakakawea. We recommend that the three NPS units be considered high resource values for planning purposes, and that operations that would be visible from Theodore Roosevelt National Park, Knife River Indian Villages National Historic Site and Fort Union Trading Post National Historic Site be adequately buffered to minimize the visual intrusion.

Several tracts in the Washburn CSA would create visual impacts to Knife River Indian Villages National Historic Site, as the tops of mining equipment and associated dust would be visible from the park. Because of these impacts, we recommend that the following tracts be dropped from further consideration for leasing:

143 SW $\frac{1}{4}$  Sec. 32, T145N, R83W  
NE $\frac{1}{4}$  Sec. 02, T144N, R83W  
NE $\frac{1}{4}$  Sec. 10, T144N, R84W  
NW $\frac{1}{4}$  Sec. 12, T144N, R84W  
SE $\frac{1}{4}$  Sec. 04, T145N, R83W

These tracts are located on the top edges of the Missouri River breaks, at higher elevation than the river bottomlands where the NPS unit is located. As an alternative to deletions, stipulations specifying dust abatement, quick removal of the mineable material and mining equipment from the viewsheds, and timing season of operations to avoid summer mining should be included in any leases for these tracts of Federal coal.

The comments above are made in terms of visual impairment from mining equipment, dust, and facility construction and associated noise impacts only. We are greatly concerned with the Dickinson and Elkhorn CSA's because of their proximity to Theodore Roosevelt National Park, as discussed below.

144 As a first preference, no Federal coal should be leased for other than small-scale "backhoe" mining operations in that portion of the Dickinson CSA west of U.S. Highway 85 and north of Interstate Highway 94. However, as an alternative, restrictive stipulations would be placed on those tracts which the BLM would recommend for development near Theodore Roosevelt National Park.

The areas described above are within the viewshed of the Buck Hill and Boicourt Ridge vistas as designated in the approved Record of Integral Vistas for the park (1980) prepared as required in the 1970 Clean Air Act, as amended. The impacts described above could severely affect the visual and aesthetic quality of these vistas if major development occurred.

Also, as a first preference, no Federal coal should be leased for other than small-scale "backhoe" mining operations in those portions of the Elkhorn CSA located in T148N, R99W; and T148N, R98W; Sections 7 (S $\frac{1}{4}$ ), 17 (W $\frac{1}{4}$ ), 18, 19, and 20. However, as an alternative, restrictive stipulations could be placed on those tracts which the BLM would recommend for development near Theodore Roosevelt National Park.

These areas are within the viewshed of the eastern portion of the Theodore Roosevelt National Wilderness Area created by Congressional Act on November 10, 1978, as an addition to the National Wilderness Preservation System. It is incumbent on Federal agencies to maintain the values for which the wilderness areas are established. The Buckhorn Trail (12 miles), which traverses the eastern portion of the wilderness, is traveled by hikers and horseback riders during most periods of the year. On Stevens Plateau the trail offers a panoramic view of the countryside to the north, east, and south. In addition, the Bentonitic Clay Overlook on the park's scenic drive looks east by northeast directly toward the southern portion of the Elkhorn CSA. The view from the overlook was identified as an important visual resource in the 1980 Record of Integral Vistas. Both this overlook and the Stevens Plateau views are located at elevations approximately equal to or slightly higher than the general elevation of the Elkhorn CSA. In addition, leasable lands within the Elkhorn CSA are within 1/4-mile of the park boundary and 1-1/4 miles of the wilderness area. Development of a large-scale mining operation would severely impact the visual resources of the park and wilderness area.

No major power-generating and/or coal-powered facility should be constructed as a result of Federal coal leasing, or the utilization of Federally-leased coal, within: T141N, R99W; T140N, R99W; T139N (Dickinson CSA); for the Elkhorn CSA: T149N, R98W; T148N, R98W; and T148N, R99W; for the Arnegard CSA: T148N, R101W; and T149N, R100W. Appendix I of the draft RMP/EIS presents the scenario of a generic coal-powered end use facility. The description of this generic facility includes a 600-foot stack which could be visible up to 30 miles away (p. 135). A stack of this height, due to Federal Aviation Administration (FAA) regulations, would be required to have several sets of strobe warning lights. A single flashing strobe light on a 300-foot tall radio tower, 1-1/2 miles from the South Unit boundary of Theodore Roosevelt National Park is visible during the day at a distance of 6 miles and at least 18 miles at night. A stack with a much larger diameter and twice the height would have extreme aesthetic impacts from many high points along scenic drives, nature trails, and scenic overlooks. Besides the stack, the structure itself would be huge and serve as a focal point, dominating the surrounding landscape, as indicated above. The generic plant would require adjacent roads, powerlines, surge ponds, and railspurs. We have proposed excluding construction of such a facility within a minimum 7-to-10-mile distance from the park units. Given the potential visual impacts, we do not believe this is unreasonable.

#### Cultural Resources

Pages 12 and 13 of the draft RMP/EIS fail to address the situation in which BLM and the North Dakota State Historic Preservation Officer (SHPO) may not agree on the eligibility of a site. It should state what procedures or actions would be taken in the event that the SHPO believes that a site is eligible and BLM believes otherwise.

The document should give an example of a case in which neither mitigation or avoidance of adverse effects to eligible cultural resources may be possible (see page 13, paragraph 2). In the same paragraph, the final sentence--"Further, if the federal undertaking is of great public benefit, in relation to the significance of the cultural resources, damage to or destruction of cultural resources may be considered an acceptable loss."--fails to define who will make the determinations of "benefit" and "acceptable loss." For example, the document should state the degree to which the Advisory Council on Historic Preservation is involved in the determination. While the draft RMP/EIS addresses the identification of eligible cultural resources, it fails to adequately explain how BLM will determine if actions "potentially affect cultural resources" (page 12, column 2, paragraph 2 of the section on Cultural Resources). The document should clearly define the requirements for archeological survey by qualified personnel prior to any ground-disturbing activity on Federal lands or associated with Federal action, as such activity could "potentially affect cultural resources."

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145 On page 61, column 2, last paragraph, "Class II survey" should be explained. In fact, somewhere (perhaps on pages 12 and 13) the full survey process needs to be explained.

146 On page 62, column 1, paragraph 3, and elsewhere, the draft RMP/EIS makes subjective determinations of the adequacy of data recovery methods--in most cases "to minimize direct adverse impacts." We do not believe that this can be determined except on a case-by-case basis.

147 On page 62, "Other Mineral Estate," and elsewhere in the document, it is stated that "Standard stipulations require that lands . . . are examined to determine if cultural resources are present . . ." This statement fails to define the nature of the examination and by whom it would be performed.

148 Also, Alternatives A and D, "Other Mineral Estate" fail to address avoidance by relocation, as provided in Alternative B. Avoidance of damage to cultural sites should be included in all alternatives.

#### Paleontology

149 Paleontological remains are an important resource of Theodore Roosevelt National Park. Such resources could extend from the park onto adjacent public lands. On page 13 of the draft RMP/EIS, there is no mention of any provision for pre-Federal action surveys for paleontological resources. Under all alternatives, the document recognizes the lack of systematic paleontological

↑ investigations for CSA's and other lands. All alternatives for "Other Mineral Estate" refer to Montana BLM Standard Stipulations as provision for protection of paleontological resources after discovery and report. In addition, there is the provision for a subjective determination of significance prior to protection or salvage. In "Other Mineral Estate" the plan recognizes the potential "for impacts to occur to significant paleontological resources" (emphasis added) yet dismisses the "risk of impacts" under the Standard Stipulation as "slight." There is, as the plan clearly states, no requirement under the Montana BLM Standard Stipulations to identify paleontological resources "prior to an authorization" for development. Nevertheless, if a survey is to be conducted, and we believe one should be, it should be stated in the plan, along with the requirements of the survey and qualifications of the surveyors. Also, a statement is needed as to who will make the "evaluation and management decision" concerning the disposition of the resources discovered during construction.

Because, as the draft RMP/EIS points out, there is such a lack of information available to North Dakota land managers regarding paleontological resources, BLM might consider developing a site-specific summary document of geological resources similar to the BLM document recently prepared for Colorado. ("Faults, Fossils, and Canyons;" Geologic Advisory Group, 1986)

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150 | The document does not discuss North Dakota State laws regarding paleontological resources. According to one source, the State considers paleontological resources to fall into the category of cultural resources.

151 | Given the information in the draft RMP/EIS, it would appear that paleontological resources could be adversely affected by the lack of pre-action surveys to identify such resources; this would increase the likelihood of destruction or damage prior to discovery/recognition. Furthermore, the plan fails to provide for professional evaluation of the "significance" of paleo-resources in project areas prior to the decision on disposition.

Lease Stipulations

This was not an individual environmental condition or resource management program with a major heading in the "Environmental Consequences" section of the draft RMP/EIS. However, as we have already expressed (especially with regard to air quality) lease stipulations are a special concern for NPS.

152 | Lease stipulations in sensitive areas are not always sufficient protection for park resources. The document should discuss the use of stipulations, including technical feasibility, implementability, and enforceability. Additionally, the document should discuss what measures will be taken if resource damage occurs because stipulations either failed or were not implemented.

For example, in 1982, an oil well was drilled within one mile of Natural Bridges National Monument in southeast Utah. The well was not a producer and standard procedures were followed in abandoning the well. In 1985, a park

ranger hiking in the area noticed a large vegetation kill zone in a woody draw below the old drill pad. It was soon discovered that the well had been improperly plugged and brine water from the well was contaminating soil in the draw and killing the vegetation. It was also discovered that the park's water well, which was one mile from the oil well, was contaminated with the brine water. The brine water had been slowly contaminating the freshwater aquifer under the monument for several years. It should be noted that the Natural Bridges staff was opposed to the drilling of the oil well in 1982, but were assured that stipulations would prevent negative impacts to the environment.

153 | Additionally, the draft RMP/EIS (page 21) states that special stipulations identified in the plan generally represent the minimum restriction necessary to protect sensitive resources (emphasis added). Stipulations are specific requirements, based on mitigation measures that have been identified and developed in the environmental review process. Stipulations are inserted into mineral operation proposals for the purpose of preventing or mitigating detrimental effects to resources. Sensitive or critical resources should have maximum (not minimum) restrictions necessary to protect them.

154 | An example of a minimum stipulation in the document that may not help the resource is the stipulation proposed to protect bighorn sheep wintering ranges. Protection of the winter range will work as long as exploration activities cause minimum damage to the environment and no oil or gas well goes into production. However, if a well becomes a producer, or seismic activities cause significant disturbance, the bighorn sheep could abandon the range. Examples include the documented negative results of oil and gas exploration and development on caribou in Alaska and bighorn sheep in Nevada. The key to bighorn sheep management is habitat protection. If potential winter ranges for bighorn sheep are identified, protection of the habitat must be year round.

Summary Comments

Given the inherent difficulty in addressing cumulative impacts, BLM selection of a modified Alternative D would provide additional time to assess the cumulative effects of increased mineral development on Theodore Roosevelt National Park, Knife River Indian Villages National Historic Site, and Fort Union Trading Post National Historic Site. We recognize that the final RMP will provide a 10-to-15-year overview, and that proposed large-scale projects would be subjected to specific environmental analysis. Nevertheless, selection of a modified Alternative D would allow BLM to amend, revise, or replace the RMP at a later date, after thorough cumulative impact analyses are completed, without jeopardizing NPS and other resources in the interim.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET—SUITE 500  
DENVER, COLORADO 80202-2405

Ref: 8PM-EA

MAR 25 1987

Dean Stepanek, State Director  
Bureau of Land Management  
222 North 32nd Street  
P.O. Box 37800  
Billings, Montana 59107

Dear Mr. Stepanek:

In accordance with the our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Region 8 Office of the Environmental Protection Agency (EPA) has completed its review of the Draft North Dakota Resource Management Plan and Environmental Impact Statement. The following comments are for your consideration as BLM moves forward on this recommendation for multiple use management on public lands.

155 We note that the proposed action includes consultation with state and federal wildlife management agencies regarding mitigation aspects of oil and gas leasing, coal leasing, and surface land management. Such consultation is more likely to be achieved as proposed if specific agreements are reached with these agencies. Through such agreements, early identification of resource conflicts and means to avoid conflicts can be obtained. We suggest that the final EIS specifically state how the consultation process will take place. For instance, certain isolated tracts have been marked as important to wildlife habitat and these tracts could be transferred to management agencies capable of maintaining and enhancing wildlife habitat values. BLM should describe how it will notify interested parties regarding future resource development actions affecting such selected tracts. Perhaps it would be useful to report periodically, say every five years, to these agencies summarizing the actions proposed and taken regarding isolated tract management.

156 With respect to describing the existing environment, we think the EIS is deficient in its description of the conditions of grassland conditions. The previous grazing EIS for North Dakota public lands also was deficient in this regard. In recognition of the practical difficulties in protecting native woodland from overgrazing, BLM should further emphasize the need to develop alternative water sources to attract cattle away from these critical areas.

157 EPA suggests that the final EIS analyze compliance with the State ambient and emission standards for hydrogen sulfide. A table showing the baseline air quality conditions for each existing major oil and gas field would be appropriate. A brief description of each major producer's means of compliance with the State-promulgated criteria would be useful to assess the impact of current and future gas sweetening operations.

ROUTING	INITIAL	DATE	DATE
SD			
ASU			
SA			
EEO			
PA			
MR			
LCRN			
DR			
ADM			
ACTION			
PLUNG			

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158 It appears that little field work has been accomplished to date to document the possibility of endangered or regionally rare plants. There appears to be the opportunity within each coal study area and oil and gas lease area to have these surveys completed prior to lease area selection. The final EIS could include a description of the opportunity for these surveys and the procedures to follow if important rare plants exist upon potential coal or oil and gas lease areas.

159 BLM Riparian Area Management Policy describes riparian areas as among the most productive and important ecosystems on the public lands, affecting essentially all other resource uses and values, and thus deserving special protection. (See "BLM Riparian Area Management Policy," January 26, 1987.) EPA supports this policy and the water quality benefits that may result from healthy riparian lands. Even though there are very few riparian areas on the North Dakota public lands, perhaps all of these areas could be selected as demonstration areas consistent with the BLM policy guidance. Successful protection of riparian areas on the public lands may provide a useful example to the private land owner.

According to the procedures EPA uses to rate the adequacy of a draft EIS, the Draft North Dakota Resource Management Plan and Environmental Impact Statement will be listed in the Federal Register as Category EC-2 meaning EPA has environmental concerns with the proposed action and requests additional information. EPA suggests that the EIS be improved to address the items listed above. Please contact Mr. Weston Wilson of my staff at PTS 564-1703 if we can provide further explanation of these comments.

Sincerely,

*Robert R. DeSpain*  
for Robert R. DeSpain, Chief  
Environmental Assessment Branch

cc: Bill Dickerson, EPA, Washington, D.C.  
Mike McKenna, North Dakota Game and Fish Dept. Bismarck  
Stan Zehmoler, U.S. Fish and Wildlife Service, Bismarck

# NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

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Phone: (701) 221-6300

Mark Stiles  
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March 24, 1987

March 24, 1987

Mark Stiles  
Bureau of Land Management  
Dickinson District Office  
P.O. Box 1229  
Dickinson, ND 58602-1229

Re: Comments on Draft  
RMP/EIS.

Dear Mark:

We have reviewed the Draft Resource Management Plan and Environment Impact Statement (DRMP/EIS) for North Dakota. Our comments address the five major issues as follows:

- 1) Coal Leasing
- 2) Land Pattern Adjustment
- 3) Oil and Gas Leasing
- 4) Off-Road Vehicle Use
- 5) Surface Management/Livestock Grazing

We have directed our comments where appropriate for each issue to three aspects of each program - A) past coordination and general perspective; B) support of or suggestion for change in proposed management; C) additional planning and coordination needs in activity planning and implementation stages.

## 1) Coal Leasing

A) Our position on coal leasing has been developed through six years of intensive involvement in this complex, controversial issue. NDD&F Department has been convinced from the beginning that coal leasing and subsequent development could take place in N.D. on a very significant scale without excessive adverse impacts to wildlife and related recreation. From the beginning we have accepted that both national energy needs and broad economic benefits dictate that substantial quantities of Federal coal in N.D. would be made available for leasing and development. The question from our perspective has always been one of how to insure that coal development avoid critical habitat, minimize impacts to important habitats and insure reasonable resource trade-offs.

Dale L. Henneg  
COMMISSIONER

Charles H. Schroeder  
DEPUTY COMMISSIONER  
3/24/87

In cooperation with BLM and the USFWS, our Department was involved in comprehensive habitat typing and field review of all CSA's from 1981-1984. In cooperative application of criteria 9, 10, 11, 12, 13, 14 and 15, a very thorough and detailed assessment of wildlife habitat and potential wildlife populations within all CSA's was accomplished. This information ultimately allowed a very reasonable application of wildlife criteria and also contributed to multiple resource screening and development of habitat thresholds for each CSA. Transmission of and coordination on information relative to application of wildlife criteria and final recommendations on multiple resource screens and wildlife thresholds was accomplished over a six year period and involved numerous formal and informal com-muniques and meetings.

- B) The North Dakota Game and Fish Department supports preferred alternative C with regard to coal leasing. While alternative D offers a greater withholding of leaseable lands and more extensive protection of wildlife habitats, we believe alternative C provides adequate protection and offers an overall balance which is much more likely to be successfully implemented.

In addition to lands withheld under the unsuitability criteria, we believe the key aspects of the preferred alternative with regard to wildlife resource protection are the application of the multiple use screens and the establishment of habitat thresholds within each CSA. Through these mechanisms important wildlife habitats within each CSA are sufficiently protected to insure that current wildlife populations within each CSA and it's general surrounding area will not be jeopardized. Substantial impacts to local wildlife populations may occur within certain CSA's during early phases of development, but because of habitat thresholds and with stipulated reclamation of other important habitats a certain minimum habitat retention is assured while mitigation through reclamation occurs. In light of the substantial economic, legal and political pressure that is likely to accompany future coal development initiatives, we believe this flexible approach to wildlife resource protection is appropriate and, possibly, the only viable way to proceed with coal leasing in North Dakota.

- C) The entire process of moving coal leasing forward to the RMP/EIS stage has been very challenging for our Department. We recognize the difficulty of front end loading any planning process to the extent that this has been. Data collection has resulted in a very lengthy process, but has for the most part been successfully completed.

There is, however, one additional wildlife data need for future screening use that has not been completed. That relates to rare plants and animals and exemplary natural communities relative to the

State of North Dakota. We realize that the incompleteness of available data and the absence of officially designated state lists did not permit earlier screening. We further recognize that existing criteria, multiple resource screens and wildlife threshold screens will overlap with rare plant and animal screens. This should mean that additional screening will identify only a few and limited potential conflicts. We believe that an adequate, appropriate and timely additional screening for these resources can be accomplished in activity planning subsequent to tract delineations and in any applications to lease.

Relative to the RMP/EIS we, therefore, recommend the following additions to the selected alternative.

- The RMP should document the need to screen for rare plants and animals and exemplary natural communities during activity planning. The scope and significance of impact to any species occurrences would then be evaluated and additional areas protected if necessary. Additionally the RMP should document the need for activity planning to screen for areas designated under state natural area registry programs.
- The final RMP should also document that listings and appendices of Federal T/E and State rare plant and animal species will be updated at activity planning stages and used for final screening.
- Finally, the RMP should acknowledge on page 45 under Other Nongame Species that there is a considerable body of information on known occurrences of rare plants and animals and exemplary natural communities that will be consolidated, updated and used in activity planning stages.
- The NDG&F Department in cooperation with N.D. Public Service Commission will continue coordination with BLM to insure that the best available information on these resources can be used in a timely screening.

## 2) Surface Lands

- A) NDG&F Department involvement in the land pattern adjustment program has also spanned several years. In 1983, our Department conducted a comprehensive review of BLM surface lands to identify significant wildlife resource occurrences, to recommend lands that might be suitable for transfer to or cooperative management by our Department or other public agencies, and to suggest areas where BLM might consider retention and consolidation of ownership to enhance public land management opportunities.

In 1986, at BLM's request, our Department expanded our review to include identification of known and likely occurrences of rare plants and animals and exemplary natural communities. This review also

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included identification and nomination of three tracts that might be suitable for designation as Areas of Critical Environmental Concern (ACEC).

During the past 4-5 years, we have worked with BLM to suggest means by which their unmanageable land pattern might be adjusted without divesting the public of important values and opportunities. We have supported and, we trust, helped to develop the concept of land exchanges to consolidate BLM lands into manageable units that might incorporate into public lands important wildlife values on adjacent private land as an equitable trade for lands of disposed of. We have urged BLM to approach this problem cautiously since a partial land pattern adjustment would do little to meet their needs, but might result in disposal of only those lands most vulnerable to surface ecosystem destruction via cultivation.

- B) We are satisfied that BLM has adequately considered the information and recommendations we have provided with regard to protection of game and high interest wildlife resources in land pattern adjustments. We understand and support BLM's desire to simplify its land pattern. While we are doubtful that many of the small scattered parcels can be sold and urge BLM to proceed slowly with disposals, we generally agree that most BLM scattered parcels offer no significant public land management opportunities and privatization of most parcels would, for the foreseeable future, have a neutral or positive overall effect. We believe that the proposals under alternative C provide the most reasonable scale and means to proceed with land pattern adjustments.

While we concur with BLM's preferred alternative proposal, we caution that rare plant and animal information used to screen parcels for disposal was and remains incomplete. It was not feasible for us to do a tract by tract review of disposal categories and priorities for each alternative for all tracts which maybe disposed of. We support the general guidelines and criteria, set forth in Appendix N, under which land pattern adjustments and disposal decisions were made. We recommend, however, that the RMP be amended under alternative C to state that the 22,819 acres of lands approved for disposal will be additionally screened during activity planning to insure that significant rare plant and animal resources or exemplary natural communities are not jeopardized through disposal. We believe this would serve as a final, detailed checkpoint for disposal of lands that may support appreciable natural resource values.

- C) Continued coordination during activity planning as lands are made available for disposal or exchange will be essential to completion of rare plant and animal screening and data collection. Additional information from BLM tracts visited by our staff for the first time in 1986 will be sent under separate cover. Also, we will be sending

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a summary of information on the Big Gumbo area potentially including nomination of a portion of that area for designation as an area of Critical Environmental Concern (ACEC).

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We further recommend that the BLM tract recommendations sent to BLM in May, 1986, addressing 15 known and 26 possible occurrences of rare plants and animals and exemplary natural communities be further considered in the RMP. It is appropriate to acknowledge existence of this information under Appendix N under Disposal Criteria No. 4, with some indication that management transfer for the highest priority parcels will be pursued as soon as possible.

3) Oil & Gas Leasing

- A) During development of issues and early draft phases of the RMP and over the past 4-5 years, our Department has worked with BLM on numerous occasions on a variety of oil and gas leasing and development issues. In April, 1985 we formally provided input to the oil and gas leasing issue as addressed in the RMP. We believe we have adequately familiarized BLM with our concerns and suggestions with regard to wildlife resource impacts and necessary protective considerations.

Our position with regard to oil and gas leasing on the areas covered by this RMP must necessarily consider a much broader perspective. Throughout perhaps 95% of North Dakota's surface lands, oil and gas leasing and development creates little significant impact to wildlife. Only in those few heavily wooded, rugged, undeveloped portions of the state and on major lakes and rivers, is there potential for significant conflicts with sensitive wildlife species. The badlands and breaks of the Little Missouri and Missouri Rivers in western North Dakota are among the few oil developmentally sensitive parts of the state. It is, from our perspective, an unfortunate fact that this is also that portion of the state which contains very significant oil and gas reserves. Badlands portions of western N.D. have already undergone substantial development and wildlife and related aesthetic and recreational values have been substantially negatively impacted. We believe, therefore, that all future federal oil and gas leasing decisions must thoroughly consider and be tempered by the need to minimize cumulative future impacts to this limited sensitive area.

We have, over the past six to seven years, worked exhaustively with the U.S. Forest Service and BLM to develop an appropriate oil and gas leasing program for the Little Missouri Grasslands which encompasses much of this area. In our opinion tremendous misjudgements were made in past federal leasing programs. Past decisions and policies have led to excessive, unnecessary impacts and continue to greatly restrict opportunities to improve the situation. Opportunities to

appropriately protect surface resources are largely limited to withholding or adding stipulations to leases as they expire. "No leasing" decisions are generally met by stern opposition and are difficult to justify. We believe, therefore, that NSO stipulations should be expanded where ever appropriate. Throughout most if not all BLM lands, NSO stipulations would allow development, but would protect remaining undisturbed crucial habitats. In light of the extensive amount of land already held by producing leases, the total relative amount of land affected and the added expenses of offset drilling are appropriate and necessary restraints on cumulative impacts on all federal lands in western North Dakota.

- B) None of the alternatives for oil and gas leasing strikes what we believe to be an appropriate balance between efficient development and necessary protection of wildlife resources. In our view alternatives A, B & C do not provide necessary wildlife protection, while alternative D prevents leasing over an excessively large area. Alternative C comes closest to an appropriate balance and we, therefore, recommend the following minor changes be made in that alternative.

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- 1) Elk calving range and bighorn sheep lambing areas, when and if identified, should either not be leased or leased with NSO stipulations which provide a  $\frac{1}{2}$  mile buffer around identified areas.

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- 2) Leasing in rugged badlands topography in the Lost Bridge area should allow NSO stipulations to prevent road building and well siting in narrow, wooded badlands canyons. The USFS has developed standards and guidelines for NSO leasing in identical areas of the L.M.N.G.. We recommend the BLM adopt similar guidelines and include under alternative C a general commitment to allow NSO stipulations on portions of the Lost Bridge area which are unsuitable for road and well construction.

- 3) Federally designated natural areas and state-dedicated nature preserves should be included in areas where NSO stipulations are allowed. The following is a partial list of township-range information which should be added to the N.D. lease stipulation map.

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Federal:	<u>Site Name</u>	<u>County</u>	<u>Township-range</u>
	Fisher Lake	Stutsman	T.142N., R.67W
	Rush Lake	Cavalier	T.163N., R.62W
	Sibley Lake	Kidder	T.140N., R.72W
	Big Top, Two Top Mesas	Billings	T.144N., R.101W

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State: Cross Ranch                    Oliver                    T.143N., R.81,82W  
   T.142N., R.81,82W  
   T.161N., R.55W  
   T.129N., R.54W  
   T.139N., R.104W

Because this is not a complete listing we recommend the RMP include a statement to allow the addition of such areas as they are made available.

4) Off-Road Vehicle Use

A) In April, 1985, the North Dakota Game and Fish Department commented in specific on Off-Road Vehicle Use. In North Dakota we view this as a very minor issue. We are unaware of any significant demand for ORV use or any substantial surface resource damage related to ORV use on BLM lands.

B) In light of the almost non-existent demand and very low ORV use, we see no reason BLM land should be open to ORV use. We realize ORV restrictions would be largely unenforceable. Minor instances of unauthorized ORV use already occur and will continue to be undetectable and presently cause no significant harm. None the less, appreciable ORV use on any BLM lands in North Dakota would probably create significant vegetative damage, soil erosion, wildlife harassment or conflict with other uses. To open the Lost Bridge area and all scattered tracts outside the Big Gumbo area will send a false message to the public, will discourage BLM staff from problem identification, and will make closure of conflict areas more difficult and controversial. We, therefore, recommend all BLM lands be closed until such time as unauthorized use or specific demands dictate a site specific impact assessment and a decision to open certain lands.

At a minimum, we request tracts in the Lost Bridge area be closed to ORV use. This badlands area contains primarily thin, highly erosive soils, steep slopes and rugged terrain. The presence of elk and other sensitive wildlife in the area further dictates that ORV use should be discouraged even if it cannot be actively eliminated through enforceable regulations. ORV use in the Lost Bridge area should be authorized only if there is a specific demand and an environmental assessment determines there would be no significant conflicts.

C) Continued coordination based on identifiable demand or detectable unauthorized use will be essential to identifying areas that should appropriately be made available for ORV use.

Mark Stiles  
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March 24, 1987

5) Surface Management/Livestock Grazing

A) In April, 1984, our Department commented extensively on the Draft North Dakota Grazing Environmental Impact Statement. Our comments were highly critical of that document and recommended a complete rewrite of the Draft EIS. In spite of our criticisms and without a redraft or significant change in the final EIS, BLM approved that document and issued a Record of Decision authorizing the EIS and preferred range improvement alternative in March of 1985.

The majority of our criticism of the Grazing EIS were based on procedural deficiencies and a lack of data supporting the preferred alternative. Many of our specific comments were responses to what we viewed as unsubstantiated, generalized and often incorrect subjective assessments of habitat conditions on BLM lands and cause and effect relationships between livestock grazing and wildlife habitat conditions.

We recognize that under any feasible alternative, opportunities to substantially improve habitat conditions through livestock management on BLM lands are quite limited in North Dakota. While BLM acknowledged the possible existence of generic problems, our primary objection to the Grazing EIS was that it did not identify specific existing problems.

C) Our previous objections notwithstanding, we believe the Grazing EIS establishes and the RMP carries forward a general management direction for livestock grazing that can lead to improved habitat conditions and better balance in this program. The key to doing so will be increased problem identification and treatment through allotment management planning and other activity planning. NDG&F Department will make staff available to assist BLM in habitat condition assessments and in suggesting wildlife management objectives and priorities through the AMP process.

In summary, the NDG&F Department is generally satisfied with the proposals made in the Draft RMP/EIS. BLM is to be commended for the conscientious job done in the coal leasing proposals. With consideration and addition of the recommendations we have made herein incorporated into the final proposals, we believe BLM will have adequately considered wildlife resources in management planning for North Dakota. We look forward to working with BLM in future planning and implementation stages and offer our assistance wherever possible.

Sincerely,

Date L. Hengar  
Commissioner

cg



## DICKINSON PUBLIC MEETING — JANUARY 27, 1987

- 162 | The BLM should consider excluding the Green River watershed from further consideration for coal leasing due to the potential for future municipal water development.
- 163 | How does the RMP preferred alternative affect the existing oil and gas leasing program?
- 164 | Will special oil and gas lease stipulations be added to existing operations or existing leases?
- 165 | Does the plan propose any special stipulations relating to H<sub>2</sub>S flaring?
- 166 | How will the RMP affect the present oil and gas-related responsibilities of the BLM and U.S. Forest Service in North Dakota?
- 167 | How many acres of No Surface Occupancy restrictions are placed on oil and gas leases under the preferred alternative? What types of environmental factors and how large of an area will be protected using No Surface Occupancy stipulations?
- 168 | What kind of success has BLM had in effecting land exchanges?
- 127 | It appears that, logically, Alternative D should include consolidation of scattered tracts. Wouldn't consolidation of scattered tracts and the subsequent enhanced resource management be more consistent with the general Alternative D theme of amenity protection?
- 169 | How are groundwater and aquifers considered in the plan? Important aquifers should be protected.
- 170 | Would the Federal government lease in a bypass situation if the surface owner was against coal mining?
- 171 | What coal leasing options are available to BLM?
- 172 | Why would out-of-state coal companies drop surface lease agreements they have held for many years?
- 173 | What is the chance of North Dakota's oil and gas industry rebounding, and when?

## WILLISTON PUBLIC MEETING — JANUARY 28, 1987

- 174 | Who makes the final decision on the RMP?
- 175 | Is the final decision based upon staff and public input?
- 176 | Did we review other RMPs to ensure state-to-state and RMP-to-RMP consistency? Did we handle minerals in the same way as other RMPs?
- 177 | What documents were used to formulate this RMP? Did BLM rely on outdated discussions presented in old plans or use updated information? Factors associated with mineral development have changed greatly since earlier BLM plans were released.
- 178 | Will this plan change our present Notices To Lessees?
- 179 | Do the prescriptions in this plan follow existing state laws? There appears to be a great deal of duplication in state requirements and BLM requirements in relation to oil and gas development.
- 167 | Is most of the acreage of federal oil and gas receiving special lease stipulations under Alternative C for the protection of wildlife?
- 62 | Applying special oil and gas lease stipulations to federal oil and gas may just shift the impacts to adjacent state or private lands. These impacts might be worse than without special lease stipulations and at an added cost to industry.
- 180 | Will BLM lease small tracts of federal oil and gas if the No Surface Occupancy restrictions include the entire tract?
- 181 | How much does drilling really affect wildlife? There are many instances where wildlife have not been affected or even benefitted from drilling.
- 182 | It appears that little restriction of off-road vehicles has been proposed. Doesn't off-road vehicle use impact wildlife in the same way oil and gas development can?
- 183 | Isn't it more effective for BLM to just sell isolated parcels rather than trying to manage them?
- 183 | Why should BLM try to exchange scattered lands rather than just disposing of them?
- 184 | Can anyone other than U.S. citizens buy public lands?
- 185 | Why are some areas closed to oil and gas leasing in Alternative D but open to leasing with special stipulations under Alternative C?

- 164| The map illustrating oil and gas lease stipulations shows entire townships as having stipulations? Does that mean that all federal oil and gas within that township will be leased with special stipulations?
- 186| Will special lease stipulations be applied to federal minerals located under private surface?
- 187| How will private minerals located under BLM surface be handled?
- 188| What percent of our scattered public lands fall within Coal Study Areas or within special oil and gas lease stipulation areas?
- 189| Can the RMP be changed at a later date? Who initiates an amendment? Can the public require an amendment?
- 190| Map K-1, portraying oil and gas lease stipulation areas, is unclear. How can you tell which areas have special stipulations under current management and which areas will be added under the preferred alternative?
- 191| Does the plan consider lands and minerals located within the Little Missouri National Grasslands?
- 192| Does the plan recognize county master plans and zoning plans?
- 193| How do the No Surface Occupancy stipulations affect buried pipelines?
- 194| Have coal companies been cancelling lease agreements with landowners because BLM excluded areas from further consideration?
- 195| If energy markets were to rebound, would the Williston area support any coal mining?
- 196| The reference to Appendix N on page 15 is incorrect.

## **HAZEN PUBLIC MEETING – JANUARY 29, 1987**

Restrictions placed on coal mining by the BLM result in unnecessary costs to the coal mining companies. Draglines are constantly being moved to avoid federal coal because of unnecessary restrictions on mining. Costs resulting from this are damaging the North Dakota coal industry and are resulting in layoffs of mine employees.

The present federal coal royalty rate of 12.5 percent is excessive. There is no way for North Dakota lignite to compete with other states' coal paying such a high royalty. The excessive royalty rate makes federal coal so undesirable that companies will bypass it. Bypass results in increased costs and is indirectly putting persons out of work.

- 197| Water wells and springs emanating from lignite represent important resources to the landowners in the area and are closely related to property values. There needs to be some form of mitigation required which protects the wells and springs of landowners located near mines. BLM should put stipulations on leases to ensure protection of off-site waters.
- 198| What are the reasons for the wildlife threshold tradeoffs in the Washburn Coal Study Area? Is there some way BLM can establish a scenic vista threshold for the Knife River Indian Villages Historic Site?
- 97| There should be oil and gas leasing stipulations for the protection of the seen area around the Knife River Indian Villages Historic Site.
- 129| The boundary of the Knife River Indian Villages Historic Site is not portrayed on the coal maps.
- 199| The document makes the replacement of mine spoil as an aquifer sound too good. Disturbance of the lignite aquifer will have widespread adverse impacts on water quality and quantity, water available for plant use, etc.
- 183| The BLM should not sell public lands outright.  
 More air quality monitoring around Great Plains Coal Gasification Plant and sour gas producing oil fields is necessary. The State Department of Health should perform unannounced spot checks on air quality.  
 Independent air quality monitoring groups should be established (e.g., citizens groups).  
 The State Department of Health should analyze the gasification plant emissions using gas chromatography.
- 200| Coal companies should be required to mine all seams. Leaving part of the coal sacrifices long-term benefits for short-term gains.

## **BOWMAN PUBLIC MEETING – FEBRUARY 3, 1987**

- 201| Appraisals of public lands available for disposal are too high. There is no way to make farming or ranching pay with such high land costs.
- 202| Is it possible for BLM to exchange public lands for private lands one-for-one?
- 201| Appraisals use comparable sales from throughout the county but should only look at sales in the western portion of the county.

- 201| Appraisals should be based on the value of the land's production, not comparable sales.
- 201| BLM appraisers have not visited all of the tracts appraised. Accurate appraisals cannot be made without being on the ground.
- 202| Can BLM exchange public lands located within the Alternative C consolidation area?
- 203| BLM's initial attempts at exchange pooling in Bowman County were perceived as threats to landowners.
- 203| BLM's exchange proponent used high-pressure tactics to coerce landowners during the Rhame, North Dakota meeting.
- 201| How recent are the comparable sales BLM uses in their appraisals? How often are BLM appraisals updated?  
Consolidation of public lands in Bowman County is a good idea. There should continue to be public lands available for multiple uses in Bowman County.
- 204| Recreationists should be required to stay on existing roads and trails to avoid soil and vegetation loss.
- 204| During wet periods, travel should be restricted to main roads.  
Recreational use of scattered tracts does result in indirect impacts to surrounding landowners.
- 205| How will BLM regulate recreation use? Will BLM build facilities such as campgrounds?
- 206| What does BLM mean by the term "endangered species?"
- 207| Sage grouse are scarce in North Dakota and should receive special attention in BLM's management.
- 208| Landowners should be given the first opportunity to purchase public lands within their farm or ranch boundaries.

# RESPONSE TO PUBLIC COMMENTS

The following are responses to each identified comment or question. Each response has been numbered to correspond with the numbered comments.

Responses are in the form of: (1) explanations or clarifications, (2) changes made to portions of the draft that have been reprinted in this document, and (3) changes to be made to portions of the draft that have not been reprinted. All significant changes made to reprinted portions are indicated by bold type within the body of this document. All changes to be made to the portions of the draft not reprinted are listed under the section titled "Errata and Changes to Text" immediately following this section of the document.

**1** Regulations guiding the general development of this plan and EIS are cited throughout Chapter One, 43 CFR 1600, 43 CFR 3420, 43 CFR 3460, and 40 CFR 1500. Also, citations for more specific management actions or analyses are made throughout the document.

**2** Issue-specific objectives, resource allocations, and management actions are presented in Table 2-1 of this document. Objectives, allocations and specific actions (where known) for non-issue resources and programs are outlined under Management Guidance Common to All Alternatives, Chapter Two. Changes have been made to Management Guidance Common to All Resources to clarify the resource or program objectives.

The four alternatives analyzed in detail were selected because: (1) they addressed the four planning issues, (2) they met or partially met the planning criteria, (3) they presented a reasonable range required by NEPA, (4) they met the requirements of FLPMA and regulatory multiple-use mandate, (5) they met the resource-specific legal, regulatory, and policy requirements, and (6) they included land use allocations and management actions implementable by the BLM.

In several instances the range of actions specific to any one resource was limited by legal and regulatory requirements. This was especially true in the case of coal. The coal planning process (43 CFR 3420.1-4) allows flexibility only in the assessment of multiple-use tradeoffs. The alternatives presented in the plan provide a range of multiple-use tradeoffs by assessing varying degrees of protection for steep slopes, wildlife habitats, buried-valley aquifers, utility systems, etc. Multiple-use tradeoffs which do not vary by alternative are limited by the planning criteria or the inflexible nature of the required protection (e.g., MINUTEMAN missile silos).

**3** See pages 68, 125, 145, 153 and 154 of the draft RMP for wetlands and pages 125, 146, 153 and 154 of the draft RMP for riparian habitats. Also see Chapter Two, Management Guidance Common to All Alternatives, Wildlife Habitat Management, and Appendix B, this document.

**4** See Appendix H, page 132, of the draft RMP for a discussion on mitigating loss of woody draws. As a multiple-use agency, BLM is not required to exclude every woody draw from the CSAs. Any woody draw not screened out at this time and

encountered during activity planning will be closely scrutinized.

**5** Buried-valley aquifers are protected under both Alternatives C and D. In Alternative C buried-valley aquifers will be evaluated during site-specific analyses and again during mine permit and plan review for protection or development on a site-by-site basis. In Alternative D these aquifers have been dropped from further consideration.

**6** See changes made to Appendix B, Multiple-Use Tradeoffs, this document. Isolated spots with slopes greater than 30 percent may not be included in areas dropped from further consideration. The Dickinson BLM planning staff feels that areas excluded from further consideration because of the 30 percent slope tradeoff are being effectively protected. Using a 20 percent slope cutoff figure would include too much area of lesser slopes and areas between 20 and 30 percent that can be effectively mined and reclaimed. Industry and PSC comments during the Southwest and McKenzie Williams MFPs indicated that 30 percent would be a more realistic cutoff than 20 percent based on past experience. Areas with slopes between 20 and 30 percent will be closely analyzed on a case-by-case basis during activity planning to determine suitability for mining and reclamation.

**7** See changes made to Appendix B, Multiple-Use Tradeoffs, this document.

**8** See "Errata and Changes to Text," Chapter Four, Introduction, page 55.

See revisions to Identification of Areas with Coal Development Potential, Appendix B to this document.

Appendix H, Soil and Reclamation Potential, has been revised. See "Errata and Changes to Text," Appendix H, page 129-130.

**9** Appendix B, Application of Coal Screens, of this document presents the specific factors involved in the application of the four coal screens in this RMP. Also see Chapter Two, Management Guidance Common To All Alternatives, Minerals, of this document and Chapter Two, Alternative A, Coal Leasing, of this document for discussion of Alternative A. Some of the differences in coal

screen criteria appear throughout the discussion for Alternative A, Chapter Four of the draft. Also see changes made to Chapter One, Purpose and Need, this document. Differences in coal screen criteria over recent years appear in the document Federal Coal Management (USDI 1985) and are discussed in the Final Supplement to the Federal Coal Management Program EIS (USDI 1985).

**10** See changes made to Chapter Two, Designation of Areas of Critical Environmental Concern, this document.

**11** Management guidance common to all alternatives, which includes decisions from past planning and environmental documents and policy regarding non-issue resources or programs, is presented in its entirety in Chapter Two. Maintenance and Operation management actions include those actions necessary to complete, maintain, or operate existing management commitments. Maintenance and Operations is a policy statement for BLM in Montana and the Dakotas which is used primarily for annual budget development; bringing into focus those actions or activities which require a minimum amount of management attention each year. Maintenance and Operations includes items such as completion of ongoing land use plans, response to outside inquiries or applications, and maintenance of existing facilities. The detailed Maintenance and Operations policy statement for BLM in Montana and the Dakotas is available for public review at either the Dickinson District Office or Montana State Office.

**12** PSD increments and AAQS are two distinct requirements of the Clean Air Act and are not comparable numbers.

**13** Coal mine dust does not exceed the 250 tons/year requirement to be a PSD source so a PSD review is not necessary. However, the mine still consumes increment which could have been available to other sources and therefore, any associated PSD source (coal conversion facilities like electric generation facilities) could not contribute significantly to the PSD increment. With the consumption of increment by a non-PSD source (coal mine), an associated PSD source (coal conversion facility emitting 375 lbs/hour or 1300.5 tons/year) would most likely contribute significantly to the PSD increment.

Local sampling of coal mines occurred across the United States during the development of the PSD and AAQS of the Clean Air Act and they continue as permit conditions dictate. The results of continued sampling may be obtained from the NDS DH. The BLM is not proposing any local sampling. It is not within our administrative jurisdiction but that of the NDS DH.

**14** In our analysis we assumed the emissions from the generic facilities had received treatment by

the best available control technology currently available to treat gas streams.

The measurement of 375 lbs/hour is a rate of flow and can only be expressed as a concentration for a given volume.

**15** Chapter Two, Air Quality, this document.

**16** Potential impacts to air quality cannot be properly assessed until site-specific proposals are made. Thus, it would not be appropriate to exclude lands from further consideration for the leasing or exchange of coal at this time under the multiple-use tradeoff screen. See Chapter Two, Air Quality, this document.

**17** The City of Dickinson's municipal watershed does not meet the requirements for protection under criterion 17 (i.e., not committed by a federal surface management agency). Thus, it was protected under the multiple-use tradeoff coal screen.

**18** See Hydrology, page 130 of the draft RMP for a discussion of surface coal mining impacts to the ground water system. Site-specific impacts will be addressed during coal mine activity planning or response to applications.

**19** Buried-valley aquifers were addressed in Alternative C. See Hydrology, page 76 of the draft RMP.

See Hydrology, page 130 of the draft RMP for a discussion of surface coal mining impacts to the ground water system. Site-specific impacts will be addressed at coal mine activity planning.

**20** As this is a general land use plan, the reclamation section under Topography and Soils in Chapter Three of the draft RMP provides an overview of soils and their reclaimability. This was indicated by the discussion of LCCs and the broad generalizations that can be made from them. Though a drastic form, surface mining is a type of mechanical land treatment. Normally the favorable chemical and physical properties (medium texture, low sodium and salinity, neutral to slightly alkaline pH, etc.) that put soil in a high LCC (II, III) will make that soil well suited for agriculture and reclamation. Generally soils in the lower LCCs (VII, VIII) pose greater problems to agriculture and likewise to reclamation.

**21** Mining and reclamation of sodic soil areas allows soils such as Rhoades to be removed and replaced with suitable plant growth material of better quality and higher productivity than was originally there.

**22** We feel the 1/2 inch = 1 mile scale of the County General Soil Survey Reports is adequate for the broad planning concept of the RMP. If and when

- any specific proposals are identified for activity planning or lease-by-application, detailed county soil surveys at a scale of 1:20,000 or 1:24,000 will be used. See Appendix A to this document.
- 23** Chapter Three, Topography and Soils, has been revised. See "Errata and Changes to Text," Chapter Three, page 34.
- 24** See Appendix H, page 130, of the draft RMP. SMCRA dates from 1977. Bond release has not occurred on lands under this law because of the ten year performance period. The next ten years (1987-1997) should see some reclaimed lands come up for bond release. We feel our discussion of re-establishment of woody plants and native prairies and proposed mitigation measures has indicated our concern. Also see Appendix B, Multiple-Use Tradeoffs, Wildlife Threshold, this document.
- 25** North Dakota PSC, Reclamation of Surface-Mined Land Regulations: 69-05.2-22-02 and -03 Performance Standards allows for the substitution of introduced species for native if approved by the Commission. The approved native grassland seed mixture must include species that will provide a diverse, effective, and permanent vegetative cover with seasonal variety, succession, and regenerative capabilities native to the area.
- 26** See changes made in Appendix B of this document.
- The identification of significant areas of surface owner opposition did involve a degree of subjectivity. The assessment of opposition required a complex application of some or all of the eight decision factors presented in Appendix B of this document. The factors were applied in the order presented, giving greatest weight to the number of surface owners involved and acreage included under the "opposed" responses. Size, location, and number of existing leases were reviewed only in instances where application of the higher weighted factors was inconclusive.
- To reduce both the real and perceived subjectivity involved in our assessment of surface owner opposition, three open houses were held to discuss the consultation process with landowners with whom we consulted. Two coordination meetings were also held (July 19, 1985 and April 3, 1986) between representatives and affiliates of the Dakota Resource Council and BLM staff responsible for identifying areas of significant opposition. The purpose of these two meetings was to discuss, specifically, the application of the eight decision factors.
- 27** BLM must follow the surface owner consultation regulations as stated in 43 CFR 3420.1-4 and Section 714 of SMCRA.
- 28** See Appendix B to this document.
- 29** Appendix I, Economic and Social Conditions, has been revised. See "Errata and Changes To Text," Appendix I, page 137.
- 30** Severance tax is paid in lieu of property tax on the minerals. Local mine property taxes would still be paid (Office of State Tax Commission, pers. comm.). The dispersion of coal severance taxes is explained in detail on page 51 of the draft.
- Appendix I, Economic and Social Conditions, has been revised. See "Errata and Changes To Text," Appendix I, page 137.
- 31** Appendix I has been revised. See "Errata and Changes to Text," Appendix I, page 140.
- 32** See changes made to Appendix B, Lands Found Unsuitable and Land Acceptable With Stipulations, this document.
- 33** We acknowledge that more maps depicting resources would be helpful to the reader. However, budget constraints and the presentation of a manageably-sized document are a problem. We have tried to use the maps to depict the bottom line of our alternatives. Interested parties should visit our office to view maps or contact the Dickinson District Office for more detailed information.
- 34** See Appendix C to this document.
- Lease stipulations are proposed for the development of federal minerals underlying federal, state and private surface. The stipulations represent mitigation measures necessary to avoid or minimize adverse effects. The responsibility and authority for the development and use of these mitigation measures are established by NEPA and FLPMA, and corresponding regulations.
- Regulations implementing NEPA require Federal Agencies to "Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment (40 CFR 1500.2(e))." Environmental impact statements are required to include appropriate mitigation measures within the alternatives considered (40 CFR 1502.14(f)) or to identify means to mitigate adverse environmental impacts during the analysis of alternatives (40 CFR 15002.16(h)).
- The Congressional declaration of policy for FLPMA states: "the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values ..." (43 U.S.C. 1701.(a)(8)).

The definition of "public lands" in FLPMA includes any land or *interest in land* owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

FLPMA also mandates the development of land use plans that use and observe the principles of multiple use and sustained yield provided in the act including: "the use of some land for less than all of the resources," "a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations . . .," "the achievement and maintenance of . . . regular periodic output of the various renewable resources . . .," and "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment . . ." Mitigation measures are, in some cases, necessary to achieve multiple use and sustained yield; especially in providing for use of one resource without incurring long-term or permanent losses of other resources. Mitigation measures have been presented in the plan as reasonable opportunities for providing the combination of uses that best meets the needs of the American public.

Oil and gas lease stipulations represent mitigation measures that have been developed for the protection of the human environment and to avoid long-term or permanent impairment of other resource uses. The authority to consider such impacts during land use planning is also stated in 43 CFR 1601.0-8: ". . . the impact on local economies and uses of adjacent or nearby non-federal lands and on non-public land surface over federally-owned mineral interests shall be considered."

In all cases, the stipulations prescribed for federal mineral development in split estate situations apply only to the development of the federal minerals. These stipulations do not dictate surface management. The mitigation measures present no restrictions on surface activities conducted for purposes other than those mineral development activities which are permitted, licensed, or otherwise approved by the Bureau of Land Management.

**35** Appendix J has been revised. See "Errata and Changes to Text," Appendix J, page 141.

See changes made to Chapter Two, Lands and Realty, this document.

The leasing of oil and gas is a discretionary action. A planning decision of no leasing in a specific area is for the life of this plan and does not constitute an irretrievable commitment of resources. A withdrawal typically has a longer life than this plan. Changing a planning decision is readily accommodated by an amendment or revision while a withdrawal revocation is more cumbersome.

**36** See changes made to Appendix C, Special Lease Stipulations, this document.

**37** Screening analysis such as review of gas analysis and flow rates and modeling analysis following EPA and State guidelines will normally be performed during field development environmental analyses. The BLM is presently exploring opportunities for an interagency effort to study air quality and possible management actions in the Williston Basin.

**38** Chapter Three, Air Quality, has been revised. See "Errata and Changes to Text," Chapter Three, p. 29.

**39** Chapter Three, Table 3-1, has been revised. See "Errata and Changes to Text," Chapter Three, Table 3-1.

**40** Chapter Three, Table 3-2, has been revised. See "Errata and Changes to Text," Chapter Three, Table 3-2.

**41** Chapter Three, Air Quality, has been revised. See "Errata and Changes to Text," Chapter Three, page 31.

**42** Chapter Three, Air Quality, has been revised. See "Errata and Changes to Text," Chapter Three, p. 32.

**43** Chapter Three, Table 3-3, has been revised. See "Errata and Changes to Text," Chapter Three, Table 3-3.

**44** Chapter Three, Air Quality, has been revised. See "Errata and Changes to Text," Chapter Three, p. 32.

**45** Chapter Three, Air Quality, has been revised. See "Errata and Changes to Text," Chapter Three, p. 32. We believe that the assumptions used in the air quality study were appropriate. Based on those assumptions, AAQS's would be exceeded and PSD Class II increment would be consumed.

**46** Chapter Three, Air Quality, has been revised. See "Errata and Changes to Text," Chapter Three, p. 31.

**47** See page 103 of Draft Ft. Union Draft EIS Air Quality Supplement.

**48** A site-specific analysis as performed for the coal tracts in the Round I Fort Union Regional Coal Sale will be conducted during activity planning or in response to lease applications. See Appendix A to this document.

**49** Appendix H has been revised. See "Errata and Changes to Text," Appendix H, p. 129.

- 50** Appendix H, Air Quality, has been revised. See "Errata and Changes to Text," Appendix H, p. 129.
- 51** See changes made to Chapter Two, Table 2-2, this document.
- 52** See Land Pattern Adjustment, page 4, of the draft RMP.  
See Chapter Two, Wildlife Habitat Management, this document.  
See changes made to Chapter Two, Land Pattern Adjustment, this document.  
See Chapter Two, Land Pattern Adjustment, this document. The BIA will be contacted early in the disposal process for tracts adjacent to reservation boundaries.
- 53** Appendix H, Cultural Resources, has been revised. See "Errata and Changes to Text," Appendix H, page 132.
- 54** Federal coal in the N½ of Section 8, T144N, R93W, was excluded in the draft RMP because of conflict with existing oil and gas development (Saxon Field). Additional review of oil and gas production records has shown that the Saxon and Halliday Fields in the Dunn Center CSA do not meet the definition for exclusion as found in Appendix B. Several comments, both public and in-house, noted the number of wells in these two fields (Halliday-1, Saxon-2), and their longevity (Halliday-about five more years, Saxon-about three more years). Although production is quite high (Halliday well-22,269 barrels of oil in 1986; Saxon wells-8,473 and 11,985 barrels of oil in 1986) the rather short expected life and low number of wells should make it possible for mineral developers to resolve any conflicts of interest between coal and oil and gas. For these reasons, we feel the Halliday and Saxon Fields do not have the significance of other fields excluded and should be added back into the area acceptable.  
The acres of federal coal previously excluded have been added back into those acceptable and the coal tonnages adjusted accordingly. Acreages and tonnages are presented in Appendix B to this document.
- 55** Acreages have been adjusted under surface owner consultation, Appendix B to this document.  
We have reviewed the original results of surface owner consultation and have made some modifications to the boundaries of the area of significant opposition in Sections 10 and 15 of T.144N, R.94W. The N½ of Section 15 and the NW¼ and S½ of Section 10 have been added to the area acceptable for further consideration for coal leasing or exchange. Portions of the N½ of Section 15, however, are only acceptable for further consideration with vegetation reclamation or protection stipulations.
- The rationale behind this adjustment is: 1) the adjusted area remains consistent with the significant opposition decision factors, (Appendix B of this document), 2) the NW¼ and S½ of Section 10 are presently held under surface lease agreements and, therefore, the landowners cannot be considered as opposed to mining under 43 CFR 3420.1-4 (e)(4)(ii), and 3) the lands in the N½ of Section 15 are, at the writing of this document, not held under a surface lease agreement for coal mining and, therefore, the landowner(s) has (have) the right to deny or provide consent for leasing. Adding these areas to lands acceptable for further consideration is consistent with the surface owner protection provided by Section 714 of SMCRA.
- 56** See Chapter One, The Planning Process — Coal Planning, this document.  
While coordination between agencies is necessary, this RMP-EIS and the Bureau of Reclamation EIS deal with separate aspects of coal development in the Dunn Center area.
- 57** Nokota's interest in portions of the Dunn Center Study area was recognized throughout the multiple-use tradeoff analysis. Information presented in the Bureau of Reclamation EIS, coal data provided by Nokota (and predecessors), and Nokota's development plans have been used in developing the RMP/EIS.
- 58** For the purpose of a land use plan it is desirable to keep study criteria reasonably broad so as not to limit future options. We recognize that a depth of 120-150 feet is the general economic limit for North Dakota coal mining at this time. However, certain local geological conditions or a different economic outlook could change this depth limit. When specific tracts are identified for leasing, a more detailed site-specific analysis can be carried out.
- 59** See Chapter One, The Planning Process — Coal Planning, this document.  
Coal Study Area boundaries were determined by the existence of coal with development potential as defined in Appendix B to this document. Tract delineation and more detailed study will occur during activity planning or in response to coal lease applications (Appendix A to this document). Industry interest in specific areas will be a criterion for tract delineation.
- 60** Specific barriers to mining will be identified and considered during activity planning or analysis of specific lease applications. Federal coal underlying major highways, railroads, pipelines, transmission lines, etc. was excluded under the multiple-use screen (Appendix B to this document). Maps providing greater detail are available for review in the Dickinson District Office.



- 61** Federal coal lying within the boundaries of the eligible Lynch Knife River Flint Quarry district was excluded from further consideration for the purpose of preventing impacts to a locally, regionally, and nationally significant cultural resource. The area was excluded under the authority of 43 CFR 3420.1-4(e)(3). This portion of the regulations reads:
- “Multiple land use decisions shall be made which may eliminate additional coal deposits from further consideration for leasing to protect other resource values of a locally important or unique nature not included in the unsuitability criteria . . .”
- Although coal unsuitability criterion 7 involves cultural resources, it is limited to “. . . places which are listed on the National Register of Historic Places . . .” The Lynch Knife River Flint Quarries, therefore, are not included under the unsuitability criterion.
- The consideration of cultural resources eligible for the NRHP was recommended in the proposed action of the Final EIS Supplement for the Federal Coal Management Program (USDI 1985, p. 82). This document also stated that Planning Criteria would be the basis for multiple-use trade-offs. Exclusion of areas containing regionally or nationally significant cultural resources was a planning criterion for the North Dakota RMP. The Planning Criteria were made available for public review in July, 1985.
- The protection of a locally, regionally, and nationally significant resource such as the Lynch Knife River Flint Quarries is also consistent with the mandates of NEPA and FLPMA. See response Number 148.
- 62** This is a possibility. However, as stated in Appendix C to this document, there will be opportunities to adjust proposed stipulations to accommodate exceptional circumstances.
- 63** Changes to criterion 7 have complicated management decisions made in previous plans. Criterion 7 now states that sites which are listed on the National Register may be excluded from further consideration for coal leasing. However, eligible sites previously included under criterion 7 prior to 1983 are provided no such protection. The cultural resource values which were identified in previous plans are still valid and we have assumed for the purposes of analysis that the resources would be protected through application of the multiple-use tradeoff screen.
- 64** The BLM used the Class I cultural resource overview of the Dickinson District as a baseline to formulate cultural resource decisions in the RMP. Additional data which will be provided by the ongoing Class II inventory and other investigations conducted since the Class I inventory will be used during the activity planning or lease by application stage. Planning at these stages is fine-grained, requiring consultation with the SHPO and Advisory Council to ensure sensitive and appropriate consideration of cultural resources prior to issuance of a lease. Additional survey/evaluation may be necessary as part of this planning stage.
- 65** See Chapter One, Land Pattern Adjustment, this document.
- See Chapter Two, Wildlife Habitat Management, this document.
- See changes made to Chapter Two, Alternative C, Land Pattern Adjustment, of this document.
- See Appendix D to this document.
- As a part of mitigation for wetland losses due to the Garrison Diversion project, USFWS evaluated BLM surface tracts in the prairie pothole region. Only three tracts were found to have values commensurate with that mitigation.
- 66** The reference to state lands was inadvertently omitted. A correction has been made to Chapter One of this document.
- 67** See changes made to Literature Cited (USDI 1985), this document.
- 68** Chapter Three, Topography and Soils, has been revised. See “Errata and Changes To Text,” Chapter Three, page 34.
- 69** Chapter Three, Topography and Soils, has been revised. See “Errata and Changes to Text,” Chapter Three, page 35 and Table 3-6.
- 70** Appendix I, Cultural Resources, has been revised. See “Errata and Changes to Text,” Appendix I, page 135.
- See changes made to Chapter Two, Management Guidance Common To All Alternatives, Cultural Resources, this document.
- 71** We have reviewed the records in reference to A.C. Townley’s homestead and find the data insufficient to remove that location from further consideration for coal leasing. We have, however, verified that A.C. Townley farmed the location for two years between 1904 and 1906. We will continue to investigate, and if sufficient data is generated that unequivocally establishes the significance of the site, the area will be excluded from further consideration for coal leasing.
- Chapter 4, Cultural Resource Management, has been revised. See “Errata and Changes to Text,” Chapter Four: page 71, paragraph 3; page 80, paragraph 8; page 90, paragraph 1.
- 72** Chapter Three, Threatened and Endangered Plant Species, has been revised. See “Errata and Changes to Text,” Chapter Three, page 43.

- 73** Chapter Three, Federally Listed Threatened and Endangered Species, has been revised. See "Errata and Changes to Text," Chapter Three, page 44.
- 74** See changes made to Chapter Two, Management Guidance Common To All Alternatives Wildlife Habitat Management, this document.
- 75** The Golden Eagle Special Review Area under Alternative A provides for a "notice" to the lessee. This is not technically the same as a lease stipulation.  
Montana BLM standard stipulations have not been revised to expand the "notice" to include ferruginous hawks and prairie falcons.
- 76** Alternative D was structured to provide protection of amenity resources. Under this alternative up to 99,497 acres could have no leasing. Less restrictive stipulations are found in Alternative A, B, and C.
- 77** A complete discussion and description of oil and gas operations and procedures (including leasing, exploration, drilling, development, production, reclamation, royalty reporting, etc.) is available to the public in 43 CFR 3100 through 3180, Onshore Operating Order number 1, Notice to Lessees 1, 2b, 3a, 4a, 7, NTL-MSO-1-84, NTL-MSO-1-85, BLM Manual Parts 3000-3180, 25 CFR, the National Environmental Policy Act, the Federal Land Policy Management Act, Federal Oil and Gas Royalty Management Act, and the Oil and Gas Environmental Assessment.
- 78** Time and monetary constraints prevented publication of detailed oil and gas stipulation maps for each alternative. Shading of a township in Map K-1 indicates that there are some federal minerals in that township and that one or more stipulations might apply to those tracts. The possible acreages affected by each stipulation are detailed in Appendix C, Special Lease Stipulations, of this document. A more detailed map of stipulation areas under the preferred alternative will be available in the RMP desk document after the plan is finalized.
- 79** Although most scattered tracts have a potential for being used by recreationists, there is little evidence that it is happening. Problems obstructing recreational use include: (1) lack of legal and/or physical access, (2) small tract sizes, and (3) difficulty in locating tracts. One of the foremost benefits of land exchanges is the provision of readily identifiable, easily accessible blocks of public land for recreational activities.
- 80** The decision made in *Connor v. Burford* is presently under appeal to the 9th Circuit Court of Appeals. Recently, the 10th Circuit Court of Appeals rendered a decision on a similar case that could be interpreted as contrary to the *Connor v. Burford* decision. Therefore, the BLM will not fully implement the *Connor v. Burford* decision until the 9th Circuit Court has rendered a decision.  
However, we are pursuing a course of action in the North Dakota RMP that, in our opinion, substantially complies with the *Connor v. Burford* ruling. To accomplish this, we are identifying areas open and closed to oil and gas leasing and the restrictions (stipulations) to be applied to oil and gas leasing. We are basing this decision on professional geologist, petroleum engineering, and other natural resource specialist projections of development trends and their associated impacts, and we are analyzing and documenting these planning decisions in an EIS.  
These actions are in accord with the Bureau's oil and gas leasing special program guidance and MSO lease stipulation policies.
- 81** See Chapter Two, Tables 2-1 and 2-2, this document.
- 82** Chapter Three, Ground Water, has been revised. See "Errata and Changes to Text," Chapter Three, page 39.
- 83** These were not addressed because more study will have to be conducted to determine the exact locations of glacial outwash deposits in the CSAs. This will be done at the mine activity planning stage or in response to specific lease applications.
- 84** Separation of glacial drift aquifers into surface and buried is not easily done due to the complexity of glacial deposits. Thus, for clarity, glacial drift aquifers were classified according to the dominant aquifers which are the buried-valley aquifers.
- 85** Chapter Three, Ground Water, has been revised. See "Errata and Changes to Text," Chapter Three, page 42.
- 86** Some buried-valley aquifers contain broken, unconsolidated coal seams. Shallow buried-valley aquifers may have a coal seam that has development potential below the aquifer. These aquifers are protected to prevent them from being negatively impacted or destroyed through mining the coal seam beneath the aquifer and from mining through the aquifer to get to adjacent coal seams.
- 87** Appendix H, Generic Mine Scenario, has been revised. See "Errata and Changes to Text," Appendix H, page 130.
- 88** Permeability in this case refers to intrinsic permeability which pertains to the relative ease in

which a porous medium can transmit liquid. This term is *independent* of the density or kinematic viscosity of the liquid. Whereas, hydraulic conductivity is a coefficient relating the rate in which liquid moves through the porous medium. Hydraulic conductivity is *dependent* on the density and kinematic viscosity of the liquid. Therefore, the two are technically different terms.

- 89** See changes made to Appendix C, Special Lease Stipulations, this document. A more detailed map of stipulations under the preferred alternative will be available in the RMP desk document after the plan is finalized.
- 90** See changes made to Appendix C, Special Lease Stipulations, this document.
- 91** Prior to the development of the RMP all public land was open to motorized ORV use. Through scoping, we identified specific problem areas and structured alternatives accordingly. At this time, ORV impacts to public land are most severe during wet periods (March 1 — June 1). For the remainder of the year, impacts from ORV use are slight. Alternative C, our proposed alternative, balances impacts to the environment with current public demand for access to public land to hunt, fish, and hike and for off-road vehicle recreation.
- 92** See changes made to Appendix C, Oil and Gas Lease Stipulations, this document.
- 93** We have given, and will continue to give, priority to the designation and protection of areas of critical environmental concern as required in FLPMA. According to FLPMA (Sec. 103(a)):  
“The term ‘areas of critical environmental concern’ means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.”  
We believe that if the resource does not exhibit a high risk of being lost in the short term, there are other management opportunities for that resource.
- 94** See changes made to Chapter Two, Management Guidance Common to All Alternatives, Recreation and Visual Resources, this document.
- 95** Unsuitability criterion 10 does not apply within North Dakota.  
See changes made to Chapter Two, Management Guidance Common To All Alternatives, Wildlife Habitat Management, this document.
- See changes made to Appendix C, Special Lease Stipulations, and Appendix D, General Program Guidance and Site-Specific Evaluation Criteria, this document.
- 96** Currently proposed restrictions are designed to protect the resources on the three tracts proposed for ACEC designation.
- 97** There are no federal oil and gas resources within a 3.5 mile radius of the Knife River Indian Villages National Historic Site. In cooperation with Theodore Roosevelt National Park a 3.5 mile radius was determined as the minimum distance needed to protect the viewshed of National Park Service Units.
- 98** Appendix L, Application for Permit to Drill Approval, has been revised. See “Errata and Changes to Text,” Appendix L, page 147.
- 99** If sufficient agency or public interest is expressed for ORV trails, we will consider the feasibility of trail development on public land. See changes made to Chapter Two, Management Guidance Common To All Alternatives, Recreation and Visual Resources, this document.
- 100** See changes made to Chapter Two, Alternatives C and D, Off-road Vehicle Use Designation, this document.
- 101** See changes made to Chapter Two, Land Pattern Adjustment, this document.
- 102** See Chapter Two, Areas of Critical Environmental Concern, this document.  
See changes made to Appendix D, Table D-1, this document.
- 103** See changes made to Chapter Two, Air Quality, this document. It is not feasible to consider changes to the BLM RMP due to possible redesignation of PSD standards or any tribal air quality regulations when such regulation changes are unknown.
- 104** Chapter Three, Economic and Social Conditions, Social Well-Being, has been revised. See “Errata and Changes To Text,” Chapter Three, page 52.
- 105** This shading pattern resulted because the lowest map resolution depicted for Alternatives B, C, and D was one township. However, under Alternative A, the township in question was divided in two. Thus, Map K-1 has a different shading pattern in each half of that township.  
We believe it is most efficient to identify possible resource protection needs as early as possible in the leasing process.

**106** See changes made to Chapter Two, Alternative C, Oil and Gas Leasing, this document.

**107** The following are the definitions of "multiple use" and "sustained yield" as established in 43 USC 1702 (c) and (h) (1982 ed.):

The term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

The term "sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

The BLM is required to prepare land use plans that use and observe the principles of multiple use and sustained yield, consider present and potential uses of public lands, and consider the relative scarcity of the values involved and the availability of alternative means and sites for realization of those values (43 U.S.C. 1712 (c)).

The proposed management plan (Alternative C) was developed for the purpose of achieving a combination of allowable resource uses that will best meet the present and future needs of the American public. In doing so we have made necessary tradeoffs in cases where some unrestricted uses would cause long-term or permanent losses of key resource values. In most instances conflicts were resolved through enhanced management or the use of partial restrictions such as development stipulations. The proposed alternative involves restrictions or partial exclusion of some resource uses only when, in our estimation, unrestricted use would have the net effect of a reduction in total public benefits.

In addition to complying with the mandates of multiple use and sustained yield, the plan and

EIS must fulfill the requirements of other legislation and regulations such as NEPA and SMCRA. Mitigation (e.g., avoidance of certain areas or protective stipulations) has been included as part of the alternatives (40 CFR 1502.14).

In the case of coal, certain areas have been excluded from further consideration for leasing or exchange through the application of the unsuitability criteria, multiple use tradeoffs, and surface owner consultation (43 CFR 3420.1-4). Also, additional areas of federal coal were found acceptable for further consideration with special stipulations (43 CFR 3420.1-4(a)). All decisions made during the application of the four coal screens were performed within the multiple use and sustained yield concepts of providing for those resource uses that, in combination, best meet the needs of the American people (both present and future), and provide regular periodic output of renewable resources.

All of the alternatives considered in the EIS are designed to meet the various legal and regulatory mandates for management of public lands (including federal minerals). The four alternatives were developed to provide a range of potential management plans to aid in the selection of the single plan which best responds to the planning issues. Each alternative presents a combination of land use allocations and specific management actions (including mitigation) that responds to public opinion, procedural requirements, and Department of the Interior and BLM objectives. Public opinion used to develop the alternatives was expressed during past Dickinson District planning and management efforts, during the identification of planning issues and criteria, and during related analyses such as the Office of Technology Assessment's review of the Federal Coal Program. Each of the four alternatives was analyzed through the EIS to determine which alternative, or parts of the alternatives, best met the mandate of multiple use and sustained yield while complying with all other legal and regulatory requirements.

**108** Management prescriptions are presented in Chapter Two of the draft. Some changes and clarifications have been included in Chapter Two of this document.

**109** See Chapter Two, Management Guidance Common To All Alternatives, Wildlife Habitat Management, this document. Grazing management will be adjusted, if necessary, to properly manage riparian habitats.

**110** The "List of Preparers" presented in Chapter Five of the draft and this document provides descriptions of qualifications for those persons having primary responsibility for the preparation of the identified portions of the RMP and EIS. Other specialists located in both the Dickinson District Office and Montana State Office provided inventory data, reviews for technical adequacy, reviews for procedural and program com-

pliance, and participated in interdisciplinary discussions of required resource tradeoffs and necessary management actions. These specialists were included in the draft document "List of Preparers" under the headings of "Management Guidance," "Program Guidance and Review," and "Other Specialists." Chapter Five of this document contains a modified list of preparers.

See also response number 2.

- 111** We believe our wildlife and habitat data was fully adequate for the level of detail involved with the decisions proposed in the plan. See also response number 8.
- 112** The term "extensive recreation management area" refers only to management for dispersed types of recreation use (hunting, hiking, etc.) rather than intensive or developed uses such as campgrounds, picnic areas, or playgrounds. Extensive recreation management does not preclude other resource uses.
- 113** Management decisions excluding one or more of the major uses for two or more years with respect to a tract of land of 100,000 acres or more must be reported to Congress (43 U.S.C. 1712.(e)).
- 114** Specific management actions are presented throughout Chapter Two, Management Guidance Common To All Alternatives and Alternatives Considered in Detail, this document.
- 115** See changes to Appendix B, Lands Acceptable With Stipulations, this document.
- 116** See changes to Appendix B, Multiple-Use Tradeoffs, this document.
- 117** See changes to Appendix B, Identification of Areas with Coal Development Potential, this document.
- 118** The exclusion of areas with concentrations of slopes greater than 30 percent in Alternatives A and C and 15 percent in Alternative D was done as a *multiple-use tradeoff*. Page 16 of the draft RMP refers to "concentrations of slopes greater than 30 percent" being excluded from further consideration. As noted on page 111 of the draft RMP only *small* areas with slopes greater than 30 percent have been mined. Normally, areas with concentrations of slopes greater than 30 percent present problems with initial soil removal, erosion, recontouring, and stability during mining and reclamation. There often are other high value resources associated with steep slopes that conflict with mining (woodlands, creeks, shrubs, aesthetics). See also response number 6.
- 119** Most allotments are in the "C" category because: (1) management opportunities are

limited by the low percentage of federal range (1-25 percent) in the allotment, (2) range condition on 85 percent of lands leased for grazing is good to excellent, and (3) during the categorization process no serious use conflicts were identified. Although no allotment-wide management problems have been identified, there are still local areas that can benefit from specific habitat prescriptions.

- 120** See Chapter Two, Wildlife Habitat management, this document. Wildlife seasonal data is needed only for certain species in the Big Gumbo and Lost Bridge areas.
- See Chapter Two, Selection of the Proposed Alternative, Oil and Gas Leasing, this document. Populations of elk and bighorn sheep are expanding. If and when seasonal use areas are identified, the stipulations will be in place. This helps avoid future problems by informing lessees of possible limitations.
- 121** Analysis of the management situation is a required step in the BLM resource management planning process but is not presented within the published plan. The analysis of the management situation for the North Dakota RMP is a collection of background resource data and includes an assessment of resource uses and demands, and an assessment of management opportunities, and management constraints. The analysis of the management situation consists of numerous maps and overlays, automated data files, and a "shelf document" located in the Dickinson District Office library. The analysis of the management situation serves as the master data base for district management and is designed to accommodate frequent additions of data and corrections or modifications to data as the management situation changes.
- The draft and final plan and EIS are based on information considered in the analysis of the management situation.
- 122** See Wildlife, page 132, of the draft RMP. Improved habitat diversity is not certain but rather is conditional on the several factors mentioned. Even if increased habitat diversity is obtained, wildlife populations may not recover due to other factors listed on page 132.
- 123** See Wildlife, page 131, of the draft RMP. The stated conclusion does take this fact into account.
- 124** The economic benefits of coal development are discussed in more detail in Appendix B, Economic and Social Conditions, page 139 of the draft RMP.
- 125** [Error in comment reference. The page number is actually 132 of the draft RMP.] Poaching and harassment are known impacts of coal development (see references under Wildlife, page 132, of the draft RMP). Known impacts must be analyzed.

- 126** Cumulative effects of coal leasing and oil and gas leasing have been analyzed throughout Chapter Four of the draft wherever possible. In some instances, however, cumulative effects may not be accurately predicted until site-specific development plans and resource attributes can be considered. The plan attempts to minimize this uncertainty by prescribing necessary mitigation (stipulations, avoidance areas, alternative locations, etc.). We have modified the plan to reflect specific concerns regarding the effects on Theodore Roosevelt National Park (see responses to specific comments or requests).
- See changes made to Chapters Two, Alternatives C and D, Coal Leasing, Appendix B, Lands Acceptable with Stipulations, this document.
- 127** The four alternatives were formulated to present a range of options of future management. Alternative D is included to provide a full range of these options. The final plan selected may include any portions of the four alternatives considered.
- See Chapter Two, Alternative Formulation, this document.
- 128** Error noted. This was a printing error and does not affect the analysis. See "Errata and Changes to Text," Maps.
- 129** Although these areas are not depicted, they are explicitly referenced in the changes to Chapter Two, Management Guidance Common To All Alternatives, Recreation and Visual Resources, this document.
- 130** Chapter Four, Alternative D, Oil and Gas, has been revised. See "Errata and Changes To Text," Chapter Four, page 85.
- 131** See also response number 6. The actual number of acres over federal coal with slopes of 15 to 30 percent dropped from further consideration for leasing by other coal screens is variable due to overlap with areas to be excluded under wildlife threshold. However, the specific areas affected are depicted on overlays available for review at the Dickinson District Office.
- 132** Your concerns are noted and we welcome your comments on aquifer stipulations to be incorporated on any leases in the Dickinson and Elkhorn Coal Study Areas.
- 133** See changes made to Chapter Two, Alternatives, Alternative C, Coal Leasing, this document.
- See changes made to Appendix B, Application of Coal Screens, this document.
- Chapter Four, Environmental Consequences, has been revised. See "Errata and Changes to Text," Chapter Four, page 76 and 86.
- 134** Within CSAs, woody draws adjacent to parklands occur in the southwestern part of the Elkhorn CSA (Map 1 of the draft RMP). Part of this habitat is protected under the multiple-use trade-off screen and part under surface owner opposition. The remainder is within the wildlife threshold acreage for Elkhorn. These acreages would be subject to special review as outlined in Appendix B of this document.
- No wetlands adjacent to parklands have been identified within the CSAs.
- 135** See Appendix A, this document. Flexibility is built into the system.
- 136** See Appendix C, Special Lease Stipulations, this document. Stipulations are structured to cover all habitat. The acreages listed are the maximum possible if golden eagle and prairie falcon nest sites occurred in every conceivable location over federal minerals.
- 137** If a site has not been used at least once in the last seven years, it is probably not a particularly good site. We believe it is unreasonable to exclude surface occupancy from such sites.
- 138** See Chapter Two, Alternative C, Land Pattern Adjustment, this document.
- 139** There are no public lands that drain into NPS lands except for the Big Gumbo area over 70 miles south of Theodore Roosevelt National Park South Unit. Off-road Vehicle Use Designations under the proposed alternative (Chapter Two, Alternative C of this document) will minimize conceivable impacts to parkland resources.
- See also response number 91.
- 140** See changes made to Chapter Two, Management Guidance Common to All Alternatives, Recreation and Visual Resources, this document.
- 141** Appendix I, Visual Impacts, has been revised. See "Errata and Changes to Text," Appendix I, page 135.
- 142** See changes made to Chapter Two, Management Guidance Common to All Alternatives, Recreation and Visual Resources, this document.
- Chapter Four, Alternatives A, B, C, D, Recreation and Visual Resources, have been revised. See "Errata and Changes to Text," Chapter Four, pages 61, 70, 80, and 89.
- 143** Due to the pattern of federal coal within the Washburn CSA we have little control over coal development in this area. Additionally, if these areas were excluded from coal leasing a potential federal coal by-pass situation would be created. These areas have been designated, however, as

special review areas requiring the consideration of stipulations which would protect existing visual resource values of National Park Service units. See Chapter Two, Management Guidance Common to All Alternatives, Recreation and Visual Resources, this document.

- 144** See changes to Chapter Two, Management Guidance Common to All Alternatives, Recreation and Visual Resources, this document.
- BLM actions which potentially affect the visual qualities of NPS units would be reviewed prior to approval of those actions. If mitigation would be required to protect the visual quality of NPS units the BLM in cooperation with NPS officials will develop appropriate protective stipulations.
- 145** Chapter Four, Alternative A, Cultural Resources, has been revised. See "Errata and Changes to Text," Chapter Four, page 61.
- 146** In general, past data recovery programs operating under existing laws and regulations have been effective in reducing the level of harm to cultural resources in North Dakota caused by a federal undertaking.
- 147** Chapter Four, Alternative A, Cultural Resources, has been revised. See "Errata and Change to Text," Chapter Four, page 62.
- 148** Chapter Four, Alternative C, Cultural Resources, has been revised. See "Errata and Changes to Text," Chapter Four, page 81.
- 149** Chapter Four, Alternative D, Cultural Resources, has been revised. See "Errata and Changes to Text," Chapter Four, page 90.
- See changes made to Chapter Two, Management Guidance Common To All Alternatives, Cultural Resources, this document.
- 150** Two North Dakota Century Codes (55-02-07 and 55-03-01) address paleontological resources. The first (55-02-07), refers to discoveries of paleontological resources on State land. The second, (55-03-01), specifies that any person conducting paleontological excavation in North Dakota must obtain a permit. The SHPO is responsible for the review and curation of paleontological records and reports.
- 151** See changes made to Chapter Two, Management Guidance Common To All Alternatives, Paleontological Resources, this document.
- 152** A detailed accounting of these items is beyond the purpose and scope of this document. However, stipulations are written to be feasible, implementable, and enforceable. Measures available to the authorized officer in the event of noncompliance are given in 43 CFR 3163.
- 153** Maximum stipulations for wildlife would be NSO on all federal surface and subsurface. This would not allow for multiple-use management.
- 154** We believe that the lease stipulations along with further possible restrictions at APD time will be sufficient to protect winter range and still allow some development.
- 155** Our current consultation processes with various agencies are satisfactory. Frequent contacts are made as needed. Memoranda of understanding or agreement will be developed if and when the present coordination processes prove unsatisfactory.
- 156** Development of water sources to reduce livestock distribution problems has been conducted within the three "M" category allotments. If livestock distribution problems are identified through monitoring, we will develop appropriate management practices to reduce or eliminate the conflicts. See Chapter Two, Management Guidance Common to All Alternatives, Range and Vegetation Management, Wildlife Habitat Management, and Water and Soil Management.
- 157** There are approximately 450 oil and gas fields within the Williston Basin. Baseline data for each of these fields are not presently available. The BLM has recently entered into a cooperative agreement with the Montana State Department of Health and Environmental Sciences and NDS DH to assess air quality as it relates to oil and gas production in the Williston Basin.
- 158** See changes made to Chapter Two, Wildlife Habitat Management, this document.
- Guidance is currently being developed by BLM for Montana and the Dakotas for management of plants that are rare but not listed by State or Federal Government as threatened or endangered.
- 159** There are too many riparian areas to be all included as "demonstration areas." "Demonstrations areas" have been, and will be, selected as appropriate.
- 160** See changes made to Appendix D, General Program Guidance, this document.
- 161** See Appendix C of this document. Procedures for oil and gas leasing and development are adequate to minimize impacts on these habitats.
- 162** The Green River watershed has little potential for use as a future municipal watershed in the foreseeable future. When the Southwest Water Pipeline Project is finished it will be the main source of the City of Dickinson's municipal water. The floodplain and alluvial valley floor of the Green River is protected through application of unsuitability criteria 16 and 19.

- 163** The proposed alternative makes all federal oil and gas reserves open to leasing. See Chapter Four, Alternative C, page 74, of the draft RMP.
- 164** No. See Appendix C, Special Lease Stipulations, this document.
- 165** No. Special stipulations relating to H2S flaring are covered in Notice to Lessee (NTL) 4a.
- 166** See changes made to Chapter Two, Management Guidance Common to All Alternatives, Oil and Gas, this document.
- 167** See Appendix C, Special Lease Stipulations, this document.
- 168** During calendar year 1986, 14 isolated tracts of public land totalling 800 acres were exchanged for one consolidated tract of private land of 659 acres.
- 169** Important aquifers (buried-valley) are protected through stipulations in Alternative C and exclusion in Alternative D. See Chapter Four, Environmental Consequences, pages 57, 67, 76, and 86 of the draft.  
See Hydrology, page 130 of the draft RMP for a discussion of surface coal mining impacts to the ground water system. Site-specific impacts will be addressed during coal mine activity planning or response to lease applications.
- 170** Federal coal cannot be leased without evidence of written consent to mining from the qualified surface owner.
- 171** The primary coal leasing options are regional lease offerings and leasing on application (including emergency leasing).
- 172** Most surface lease agreements are probably cancelled due to the slump in energy fuel markets and forecasts of continued slow energy markets.
- 173** Industry trends have proven to be nearly impossible to project in the absence of reliable forecasts of the price of oil. If oil prices increase significantly there will certainly be some corresponding increase in drilling and production activity.
- 174** The BLM State Director for Montana and the Dakotas makes the decision.
- 175** Yes.
- 176** Yes.
- 177** Documents superceded by this plan are identified in Chapter One, Purpose and Need. Other documents used in preparing the RMP and EIS are referenced throughout (See Literature Cited). In all cases sources of data and analyses were evaluated for accuracy and appropriateness. Updates were made where necessary.
- 178** The plan will not change our present Notice to Lessees.
- 179** Yes, the prescriptions of the plan are consistent with existing State laws. There is a degree of duplication in State and BLM requirements.
- 180** Yes. In many instances small areas of No Surface Occupancy can be developed through offset drilling or may be included in communitization or unit agreements.
- 181** The loss of habitat and intrusion of man almost always results in the loss of wildlife. Only a few species in a few situations benefit from man's activities.
- 182** Intense ORV use can have major impacts on wildlife populations just as oil and gas development can. However, ORV use in the planning area is generally limited and dispersed. See Chapter 4 of the draft RMP.
- 183** This would appear to be true in a purely economic sense; however, with the passage of FLPMA, lands in federal ownership are to be retained unless disposal of a parcel would be in the public interest. In most instances it is not economical to manage isolated parcels unless a valuable or critical resource is present. In this RMP the preferred method of disposing of isolated tracts is to exchange them for consolidated parcels of land that would be more manageable and would offer equal or greater public benefit.
- 184** Only U.S. citizens can purchase public lands.
- 185** The emphasis under Alternative D is different from that under Alternative C. See Chapter Two, Alternative Formulation, this document.
- 186** Yes. See Appendix C, Special Lease Stipulations, this document.
- 187** See Appendix C, Special Lease Stipulations, this document.
- 188** About two percent of BLM surface lands fall within CSAs (see page 46 of the draft). About 90 percent of BLM surface lands would be within special oil and gas lease stipulation review areas under Alternatives C and D.
- 189** The RMP can be modified through maintenance, amendment, or revision. Maintenance involves



only minor updates or adjustments which do not substantially alter the planning decisions or outcome of related analyses. Amendments are used when new circumstances, public opinion, or monitoring indicate the need for changes in or additions to original planning decisions. Revisions are made when substantial changes to the entire plan are necessary (43 CFR 1610.5).

If public opinion identifies major shortcomings in existing plans, the appropriate modifications will be made.

- 190** Study of Map K-1 in conjunction with the acreages in Appendix K of the draft will clarify the situation. An improved map will be available in the RMP desk document after the RMP is finalized.
- 191** No, See Chapter One, Description of the Planning Area.
- 192** The plan has been designed to be consistent with resource-related plans of other Federal Agencies, State and Local Governments, and Indian tribes. Management actions subsequent to the RMP will also be reviewed for consistency with these plans.
- 193** Buried pipelines are not considered to be surface occupancy. See Appendix C, this document.
- 194** We have little evidence indicating coal companies cancelling lease agreements with landowners because of our exclusion of areas under previous planning. However, a combination of exclusion of areas from further consideration in the RMP, the current soft market for coal and surplus of electrical power in the upper midwest may cause more surface lease agreements to be dropped by coal companies in the near future. We do not know how great the number might be because agreements are between the landowner and company.
- 195** Our opinion is that future coal development would most likely occur in areas adjacent to existing mines and end use facilities; primarily near Beulah, Center and Underwood. However, development elsewhere in the state is entirely possible and is closely tied to development costs and the demand for coal.
- 196** Correction made.
- 197** See Ground Water, page 130 of the draft RMP.
- 198** In the Washburn CSA, wildlife threshold acreages are for wooded draws and riparian habitats.

There are no federal oil and gas resources within a 3.5 mile radius and in the viewshed of the Knife River Indian Villages National Historic Site. In cooperation with Theodore Roosevelt National Park a 3.5 mile radius was determined as the minimum distance needed to protect the viewshed of National Park Service Units.

- 199** Appendix H, Generic Mine Scenario, has been revised. See "Errata and Changes to Text," Appendix H, page 130.
- Even though the lignite and shallow aquifers will be impacted, replacement water may be obtained from deeper fresh water aquifers not impacted by surface mining.
- 200** All seams of federal coal that are economically feasible to mine under current technology are required to be removed. Such things as the ratio of coal to overburden, coal quality, etc. are all considered.
- 201** Photos of each parcel are taken for future reference. Appraisals are conducted on a comparable sales basis. Comparable sales best indicate the value of the land for the type of transactions that BLM processes. Only most recent sales having physically comparable land in proximity to the parcel being appraised are used. Appraisals are reviewed every six months to determine if there has been any change in the local market. If a change has occurred, the appraisal is adjusted.
- 202** Yes.
- 203** Exchange pooling is a new undertaking in the District. Inexperience of BLM's proponent in this action may have resulted in over-aggressiveness.
- 204** During the development of the RMP/EIS, we analyzed the impacts to soil and vegetation in the Big Gumbo from ORV use. Most impacts occur during the wet months (generally March through May) when the ground is thawing and saturated, and easily disturbed. During the rest of the year impacts from ORV use is minimal. Since impacts from ORV use are minimal during most of the year there is no compelling reason to place yearlong restrictions on ORV use. As a result, in our proposed alternative, we restrict ORV use in the Big Gumbo from March 1 to June 1.
- 205** The current level of recreational use in the Big Gumbo area is not sufficient to actively regulate such use nor is it sufficient for the development of campgrounds and other facilities. Activity plans will be developed, outlining necessary management actions and facilities, if public demand increases substantially.

- 206** See Glossary of this document.
- 207** See Chapter Two, Management Guidance Common To All Alternatives, Wildlife Habitat Management, this document.
- 208** District policy is to offer a parcel being considered for sale to the owner of surrounding or adjacent private land.

# ERRATA AND CHANGES TO TEXT

## CHAPTERS THREE AND FOUR APPENDICES H, I, J, L, M, AND O, MAPS

This section includes the changes to be made to the portions of the draft RMP/EIS that have not been reprinted in this document.

The changes are listed in the order of presentation in the draft document. Paragraphs are numbered starting with the first complete paragraph on each page. Changes to be made to maps are listed by legal description.

### Chapter Three – Affected Environment

- Page 29 Para. 6 In first sentence delete “and National.”
- Page 29 Para. 8 Replace 6th sentence with: “Haul roads, construction activities, and agricultural practices are also major sources of fugitive dust.”
- Page 29 Para. 9 Replace fifth sentence with: “Comparison between the monitoring site results and the AAQS (Table 3-2) indicates that violations of the North Dakota 24-hour maximum SO<sub>2</sub>, 1-hour SO<sub>2</sub> AAQS, and the North Dakota 1/2-hour average H<sub>2</sub>S AAQS occur as a localized problem associated with specific oil and gas development sources.”
- Page 31 Delete subheading “Total Suspended Particulates.”
- Page 31 Para. 1 Replace paragraph 1 with: “Standards apply only to areas outside the controlled property of a given facility.”
- Page 31 Para. 4 Replace last sentence with: “The 24-hour state standard was exceeded once at the Lone Butte site, and the annual standard was not exceeded.”
- Page 31 Para. 5 In first sentence insert “AAQS SO<sub>2</sub>” after “federal.”
- Page 31 Para. 5 Delete last sentence.
- Page 31 Para. 6 Replace last sentence with: “At the Theodore Roosevelt National Park — North Unit and Dunn Center, the highest recorded levels of SO<sub>2</sub> are associated with infrequently occurring calm or light wind conditions while moderate wind speeds at Lone Butte (15 mph) were associated with the highest measured SO<sub>2</sub> concentrations.”
- Page 31 Para. 7 In first sentence insert “the North Unit of” before “Theodore.”
- Page 31 Para. 8 In first sentence insert “(45 ug/m<sup>3</sup>)” after “concentration.”
- Page 31 Tab. 3-1 Replace Table 3-1 with:

TABLE 3-1  
1984 POLLUTION DATA SUMMARY

Pollutant	Location	No. of Observations	1-Hour Maximum Concentration (ug/m <sup>3</sup> )		3-Hour Maximum Concentration (ug/m <sup>3</sup> )		24-Hour Maximum Concentration (ug/m <sup>3</sup> )		AMC <sup>2</sup> (ug/m <sup>3</sup> )
			1st Observ.	2nd Observ.	1st Observ.	2nd Observ.	1st Observ.	2nd Observ.	
Sulfur Dioxide SO <sub>2</sub>	Dunn Center	8,231	76	73	57	55	24	19	4
	TRNP-N <sup>1</sup>	8,263	105	94	41	78	41	29	4
	Lone Butte	8,049	1,038	1,003	786	723	311	259	31
Hydrogen Sulfide (H <sub>2</sub> S)	TRNP-N <sup>1</sup>	16,169	581	570	—	—	—	—	4
	Lone Butte	16,532	3,542	2,705	—	—	—	—	60
			24-Hour Maximum Concentration (ug/m <sup>3</sup> )			Annual Geometric Mean (ug/m <sup>3</sup> )		AMC <sup>2</sup> (ug/m <sup>3</sup> )	
			1st Observ.	2nd Observ.	3rd Observ.				
Total Suspended Particulate (TSP)	Mandaree Dunn Center TRNP-N	53 56 51		102 117 239	96 106 94	78 69 89		25 19 23	31 26 36

<sup>1</sup>Theodore Roosevelt National Park-North Unit.

<sup>2</sup>Arithmetic Mean Concentration

<sup>3</sup>1/2-Hour Maximum

**TABLE 3-2  
NORTH DAKOTA AND NATIONAL AIR QUALITY STANDARDS FOR SELECTED POLLUTANTS**

Pollutant	North Dakota Standard	Federal Primary Standard	Federal Secondary Standard
Total Suspended Particulates	60 ug/m <sup>3</sup> annual geo. mean. 150 ug/m <sup>3</sup> 24-hr average <sup>1</sup>	75 ug/m <sup>3</sup> annual geometric mean 260 ug/m <sup>3</sup> 24-hr average <sup>1</sup>	60 ug/m <sup>3</sup> annual geometric mean 150 ug/m <sup>3</sup> 24-hr average <sup>1</sup>
Sulfur Dioxide	60 ug/m <sup>3</sup> annual average 260 ug/m <sup>3</sup> 24-hr average 715 ug/m <sup>3</sup> ppm 1-hr average <sup>1</sup>	80 ug/m <sup>3</sup> annual average 365 ug/m <sup>3</sup> 24-hr average <sup>1</sup>	1300 ug/m <sup>3</sup> 3-hr average
Nitrogen Dioxide	100 ug/m <sup>3</sup> annual average 200 ug/m <sup>3</sup> 1-hr average <sup>1</sup>	100 ug/m <sup>3</sup> annual average	100 ug/m <sup>3</sup> annual average
Hydrogen Sulfide <sup>5</sup>	45 ug/m <sup>3</sup> 1/2-hr average <sup>2</sup> 75 ug/m <sup>3</sup> 1/2-hr average <sup>4</sup>	None None	None None

<sup>1</sup>Not to be exceeded.

<sup>2</sup>Not to be exceeded more than twice in any five days.

<sup>3</sup>Not to be exceeded more than 1% of the time in any 3-month period.

<sup>4</sup>Not to be exceeded over twice per year.

<sup>5</sup>H<sub>2</sub>S is not a health standard but is a state welfare standard.

Page 32 Para. 1 In third sentence replace "Wildlife Refuge" with "Wilderness Area."

Page 32 Tab. 3-3 Under the heading "North Dakota" replace "30" with "37."

Page 32 Para. 2 In first sentence insert "SO<sub>2</sub>" after "Class II."

Page 32 Para. 4 In last sentence insert "vicinity of the" before "fields are."

Page 32 Para. 5 Add to end of paragraph: "there are no known locatable minerals in North Dakota."

Page 34 Para. 2 Replace "September 30, 1984, was 1,894" in first sentence with "January 23, 1985, was 2,042."

Page 34 Para. 3 Add to end of first sentence: "which are found in cretaceous sedimentary rocks or in paleozoic evaporites."

Page 34 Para. 6 Delete first sentence.

Page 34 Insert new paragraph after paragraph 9: "Prime farmland is scattered throughout the CSAs. It is the land best suited for production of food, feed, forage, fiber, and oilseed crops (USDA 1984). Prime farmland acreage is generally limited to 0 to 15 percent of the total land area in the western portion of North Dakota, mostly due to the lack of precipitation and high evapotranspiration. It is usually found in slightly concave positions on the landscape and along some drainages that receive added runoff moisture from surrounding slopes. Prime farmland has been identified in counties with completed modern detailed soil surveys (1:20,000 scale). NDPS, Rules Governing the Reclamation of Surface-Mined Land (NDPS 1987), specifically outline the procedures for prime farmland investigation, determination, and performance standards on proposed mine areas."

Page 35 Para. 4 Replace second sentence with: "About 48 percent of the surface over federal coal in the CSAs is dominated by soils in LCCs II, III, IV."

Page 35 Tab. 3-6 Add footnote 3 to heading Dominant Land Capability Classes (LCCs): "Class I would fall into the 'High' category but none are recognized in North Dakota. Most Class V soils in North Dakota are found in small wetlands (potholes, marshes, etc.) and comprise an insignificant part of the total acreage in the CSAs. LCCs III and IV include soils that fall into both the 'High' and 'Moderate' reclamation success categories."

Page 35 Tab. 3-6 In right-most column replace "I, II, III" with "II, III, IV."

Page 35 Tab. 3-6 In right-most column replace "IV, V, VI" with "III, IV, VI."

Page 39 Para. 5 Replace last sentence with: "Total dissolved solid concentrations are usually 1000-3000 mg/l but locally will range from 300-4000 mg/l."

Page 42 Para. 1 Replace first two sentences with: "Ground water in this part of North Dakota consists of several formations above 2000 feet that yield good quality water."

Page 43 Para. 12 Replace paragraph with: "At this time, there are no federally listed threatened or endangered plant species in North Dakota (Smith 1985). However, there are three species listed as 'Category 2', which means that there is insufficient information at present to judge their status. These are: (1) yellow cress, which has yet to be found in North Dakota, (2) prairie fringed orchid, which is locally abundant in the south eastern part of the state, and (3) Visher's buckwheat, which is found in the central part of the state."

- Page 44 Para. 4 Replace the second sentence with: "Breeding colonies occur between Garrison Dam and Oahe Reservoir on the Missouri River and on sandbars in the Yellowstone River near the Montana — North Dakota border."
- Page 44 Para. 6 Add the following counties: "Kidder, McHenry, Pierce, McKenzie."
- Page 46 Para. 11 Replace the word "pipeline" with "powerlines."
- Page 47 Tab. 3-9 Under heading "Surface and Mineral Ownership Acres", for Bowman County the number should be "32,580"; for Burleigh County the number should be "863"; for Mountrail County the number should be "1,037"; for the Total, the number should be "67,571."
- Page 51 Para. 8 Replace first sentence with: "North Dakota has a coal severance tax, a coal conversion facilities privilege tax, an oil and gas gross production tax, and an oil extraction tax."
- Page 51 Insert after paragraph 8: "The oil and gas gross production tax is applied at the rate of 5 percent of the wellhead value of either oil or gas. Revenues are split between the State General Fund and the counties of production with the split determined by the amount of production. Oil and gas gross production tax collection totaled 73 MM dollars in FY85."
- The oil extraction tax is levied at the rate of 6.5 percent of the wellhead value of the oil; gas is not taxed under this law. Ninety percent of the proceeds from this tax is apportioned to the State General Fund. The remaining 10 percent goes to the Southwest Water Pipeline Sinking Fund and the Resources Trust Fund which makes money available for the construction of water supply facilities and to fund energy conservation and renewable energy resource programs. In FY85, these revenues totaled 78 MM dollars."
- Page 52 Para. 9 Replace last two sentences with: "Family incomes are much lower, resulting in higher proportions of the populations having incomes that fall below the poverty level. Unemployment rates are much higher, and a higher number of the housing units lack plumbing for exclusive use."

## CHAPTER FOUR — Environmental Consequences

- Page 55 Add following paragraph 3: "Assessments of environmental consequences are based on data collected by BLM and retained in the MSO or Dickinson District Office, data submitted by interested parties following a call for resource information made at the onset of preparation of the plan, data made available by State and Federal Agencies, and data recorded in published reports or documents."
- During the assessment of impacts, there were no specific data inadequacies identified that were relevant to the level of detail and decisions examined in this environmental impact statement. In some instances available data were used to develop a range of probable impacts where it was not possible or feasible to arrive at a specific figure.
- Future assessment and data needs are identified here and in Chapter Two where final implementation of a decision would require an additional level of analysis."
- Page 56 Para. 4 Replace "9,580" with "9,539."
- Page 56 Para. 6 Replace last sentence with: "NSO stipulations would require the lessee to obtain more complete geologic information than if conventional drilling methods were used, resulting in increased expenses due to the additional time and equipment required for directional drilling and the potential increased costs of obtaining access to an off-lease drill site."
- Page 56 Para. 12 Replace "9,580" with "9,539."
- Page 56 Para. 16 Replace "9,580" in second sentence with "9,539."
- Page 57 Para. 3 Replace "exchange" in first sentence with "land ownership adjustment."
- Page 57 Para. 3 Replace "disposed" in second sentence with "transferred."
- Page 57 Para. 8 Replace "67,520" in first sentence with "67,571."
- Page 57 Para. 8 Replace "9,580" in second sentence with "9,539."
- Page 57 Para. 15 Replace "9,580" with "9,539."
- Page 57 Para. 15 Replace "disposal" in first sentence with "land ownership adjustment."
- Page 57 Para. 15 Replace "Disposal" in second sentence with "Transfer."
- Page 57 Para. 16 Replace "Disposal of" in first sentence with "Patenting."

- Page 58 Para. 7 Replace “9,580” in second sentence with “9,539.”
- Page 58 Para. 9 Replace “9,580” with “9,539.”
- Page 58 Para. 9 Replace “Disposal or exchange” in first sentence with “Land ownership adjustment.”
- Page 58 Para. 9 Replace “disposed” in second sentence with “transferred.”
- Page 59 Para. 2 Replace “67,520” in first sentence with “67,571.”  
Replace “9,580” in second sentence with “9,539.”
- Page 59 Para. 11 Replace “9,580” with “9,539.”
- Page 59 Para. 11 Replace “disposal” in first sentence with “land ownership adjustment.”
- Page 59 Para. 11 Replace “Disposal of” in second sentence with “Transferring.”
- Page 60 Para. 2 Replace “9,580” with “9,539.”
- Page 60 Para. 9 Replace “9,580” with “9,539.”
- Page 60 Para. 9 Replace “9,580” in second sentence with “9,539.”
- Page 60 Para. 10 Insert at the end of the paragraph: “(C&MU classifications affected by Civil Action 85-2238; see Chapter Three, Lands.)”
- Page 60 Para. 11 Replace “57,940” with “58,032.”
- Page 60 Para. 12 Replace “27,433” in first sentence with “27,474.”  
Replace “15,405” in second sentence with “15,404.”
- Page 60 Para. 13 Replace “9,580” with “9,539.”
- Page 60 Para. 13 Replace “9,580” in first sentence with “9,539.”
- Page 60 Para. 15 Replace “9,580” with “9,539.”
- Page 61 Para. 1 Insert before last sentence: “Additionally, National Park Service units are highly valued resources. Mitigation may be necessary to maintain the high visual qualities of these areas.”
- Page 61 Para. 2 Replace “9,580” with “9,539.”
- Page 61 Para. 2 Replace “disposal” in first sentence with “land ownership adjustment.”
- Page 61 Para. 6 Replace “9,580” and “67,520” with “9,539” and “67,571”, respectively.
- Page 61 Para. 8 Replace paragraph 8 with: “Previous MFP decisions are affected by the changes in criterion 7. The Golden Valley MFP found the A.C. Townley homestead unsuitable for coal leasing under criterion 7 and in the West-Central addendum it was recommended that all sites within the eligible KRF National Register District be excluded under criterion 7 from further consideration except those sites in Section 32 and 34 (the feasibility of mitigation of impacts to cultural resources was being considered in these two sections). In a separate decision, the Secretary of the Interior removed Sections 32 and 34 from Round One of Fort Union leasing. As a result, 2,897 acres were found unsuitable within the eligible KRF District and the remaining 1024 acres were removed from further consideration during round one of Fort Union leasing.”
- Page 61 Para. 9 Replace paragraph with: “Although criterion 7 no longer applies to those areas excluded under previous MFPs, these areas still contain regionally or nationally significant cultural resources. For that reason, it is assumed that the 3,931 acres would remain excluded from further consideration as multiple-use tradeoffs.”
- Page 61 Para. 10 Replace second sentence with: “Data adequacy problems will be improved at the completion of a Class II survey (a Class II survey is, in this case, an on-the-ground sample survey — for a complete discussion on the types of surveys employed by the BLM see BLM manual 8111) on five CSAs located in the Southwest and McKenzie-Williams MFP areas.”
- Page 62 Para. 4 Replace “9,580” with “9,539.”

- Page 62 Para. 4 Replace “Disposal” in first sentence with “Land ownership adjustment.”
- Page 62 Para. 5 Replace “10,040” with “9,539.”
- Page 62 Para. 7 Replace second sentence with: “Standard stipulations require that lands affected by development are examined by a Bureau-approved cultural resource professional to determine if cultural resources are present within the proposed impact area (Examination will usually consist of an on-the-ground survey of the impact area unless the area has been previously surveyed or extensively disturbed). Measures considered to reduce the level of harm to cultural resources were identified in Chapter Two, but would include avoidance by project relocation or mitigation by extensive documentation/recordation or through data recovery (archaeological sites).”
- Page 62 Para. 9 Replace “9,580” and “67,520” with “9,539” and “67,571”, respectively.
- Page 62 Para. 15 Replace “9,580” with “9,539.”
- Page 65 Para. 1 Replace “597,016” with “599,496.”
- Page 65 Para. 8 Replace “597,016 acres (10,972 MM tons)” with “599,496 acres (11,030 MM tons).”
- Page 65 Para. 9 Replace “412,632 acres (6,778 MM tons)” in the second sentence with “410,152 acres (6,720 MM tons).”  
Replace “597,016” in third sentence with “599,496.”
- Page 65 Para. 15 Replace “38,848” with “38,680.”
- Page 66 Para. 2 Replace “597,016” and “38,848” with “599,496” and “38,680”, respectively.
- Page 66 Para. 6 Replace “597,016” in first sentence with “599,496.”  
Replace “38,848” in second sentence with “38,680.”
- Page 67 Para. 2 Replace “597,016” and “67,520”, in first sentence with “599,496” and “67,571”, respectively.  
Replace “38,848” in second sentence with “38,680.”
- Page 67 Para. 7 Replace “38,848” with “38,680.”
- Page 67 Para. 7 Replace “disposal” in first sentence with “Land ownership adjustment.”
- Page 67 Para. 7 Replace “Disposal” in second sentence with “Transfer.”
- Page 67 Para. 8 Replace “Disposal” in first sentence with “Patenting.”
- Page 67 Para. 14 Replace “597,016” in first sentence with “599,496.”  
Replace “38,848” in second sentence with “38,680.”
- Page 68 Para. 2 Replace “38,848” with “38,680.”
- Page 68 Para. 2 Replace “Disposal or exchange” in first sentence with “Land ownership adjustment.”
- Page 68 Para. 2 Replace “Disposal” in second sentence with “Transfer.”
- Page 68 Para. 8 Replace “597,016”, “38,848”, “67,520” with “599,496”, “38,680”, “67,571”, respectively.
- Page 69 Para. 2 Replace “597,016” in first sentence with “599,496.”  
Replace “151,577” in second sentence with “152,487.”
- Page 69 Para. 3 Replace “29,387” with “29,246.”
- Page 69 Para. 4 Replace “38,848” with “38,680.”
- Page 69 Para. 4 Replace “disposal” in first sentence with “land ownership adjustment.”
- Page 69 Para. 4 Replace “Disposal” in second sentence with “Transfer.”
- Page 69 Para. 5 Replace “Disposal” in first sentence with “Patenting.”

- Page 69 Para. 11 Replace "597,016" and "38,848" with "599,496" and "38,680", respectively.
- Page 70 Para. 4 Replace "38,848" and "58 percent" with "38,680" and "57 percent."
- Page 70 Para. 5 Replace "21,282" in first sentence with "21,502."
- Page 70 Para. 7 Replace "38,848" with "38,680."
- Page 70 Para. 8 Insert at the end of the paragraph: "(C&MU classifications affected by Civil Action 85-2238; see Chapter Three, Lands.)"
- Page 70 Para. 10 Replace "597,016" and "38,848" with "599,496" and "38,680", respectively.
- Page 70 Para. 12 Insert before last sentence: "Additionally, National Park Service units are highly valued resources. Mitigation may be necessary to maintain the high visual qualities of these areas."
- Page 70 Para. 13 Replace "38,848" with "38,680."
- Page 70 Para. 13 Replace "disposal" in first sentence with "land ownership adjustment."
- Page 71 Para. 3 Replace with: "Under multiple-use tradeoff, 3,801 acres of federal coal were dropped from further consideration for coal leasing due to the regional or national significance of the cultural resources. Included is all Federal coal within the eligible Knife River Flint Historic District and Writing Rock State Historic site."
- Page 71 Para. 2 Replace "597,016" and "38,848" with "599,496" and "38,680", respectively.
- Page 71 Para. 6 Replace "38,848" with "38,680."
- Page 71 Para. 6 Replace "disposal" in first sentence with "land ownership adjustment."
- Page 71 Para. 11 Replace "597,016" and "38,848" with "599,496" and "38,680" respectively.
- Page 72 Para. 1 Replace "597,016" and "38,848" with "599,496" and "38,680", respectively.
- Page 73 Table Replace with the following table:

**ALTERNATIVE B  
SUMMARY OF COAL SCREENS**

CSA	Acres Federal Coal	Unsuit.	ACRES EXCLUDED		Wildlife Threshold <sup>1</sup>	Acres Acceptable
			Multiple Use	Surface Owner		
ANTELOPE	32360	910	2014	0	1354	29436
ARNEGARD	25020	105	1774	10561	859	12580
BEULAH-ZAP	57200	10274	1556	1779	1485	43591
BOWMAN-GASCOYNE	21320	231	1395	0	868	19694
CENTER-STANTON	27480	1197	1640	1120	1054	23523
DICKINSON	108628	6842	40263	9050	199	52473
DIVIDE	3760	461	0	480	0	2819
DUNN CENTER	88560	5196	3766	14315	639	65283
ELGIN-NEW LEIPZIG	14400	325	92	240	92	13743
ELKHORN	25380	267	2512	4070	2512	18531
FORTUNA	19400	8539	1875	1676	56	7310
GARRISON	12660	4067	5623	627	0	2343
GOLDEN-VALLEY	21960	850	861	2478	0	17771
HANKS	47100	2917	2188	3084	1901	38911
KEENE	122700	14600	45496	16304	3148	46300
MOTT	42200	806	279	0	279	41115
NEW ENGLAND	95800	5569	277	11889	162	78065
NIOBE	160	0	0	0	0	160
SAND CREEK	57240	1761	5742	7906	616	41831
TOBACCO GARDEN	64060	50385	0	3884	0	9791
UNDERWOOD	2600	995	0	0	0	1605
VELVA	20280	16122	1525	0	0	2633
WASHBURN	1360	85	86	0	86	1189
WILLISTON	98020	60878	8189	154	217	28799
TOTAL	1009648	193382	127153	89617	15527	599496

<sup>1</sup>Wildlife threshold acreages are included in multiple use.



- Page 74 Para. 1 Replace “571,388” and “206,117” with “573,868” and “206,811”, respectively.
- Page 74 Para. 8 Replace “571,388 acres (10,533 MM tons)” with “573,868 acres (10,591 MM tons).”
- Page 74 Para. 9 Replace “438,260 acres (7,217 MM tons) in second sentence with “435,780 acres (7,159 MM tons).”  
Replace “571,388” in third sentence with “573,868.”
- Page 74 Para. 14 Replace “22,819”, “11,844”, “206,117” with “22,739”, “11,715”, “206,811”, respectively.
- Page 75 Para. 2 Replace “206,117” with “206,811.”
- Page 75 Para. 4 Replace “571,388”, “22,819”, “11,844” with “573,868”, “22,739”, “11,715”, respectively.
- Page 75 Para. 8 Replace “571,388” in first sentence with “573,868.”  
Replace “22,819” and “11,844” in second sentence with “22,739” and “11,715”, respectively.
- Page 75 Para. 11 Replace “disposal or exchange” in first sentence with “land ownership adjustment.”
- Page 76 Para. 4 Replace “571,388” in first sentence with “573,868.”  
Replace “22,819” and “11,844” in second sentence with “22,739” and “11,715”, respectively.
- Page 76 Para. 9 Replace paragraph with: “Federal coal acres overlying buried-valley aquifers found acceptable for further (12,318 acres) consideration would be evaluated on a site-by-site basis and stipulated if necessary to prevent irreversible and irretrievable damage to the hydrology of the aquifer (Appendix F).”
- Page 76 Para. 9 Replace “Disposal” in second sentence with “Transfer.”
- Page 76 Para. 10 Replace “22,819” and “11,844” with “22,739” and “11,715”, respectively.
- Page 76 Para. 10 Replace “Disposal of” in first sentence with “Patenting.”
- Page 77 Para. 2 Replace “571,388” in first sentence with “573,868.”  
Replace “22,819” and “11,844” in second sentence with “22,739” and “11,715”, respectively.
- Page 77 Para. 4 Replace “22,819” and “11,844” with “22,739” and “11,715”, respectively.
- Page 77 Para. 11 Replace “571,388” in first sentence with “573,868.”  
Replace “22,819” and “11,844” in second sentence with “22,739” and “11,715”, respectively.  
Replace “206,117” in third sentence with “206,811.”
- Page 78 Para. 6 Replace “571,388” and “149,470” with “573,868” and “150,380”, respectively.
- Page 78 Para. 8 Replace “22,819” and “11,844” with “22,739” and “11,715”, respectively.
- Page 78 Para. 8 Replace “Disposal” in second sentence with “Transfer.”
- Page 78 Para. 12 Replace “206,117” with “206,811.”
- Page 79 Para. 1 Replace “571,388”, “22,819”, “11,844” with “573,868”, “22,739”, “11,715”, respectively.
- Page 79 Para. 8 Replace “34,663” in second sentence with “34,454.”  
Replace “44,701” in fourth sentence with “44,832.”
- Page 79 Para. 8 Replace second sentence with: “There would be a long-term opportunity for repositioning land ownership on up to 34,454 acres including exchange-only areas.”
- Page 79 Para. 9 Replace “28,490” in first sentence with “28,361.”  
Replace “4,427” in second sentence with “4,298.”
- Page 79 Para. 13 Replace “22,819” with “22,739.”

- Page 79 Para. 14 Replace third sentence with: "Adjusting land ownership by exchange would balance the impacts of the disposal of public land with those of acquisition of private land and would result in a net increase in public values."
- Page 79 Para. 16 Insert at the end of the paragraph: "(C&MU classifications affected by Civil Action 85-2238; see Chapter Three, Lands)."
- Page 79 Para. 18 Replace "571,388", "22,819", "11,844" with "573,868", "22,739", "11,715", respectively.
- Page 80 Para. 2 Insert before last sentence: "Additionally, National Park Service units are highly valued resources. Mitigation may be necessary to maintain the high visual qualities of these areas."
- Page 80 Para. 3 Replace "22,819" and "11,844" with "22,739" and "11,715", respectively.
- Page 80 Para. 8 Replace with: "Under multiple-use tradeoffs, 3,801 acres of federal coal were dropped from further consideration for coal leasing due to the regional or national significance of the cultural resources. Included is all Federal coal within the eligible Knife River Flint Historic District and Writing Rock State Historic site."
- Page 80 Para. 7 Replace "571,388", "22,819", "11,844" with "573,868", "22,739", "11,715", respectively.
- Page 81 Para. 1 Replace "22,819" and "11,844" with "22,739" and "11,715", respectively.
- Page 81 Para. 4 Add to the end of paragraph 4: "Cultural resources potentially impacted by development would be avoided by relocation of the project or mitigated by documentation/recordation or through a data recovery program."
- Page 81 Para. 6 Replace "571,388", "22,819", "11,844", with "573,868", "22,739", "11,715", respectively.
- Page 81 Para. 13 Replace "571,388", "22,819", "11,844", "206,117", "22,164" with "573,868", "22,739", "11,715", "206,811", respectively.
- Page 83 Table Replace with the following table:

**ALTERNATIVE C  
SUMMARY OF COAL SCREENS**

CSA	Acres Federal Coal	Unsuit.	ACRES EXCLUDED			Wildlife Threshold <sup>1</sup>	Acres Acceptable
			Multiple Use	Surface Owner			
ANTELOPE	32360	910	3436	0	1082	28014	
ARNEGARD	25020	105	3108	10517	2147	11290	
BEULAH-ZAP	57200	10274	4013	1779	1627	41134	
BOWMAN-GASCOYNE	21320	231	1828	0	1301	19261	
CENTER-STANTON	27480	1197	2457	1120	1316	22706	
DICKINSON	108628	6842	42877	8882	290	50027	
DIVIDE	3760	461	0	480	0	2819	
DUNN CENTER	88560	5196	5339	14315	382	63710	
ELGIN-NEW LEIPZIG	14400	325	399	240	219	13436	
ELKHORN	25380	267	4185	3911	2442	17017	
FORTUNA	19400	8539	2028	1636	169	7197	
GARRISON	12660	4067	5623	627	0	2343	
GOLDEN VALLEY	21960	850	692	2478	0	17940	
HANKS	47100	2917	6663	2755	3947	34765	
KEENE	122700	14600	49462	16085	5618	42553	
MOTT	42200	806	1591	0	1300	39803	
NEW ENGLAND	95800	5569	1266	11770	196	77195	
NIOBE	160	0	0	0	0	160	
SAND CREEK	57240	1761	8406	7298	2328	39775	
TOBACCO GARDEN	64060	50385	283	3796	0	9596	
UNDERWOOD	2600	995	0	0	0	1605	
VELVA	20280	16122	1596	0	0	2562	
WASHBURN	1360	85	273	0	130	1002	
WILLISTON	98020	60878	9030	154	811	27958	
TOTAL	1009648	193382	154555	87843	25305	573868	

<sup>1</sup>Wildlife threshold acreages are included in multiple use.

- Page 84 Para. 1 Replace “484,592” with “487,072.”
- Page 84 Para. 9 Replace “484,592 acres (9,233 MM tons)” with “487,072 acres (9,291 MM tons).”
- Page 84 Para. 10 Replace “525,056 acres (8,517 MM tons)” in second sentence with “522,576 acres (8,459 MM tons).”  
Replace “484,592” in third sentence with “487,072.”
- Page 84 Para. 15 Replace “106,620” with “107,314.”
- Page 85 Para. 1 Replace “106,620” with “107,314.”
- Page 85 Para. 2 Insert in sentence three before “irreversible”, “but not.”
- Page 85 Para. 4 Replace “484,592” with “487,072.”
- Page 85 Para. 6 Replace “484,592” in first sentence with “487,072.”
- Page 85 Para. 15 Replace “484,592” with “487,072.”
- Page 86 Para. 3 Replace last sentence with: “These acreages will protect the buried-valley aquifers in 17 CSAs (32,273 acres) and the City of Dickinson’s municipal watershed (38,536 acres).”
- Page 86 Para. 6 Replace “no exchange of” in first sentence with “not exchanging.”
- Page 86 Para. 12 Replace “484,592” in first sentence with “487,072.”
- Page 87 Para. 5 Replace “484,592” in first sentence with “487,072.”  
Replace “106,620” in second sentence with “107,314.”
- Page 88 Para. 4 Replace “484,592” in first sentence with “487,072.”  
Replace “110,120” in second sentence with “111,030.”
- Page 88 Para. 10 Replace “106,620” in first sentence with “107,314.”
- Page 88 Para. 11 Replace “254,277” with “253,583.”
- Page 88 Para. 12 Replace “484,592” with “487,072.”
- Page 89 Para. 4 Replace the last sentence with: “The long-term land ownership pattern would remain fixed.”
- Page 89 Para. 7 Insert at the end of the paragraph: “(C&MU classifications affected by Civil Action 85-2238; see Chapter Three, Lands).”
- Page 89 Para. 9 Replace “484,592” with “487,072.”
- Page 89 Para. 11 Insert before last sentence: “Additionally, National Park Service units are highly valued resources. A protective buffer zone may be necessary to maintain the high visual qualities of these areas.”
- Page 89 Para. 16 Replace “484,592” with “487,072.”
- Page 90 Para. 1 Replace with: “Under multiple-use tradeoff, 3,801 acres of federal coal were dropped from further consideration for coal leasing due to the regional or national significance of the cultural resources. Included is all Federal coal within the eligible Knife River Flint Historic District and Writing Rock State Historic site.”
- Page 90 Para. 8 Replace second sentence with: “Adverse impacts to cultural resources would be avoided by project relocation or mitigation by documentation/recordation or through a data recovery program.”
- Page 90 Para. 9 Replace “484,592” with “487,072.”
- Page 90 Para. 15 Replace “484,592” and “106,620” with “487,072” and “107,314.”
- Page 92 Table Replace with the following table:

**ALTERNATIVE D  
SUMMARY OF COAL SCREENS**

CSA	Acres Federal Coal	Unsuit.	ACRES EXCLUDED		Threshold <sup>1</sup>	Acres Acceptable
			Multiple Use	Surface Owner		
ANTELOPE	32360	910	7065	0	153	24385
ARNEGARD	25020	105	8320	10082	5042	6513
BEULAH-ZAP	57200	10274	18523	55	0	28348
BOWMAN-GASCOYNE	21320	231	2890	0	1602	18199
CENTER-STANTON	27480	1197	3854	1120	296	21309
DICKINSON	108628	6842	47614	8009	371	46163
DIVIDE	3760	461	29	480	0	2790
DUNN CENTER	88560	5196	14017	12585	491	56762
ELGIN-NEW LEIPZIG	14400	325	887	240	377	12948
ELKHORN	25380	267	10232	3610	1723	11271
FORTUNA	19400	8539	4371	1517	336	4973
GARRISON	12660	4067	5837	558	0	2198
GOLDEN VALLEY	21960	850	940	2360	0	17810
HANKS	47100	2917	12911	1917	3351	29355
KEENE	122700	14600	72358	9123	1122	26619
MOTT	42200	806	5274	0	1031	36120
NEW ENGLAND	95800	5569	2463	11668	92	76100
NIOBE	160	0	0	0	0	160
SAND CREEK	57240	1761	15991	6514	3802	32974
TOBACCO GARDEN	64060	50385	2665	3103	0	7907
UNDERWOOD	2600	995	189	0	0	1416
VELVA	20280	16122	1992	0	0	2166
WASHBURN	1360	85	588	0	0	687
WILLISTON	98020	60878	17089	154	0	19899
<b>TOTAL</b>	<b>1009648</b>	<b>193382</b>	<b>256099</b>	<b>73095</b>	<b>19789</b>	<b>487072</b>

<sup>1</sup>Wildlife threshold acreages included in multiple use.

**Appendix H – Generic Mine Scenario**

Page 129 Para. 6 Delete second sentence.

Page 129 Para. 6 Add to end of last sentence: “and consumes only a portion of the Class II PSD annual increment for particulates (19 ug/m<sup>3</sup>).”

Page 129 Para. 8 In third sentence, replace “100 ug/m<sup>3</sup>” with 10 ug/m<sup>3</sup>” and replace “147 ug/m<sup>3</sup>” with “57 ug/m<sup>3</sup>.”

Page 129- Para. 14 Insert at end of second sentence: “(Doll et al. 1984 a, b).”  
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Page 130 Para. 4 Insert new paragraph after paragraph 4: “Runoff can cause large quantities of sediment to be deposited into stream channels under pre-mining conditions. This is due to geology, varying land uses in the area, surface conditions, and vegetative cover. Throughout the planning area runoff which reaches the stream channels is highly variable in quantity and quality. Mining activities will result in areas which are highly susceptible to accelerated erosion. The mining lessee will be required to prevent significant changes in runoff quantity and quality from the mine area through the use of runoff and sediment control measures.”

Page 130 Para. 7 Replace last sentence with: “Studies have shown that a ‘mine floor aquifer’ may be formed due to an increase in hydraulic conductivity, storage capacity, vertical permeability of the spoil materials, and to the mining method (Van Voast 1981, Van Voast et al. 1977).”

Page 130 Para. 7 Insert new paragraph after paragraph 7: “This aquifer may have substantial increases in sodium, sulfates, and total dissolved solids. These increases will be variable and dependent on overburden characteristics and reclamation practices. Increases in these constituents may preclude the use of the mine floor aquifer as a fresh water source.”

Page 130 Para. 10 Add sentence to end of paragraph: “The NDS DH, Division of Hazardous Waste Management and Special Studies is the lead agency in regulating waste disposal, including that generated by power plants in coal mine areas.”

Page 132 Para. 5 Replace paragraph 5 with: “Before the Bureau issues a lease or approves of a mine proposal an assessment of impacts to eligible cultural resources would be conducted in consultation with the SHPO and the Advisory Council on Historic Preservation. Based on that consultation the Bureau would recommend areas which would have the least impact on cultural resources. The Bureau would also require additional inventory/evaluation as a lease stipulation in areas potentially effected by mine development. Bureau lease stipulations on the treatment and consideration of cultural resources would be contained in lease application documentation submitted to the OSMRE. OSMRE and NDPSC implement lease stipulations and are responsible for ensuring compliance with 36 CFR 800 once lease has been issued.”

## **Appendix I – Generic Mine Scenario**

Page 135 Para. 6 Replace paragraph 6 with: “Prior to facility site selection, an assessment of impacts to eligible cultural resources would be conducted in consultation with the SHPO and the Advisory Council on Historic Preservation. Based on that consultation, the Bureau would recommend areas which would have the least impact on cultural resources. The Bureau would also require additional inventory/evaluation as a lease stipulation in areas potentially effected by construction of an end use facility. Bureau lease stipulations on the treatment and consideration of cultural resources would be contained in lease application documentation submitted to the OSMRE. OSMRE and NDPSC implement lease stipulations and are responsible for ensuring compliance with 36 CFR 800 once lease has been issued.”

Page 135 Para. 8 Insert after paragraph 8: “Construction of an end use facility would contrast with the uniform landscape of western North Dakota. Dust produced from the structure’s construction and operation would diminish the quality of daytime sightseeing. Night sky viewing would also be impacted by a combination of dust and light pollution.”

Page 135 Para. 9 Delete.

Page 135 Para. 10 Delete.

Page 135 Para. 11 Replace first sentence with: “The penetration of the skyline by the facility in views from communities and major transportation corridors would have an immediate impact on visual resources.”

Page 137 Add after paragraph 5: “The economic stimulus associated with plant and mine development has been referred to as the boom part of the boom/bust cycle. There are really two aspects to the boom portion of this cycle. The first is the two to three year peak construction phase which is the most intense part of the boom period. Often the end of the peak construction phase has been referred to as the bust part of the cycle because there is a significant reduction in the overall level of employment and spending. However, the long-term operations phase which occurs next continues for 30 to 40 years and represents a level of economic activity greater than that which would have occurred without plant and mine development. Communities can experience problems if they expand services to meet the peak construction phase workforce. After the peak construction workforce leaves, the community is faced with financing the capital intensive public service improvements which puts the burden on the people who remain in the community past the peak construction period. Economic uncertainties surrounding the optimum level of community service expansion are difficult for most communities to deal with and can result in excessive long-term obligations to the community’s long-term residents.”

Page 137 Para. 2 In sentence 5, replace “With minor exceptions,” with “Portions of.”

In sentence 5, insert “directly” after “distributed.”

Page 140 Para. 1 Add as first complete paragraph: “There would be additional adverse impacts to farm and ranch operations resulting from off-site occurrence of increased dust fallout, loss or degradation of some water sources, etc. The economic impact of these occurrences is unknown.”

## **Appendix J – Withdrawals and Land Classification**

Page 141 Para. 2 Replace first sentence with: “The time-frame requirements for withdrawal review, FLPMA Section 204(l), does not apply to withdrawals in North Dakota.”

Page 141 Para. 7 In the second sentence replace “These classifications were reinstated” with “The termination of the classifications were suspended.”

Page 141 Para. 8 Delete the last sentence.

## Appendix L – Oil and Gas Processing Procedures

Page 147 Para. 4 Replace the first sentence with: “When a complete NOS is received, a review is performed to identify the need for associated rights-of-way and special use permits, cultural resource clearances, protection of wildlife and wildlife habitats (as detailed in Appendix C, Special Lease Stipulations, of the final RMP/EIS), or other associated resource concerns.”

### MAPS

- Map 2 Beulah Area The following coal lands are acceptable for further consideration of leasing under Alternatives B, C, and D.
- T.144N., R.94W.
    - Sec. 10, S $\frac{1}{2}$ , NW $\frac{1}{4}$
    - Sec. 15, N $\frac{1}{2}$
  - T.144N., R.93W.
    - Sec. 4, E $\frac{1}{2}$ , NW $\frac{1}{4}$
    - Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$
  - T.144N., R.92W.
    - Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$
    - Sec. 18, W $\frac{1}{2}$
- Map 3 Dickinson Area The following coal lands are excluded from further consideration of leasing due to surface owner opposition under Alternative D.
- T.141N., R.99W.
    - Sec. 20, NE $\frac{1}{4}$ , W $\frac{1}{2}$
    - Sec. 30, NE $\frac{1}{4}$ , W $\frac{1}{2}$