

CHAPTER ONE

INTRODUCTION

This document establishes the North Dakota Resource Management Plan (RMP) and outlines procedures for using it. The RMP has been prepared in accordance with the Federal Land Policy and Management Act (FLPMA) and the Bureau of Land Management's (BLM) planning regulations, 43 CFR 1600.

The North Dakota RMP provides a single comprehensive land use plan for all BLM resource management responsibilities in the state. This master plan establishes the resource condition objectives, allocation of public land resources to various uses, and specific methods of managing those resources. Management decisions presented in this plan will remain in effect until the plan is amended, revised or replaced by a new plan. If significant changes occur in the proposed land uses of the planning area the RMP will be amended or revised.

This RMP replaces all management direction established in the four Management Framework Plans completed for BLM-administered resources in North Dakota during the late 1970s and early 1980s. In addition, the RMP replaces management decisions made following the development of the North Dakota Grazing Environmental Impact Statement (NDGEIS) and the Dickinson District Oil and Gas Environmental Assessment (EA).

DESCRIPTION OF THE PLANNING AREA

This document provides management direction for all public lands and federal minerals in North Dakota for which the BLM is the sole management agency. A total of about 67,500 acres of public land is located in North Dakota, primarily in Dunn and Bowman Counties. Most of the public lands in these two counties are situated in two major blocks, the Lost Bridge area and the Big Gumbo area. The remaining public lands are situated in small, isolated tracts scattered throughout the state.

There are approximately 5.8 million (MM) acres of federally-managed minerals in North Dakota. Federal minerals are located under surface lands managed by various federal agencies, including the BLM, the U.S. Forest Service, and the U.S. Corps of Engineers (Table 1). Federal minerals are also located under state or privately-owned surface. This RMP establishes management strategies for federal minerals located under BLM-administered surface and under private lands not situated within the administrative boundaries of other federal land management agencies with the exception of portions of Dunn County located within the administrative boundary of Little Missouri National Grasslands. Land use planning for federal minerals located within the administrative boundaries of other federal agencies (approximately 1 MM acres) is conducted by the appropriate surface managing agency.

This plan considers approximately 4.8 MM acres of federal minerals. Most of this acreage is located in the western one-half of the state. The bulk of this total mineral acreage, approximately 4.2 MM acres, is federal coal reservation only. An additional 460,394 acres are federal oil and gas reservation only, and the remaining federal minerals are made up of all minerals, coal and oil and gas only, or other combinations.

THE PLANNING PROCESS

The BLM resource management planning process followed in developing this RMP has nine steps:

Step 1. Identification of Issues

Resource management concerns, conflicts, and opportunities that can be resolved through the planning process are identified. This process is called scoping and involves public participation.

Step 2. Development of Planning Criteria

Information needed to resolve issues, formulate and evaluate alternatives, and select the preferred alternative is identified. The criteria are circulated for public review.

Step 3. Collection of Inventory Information

Data needed to resolve resource issues and other environmental, social, and economic concerns are collected.

TABLE 1

FEDERAL OWNERSHIP OF SURFACE, COAL, AND OIL AND GAS ESTATES WITHIN NORTH DAKOTA¹

Federal Agency	Coal Acres ³	Surface Acres ²	Oil and Gas Acres ³
Bureau of Land Management	4,200,000	67,247	460,394
U.S. Forest Service		1,105,545	963,285
Bureau of Reclamation		10,089	1,388
U.S. Fish and Wildlife Service		417,138	8,371
Army Corps of Engineers		559,077	9,807
U.S. Air Force		12,347	0
Bureau of Indian Affairs		762	0
National Park Service		71,057	10,444
TOTALS	4,200,000	2,243,586	1,453,689

¹ Agencies with minor ownership not included. Other categories of mineral ownership (e.g., acquired minerals, all minerals, restricted minerals) are not listed.

² Public Land Statistics 1984, BLM figure modified to reflect recent land pattern adjustment.

³ BLM Dickinson District Inventory Record. Includes all oil and gas rights administered by BLM and USFS and on Public Domain Lands of other agencies.

Step 4. Analysis of the Management Situation

Current situation is assessed, and a baseline for development of a RMP is provided. A Management Situation Analysis (MSA) document is produced that describes the physical situation, current management guidance, and resource problems and opportunities. The MSA is generally a reference document only and is not distributed to the public.

Step 5. Formulation of Alternatives

Several complete, reasonable resource management alternatives are prepared. A required "no action" alternative describes present management whereas other alternatives place emphasis on different management themes.

Step 6. Analysis of Impacts of Alternatives

The physical, biological, economic, and social impacts of implementing each alternative are analyzed.

Step 7. Selection of the Preferred Alternative

Impacts of each alternative are compared and the preferred alternative is selected. The interdisciplinary process used in steps five through seven is documented in a draft RMP/EIS and circulated for public review.

Step 8. Selection of the Resource Management Plan

Public comments are analyzed and the alternatives are modified as appropriate to provide a basis for the management plan. The proposed RMP and final EIS is distributed to the public in the final RMP/EIS document. A 30-day protest period is allowed before the RMP is adopted. A Record of Decision is published after a consideration of any protests.

Step 9. Monitoring and Evaluation

Resource conditions are monitored and evaluated as the plan is implemented. If monitoring shows that resource issues are not being satisfactorily resolved or that the desired results outlined by the RMP are not being met, the plan may be amended or totally revised.

Coal Planning

In addition to the BLM planning process, there are four land use planning requirements of the federal coal management regulations (43 CFR 3420.1-4). Prior to the leasing of federal coal, the following four screens must be applied during land use planning:

- (1) Identification of areas with coal development potential,
- (2) Application of the 20 unsuitability criteria (43 CFR 3461.1),
- (3) Identification of multiple-use tradeoffs, and
- (4) Identification of significant surface owner opposition to the surface mining of federal coal.

Based on the application of these four screens, lands acceptable for further consideration for the leasing of coal are determined. The decisions to lease and allow mining are not made during the development of a RMP but are further analyzed through detailed environmental analysis following land use planning.

SUMMARY OF PUBLIC INPUT

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 suggesting 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 availability 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, 1,844 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 A, Table A-6).

Public Review of Draft RMP/EIS

Copies of the draft RMP/EIS were provided to approximately 429 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. 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. The comments and BLM's responses to them are presented in the final RMP/EIS. The subjects of those comments that appeared most frequently or will require additional consideration during implementation of the RMP are summarized below:

- (1) The RMP's use of multiple-use tradeoffs in applying the coal screens. Some believed BLM did not go far enough in meeting the Secretary of the Interior's pledge to give greater emphasis to multiple-use tradeoffs during coal planning, whereas others believed BLM was excessive in its use of multiple-use tradeoffs.
- (2) The RMP's use of the wildlife threshold concept.
- (3) Adequacy of data used for application of the coal screens.
- (4) Interest in maintaining or enhancing air quality in relation to mineral development. This topic was frequently mentioned.
- (5) Protection of groundwater in relation to mineral development.
- (6) Protection of surface owner rights during the coal leasing process. Land owners over Federal coal were concerned that they would not be contacted prior to leasing. Many persons mentioned that surface lease agreements may be allowed to expire before any Federal leasing takes place resulting in opportunities to refuse consent to leasing of Federal coal.
- (7) BLM's authority to use special oil and gas leasing stipulations in split estate situations. There was concern that these stipulations would unnecessarily hinder development and would interfere with landowner rights.
- (8) The protection provided to archaeological resources. Some believed BLM provided excessive protection whereas others stated that BLM should be commended for the recognition of the value of archaeological resources.
- (9) BLM should explore opportunities to transfer public lands to other resource management agencies or related interest groups before, or in place of, disposing of or exchanging lands.

- (10) Consideration of some areas for ACEC designation.
- (11) Protection of nature preserves, natural areas, and rare plants and animals.
- (12) Mineral development impacts on units of the National Park Service (especially visual impacts).
- (13) Stream segments identified in the Nationwide Rivers Inventory should be considered in future management proposals.
- (14) The land pattern adjustment program. Adjacent landowners should be given first priority in sales and exchanges.

Following release of the RMP and final EIS there was one protest to the plan. The protest questioned BLM's authority to include stipulations for the protection of surface resources when leasing Federal oil and gas located under private surface. The Director of BLM determined that BLM does indeed have the authority to use lease stipulations as a means of mitigating impacts to the environment in the case of split estate.

Public input into the planning process will continue throughout implementation of the RMP. Opportunities for public input will occur during the preparation of activity plans and site-specific environmental analyses. Also, coordination and consultation with other Federal agencies, state and local governments, and Indian tribes will be necessary for the implementation of many plan decisions.

ISSUES

The BLM planning process is issue driven. The development of management proposals is based on the issues identified through public input, resource monitoring and regulatory or policy mandate.

Four issues were identified during the scoping process for this RMP: Coal Leasing, Land Pattern Adjustment, Oil and Gas Leasing, and Off-Road Vehicle (ORV) Use Designations. Many related concerns identified through public comment have been included in the four basic issues.

Coal Leasing

The federal coal leasing process, opinions expressed by the public, and the principles of multiple resource management require that areas with potential for the leasing and development of federal coal be analyzed through a comprehensive land use plan and environmental analysis. Areas of federal coal will be screened for coal development potential, unacceptable environmental conflicts, and significant surface owner opposition to mining.

The four coal screens (43 CFR 3420.1-4) need to be applied to coal administered by the BLM in North Dakota except for areas underlying surface administered by other federal agencies. The application of the coal screens must include consideration of all resources included in the unsuitability criteria (43 CFR 3461) as well as other resources not specifically addressed by the criteria.

Land Pattern Adjustment

Small scattered and isolated tracts of Bureau-administered surface are often difficult or uneconomical to manage. Land pattern adjustments need to be made to enhance multiple-use management and to increase multiple resource values on public lands in the state.

Oil and Gas Leasing

The uncertain nature of the timing, location, and resource impacts of oil and gas development require that potential impacts be analyzed during the land use planning process and that appropriate measures be prescribed to ensure protection of significant resource values. Efficient development of federal oil and gas should be encouraged through the use of the least restrictive leasing stipulations necessary.

Oil and gas development potentially may cause impacts to habitats used by threatened or endangered species, migratory bird species of high federal interest, or wildlife species

of high interest to the state. Impacts can also occur to other important resources such as air and water quality. Appropriate lease stipulations necessary to avoid or mitigate impacts to these important resources need to be developed while ensuring that multiple use objectives are met.

Off-Road Vehicle Travel Restrictions

The BLM has been mandated by executive order (EO 11644) to study and designate Bureau-administered surface as either open, limited or closed to ORV uses.

Areas where ORV use may cause significant adverse environmental impacts need to be protected by appropriate use designations. These use designations can either close an area to ORV use or limit ORV use by restricting use to specific kinds of vehicles, season of year, or both. Areas where ORV use does not cause significant impacts to other resources or users need to be designated as open to ORV use to ensure the availability of ORV recreational opportunities.