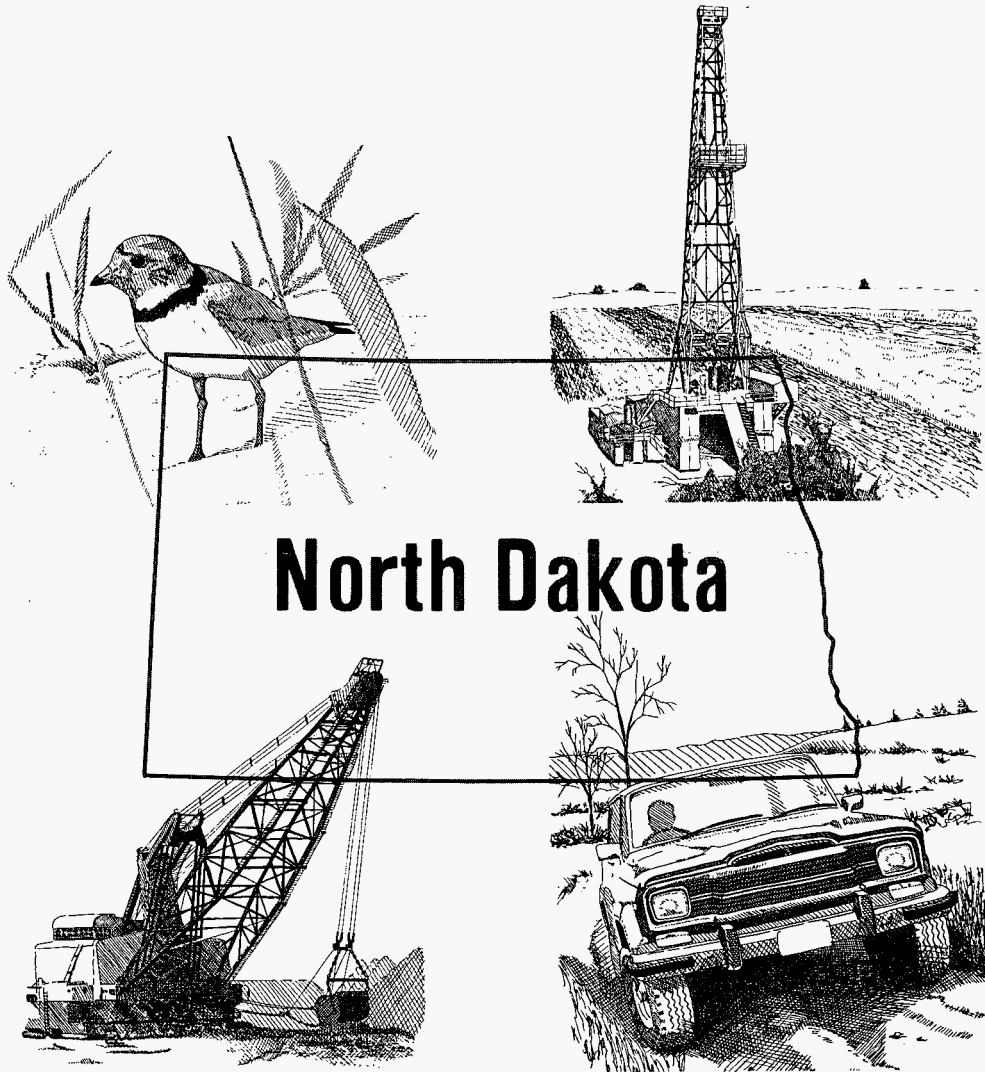


North Dakota Resource Management Plan and Environmental Impact Statement Record of Decision



APRIL 1988

U.S. Department of the Interior
Bureau of Land Management
Dickinson District

BLM-MT-ES-88-002-4410

RECORD OF DECISION

for the

North Dakota Resource Management Plan

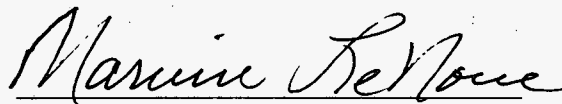
and

Final Environmental Impact Statement

prepared by

United States Department of the Interior
Bureau of Land Management
Dickinson District, North Dakota

April 22, 1988



State Director
Montana State Office

RECORD OF DECISION

NORTH DAKOTA RESOURCE MANAGEMENT PLAN

Introduction

This document is the Record of Decision for the Environmental Impact Statement (EIS) prepared for the North Dakota Resource Management Plan (RMP). The North Dakota RMP is a comprehensive land use plan developed to direct management activities for all lands and minerals administered by the Bureau of Land Management (BLM) in North Dakota.

The North Dakota RMP establishes management guidance for approximately 67,500 acres of public surface and 4.8 million acres of Federal minerals. About 38,000 acres of public surface are situated in relatively consolidated blocks in Bowman and Dunn counties, North Dakota. The remaining public surface occurs in small, isolated tracts scattered across the state.

Federal minerals in North Dakota are located under Federal, State and private surface. The RMP and corresponding EIS consider management strategies for Federal minerals located under BLM-administered surface and under state and private lands not situated within the administrative boundaries of other Federal land management agencies. An exception to this exists where the RMP and EIS consider strategies for managing Federal minerals in portions of Dunn County that fall within the administrative boundary of the Little Missouri National Grasslands.

The RMP was prepared in accordance with the Federal Land Policy and Management Act (FLPMA), the BLM's planning regulations (43 CFR 1600), and Federal coal planning regulations (43 CFR 3420.1-4). The Draft and Final EIS were prepared in accordance with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA), 40 CFR 1500.

The Decision

The decision is hereby made to approve Alternative C as presented in the proposed North Dakota RMP and accompanying Final EIS published July 1987.

The decision to select the RMP was primarily based on four factors:

- 1) effectiveness in resolving the planning issues,
- 2) conformance with the guidance established by the planning criteria,
- 3) avoidance of unnecessary impacts to the human environment, and
- 4) responsiveness to public input.

The selected RMP represents a balanced management strategy for public lands and minerals in North Dakota. The plan achieves the multiple use mandate of FLPMA, while fulfilling the resource-specific requirements of legislation such as the Surface Mining Control and Reclamation Act. The selected plan also received general approval from the public reviewers of the draft RMP/EIS.

One protest was filed on the final RMP/EIS. The protest challenged BLM's legal authority to use lease stipulations as a method of mitigating adverse environmental impacts resulting from the development of Federal oil and gas located under private surface. The BLM Director's response to the protest was that BLM does indeed have the authority to use lease stipulations in the case of split-estate where necessary. The protest response also stated that:

“ . . . [the BLM] Montana State Director and the Dickinson District Manager followed applicable planning procedures, laws, regulations, policies, and resource considerations in developing the North Dakota RMP. They provided ample opportunity for public comment and evaluated the comments received along with other pertinent information prior to making the decision on the RMP.”

Management Issues and Planning Criteria

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.

Planning criteria were developed early in the process, and refined throughout, to guide the construction of the RMP. The criteria established management constraints or requirements for the planning process. Conformance with the planning criteria was used as a measure in assessing the acceptability and effectiveness of alternative management plans.

The Alternatives

Four alternative management plans, labeled A—No Action, B, C—Proposed Alternative, and D, were analyzed through the draft and final EIS process. The four alternatives presented a reasonable range of management actions addressing the planning issues and criteria developed at the outset of the planning process. The alternatives included management options ranging from maximum production of commodity resources such as oil, gas, and coal, to the general protection of amenities such as wildlife habitat and visual quality.

Alternative A, No Action, maintained present management direction for all resources and programs. This alternative would rely on existing Management Framework Plans and related programmatic environmental documents for management guidance.

Major management actions under Alternative A include the following:

- 1) the finding of 391,179 acres of Federal coal acceptable for further consideration for leasing,

- 2) the identification of 9,539 acres of public lands as available for disposal or exchange,
- 3) the use of special oil and gas lease stipulations on 29,136 acres and the use of Montana BLM Standard Stipulations on 431,258 acres of Federal oil and gas,
- 4) no ORV use designations.

Alternative B was based on the themes of maximizing commodity resource production, consolidating land pattern to improve management efficiency and maximizing opportunities for off-road vehicle (ORV) travel and recreation.

Major actions proposed under Alternative B include:

- 1) the finding of 599,496 acres of Federal coal acceptable for further consideration for leasing,
- 2) the identification of 38,680 acres of public lands as available for disposal or exchange,
- 3) the use of standard oil and gas lease stipulations on 460,394 acres of Federal oil and gas, and
- 4) the designation of all public surface as open to ORV travel.

Alternative C was the proposed alternative in the RMP and Final EIS. This alternative is based on the theme of balanced multiple use. Prescribed management actions are intended to maximize production of mineral resources and opportunities for ORV recreation, and to consolidate surface lands into a manageable pattern.

Major actions proposed under Alternative C include:

- 1) the finding of 573,868 acres of Federal coal acceptable for further consideration for leasing,
- 2) the identification of 22,739 acres of public lands as available for disposal or exchange and 11,715 acres for exchange only,
- 3) the use of special oil and gas lease stipulations on all new leases issued on 206,811 acres and the use of Montana BLM Standard Stipulations on 253,583 acres of Federal oil and gas, and
- 4) the limitation of ORV travel to maintained roads March 1 through June 1 on 22,164 acres, and the designation of all remaining public surface as open to ORV travel.

Alternative C was the preferred alternative because of its reasonable balance of multiple uses, recognition of regionally and nationally significant resources, and effective resolution of the planning issues. This alternative also received a considerable amount of support from the public involved.

Alternative D was based on the general theme of protection of amenity values. The protection of values such as cultural resources, wildlife habitats, and recreational opportunities was favored over potentially conflicting uses or actions such as the development of mineral resources or the disposal of public lands.

Major actions proposed under Alternative D include:

- 1) the finding of 487,072 acres of Federal coal acceptable for further consideration for leasing,
- 2) no public lands would be offered for exchange or disposal; outside applications would be reviewed on a case-by-case basis,
- 3) the use of special oil and gas lease stipulations on all new leases issued on 107,314 acres, the use of Montana BLM Standard Stipulations on 253,583 acres, and the closure of 99,497 acres of Federal oil and gas to future leasing,
- 4) the limitation of ORV travel on 22,164 acres to maintained roads March 1 through June 1, and to existing roads and trails the remainder of the year; and the limitation of vehicular travel over all remaining public lands to existing roads and trails.

Alternative D was the environmentally preferred alternative. Alternative D presented the lowest level of surface disturbance, impact on regionally or nationally significant resources, and disruption of regional economic and social conditions. However, this alternative was not the agency's preferred plan because of the alternative's failure to achieve balanced multiple use and incomplete resolution of the planning issues.

Mitigation

Mitigation measures necessary to avoid adverse impacts were built into the selected alternative wherever possible. Mitigation measures are presented in the form of (1) ~~stipulations to be incorporated in future land use authorizations (e.g., leases or permits),~~ (2) stipulations to govern project development, and (3) closures to protect key resources. In some cases, the need for site-specific review to aid in the development or refinement of mitigation measures has been identified. Also, some portions of the plan identify a need for monitoring of management actions to, in part, identify any additional mitigation measures that may be necessary.

Resource and Plan Monitoring

Both resources and the North Dakota RMP itself will be monitored. The goals of resource monitoring with respect to the plan decisions will be presented in the RMP summary document. The effects of implementing specific decisions will be evaluated periodically to assure that the desired on-the-ground results are achieved. Specific monitoring activities are included or developed through the district monitoring plan. The results of resource monitoring are used in developing and refining activity plans and project proposals. Monitoring will also enable assessment of long-term trends in resource condition and use. Identification of long-term trends and use will facilitate future land use planning.

Monitoring of the overall RMP and related NEPA analyses will also take place. The RMP and EIS will be periodically reviewed to determine if (1) actions are consistent with current policy, (2) original assumptions and analyses were correct, (3) mitigation measures are effective and necessary, and (4) conditions or circumstances have changed significantly. Results of plan monitoring will guide plan maintenance as well as help detect the need for plan amendment or revision.

Public Involvement

Public involvement was sought throughout the preparation of the RMP and EIS. Formal public involvement activities took place during scoping and issue identification, development of planning criteria, review of the draft EIS, and opportunity to protest the plan and final EIS. In addition, letters were sent to 1,844 landowners over Federal coal, asking them to state their preference for or against the mining of Federal coal.

One protest was filed on the RMP/EIS. There were no substantive changes made to the plan as a result of the protest.

There will be additional opportunities for public involvement throughout the implementation of the RMP. Public input will be sought during the preparation of environmental analyses. Public comments will also be required through District Advisory Council meetings and special purpose public hearings or meetings.

Consistency

The North Dakota RMP is consistent with the plans, programs, and policies of other Federal agencies and of state and local governments.

Public Availability

A limited number of copies of the draft and final North Dakota Resource Management Plan and Environmental Impact Statement are available at the Dickinson District Office, 202 East Villard, P. O. Box 1229, Dickinson, North Dakota, 58602, telephone (701) 225-9148. Copies are also available through the Montana State Office, 222 North 32nd Street, P. O. Box 36800, Billings, Montana, 59107.

The North Dakota RMP summary document will be available in the spring of 1988. The summary will contain the same decisions presented in the RMP and final EIS but organized in a format facilitating in-house reference. Persons wishing to obtain copies of the RMP summary, when available, should contact the Dickinson District Office at the above address.



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