

**Missouri Basin Resource Advisory Committee (MBRAC)**  
**Business Meeting Minutes**  
**May 16, 2024**  
**Double Tree Inn, Billings, MT**

***Individuals Present:***

**MBRAC Members:** *(a quorum was present)*

*In Person:* Kevin Wagner (Category 1), Greg Jergeson (Category 2), James Moore (Category 3), Trisha Tonn (Category 1), Jeff Schafer (Category 1), Mark Good (Category 2), Miles Hutton (Category 1), Perri Jacobs (Category 1)

*Online via Teams:* Stacey Barta (Category 3), Mike Fox (Category 3), Doug Krings (Category 2)

**Public:**

*In Person:* Tory Kolkhorst (Senator Steve Daines field rep), Ian Davidson (Wild Montana Eastern Montana Field Organizer)

*Online via Teams:* Molly Masters (Missouri River Conservation Districts Council coordinator), Emily Schneller (Congressman Matthew Rosendale field rep)

**BLM Staff:**

*In Person:* Sonya Germann (Montana/Dakotas State Director), Wendy Warren (MBRAC Designated Federal Official and District Manager, Eastern Montana Dakotas District), Phil D'Amo (Acting District Manager, North Central Montana District), Mark Jacobsen (EMDD Public Affairs), Gina Baltrusch (NCMD Public Affairs), Nate Arave (Field Manager, Billings Field Office), Christine Cimiluca (Climate, Environment and Planning Branch Chief, Montana/Dakotas State Office), Ann Boucher (RAC Coordinator, Montana/Dakotas State Office), Leah Dailey (Acting Deputy State Director for Support Services, Montana/Dakotas State Office), Donna Bradley (Resource Assistant, Miles City Field Office)

*Online via Teams:* Michael Borgreen (Field Manager, Glasgow Field Office), Eric Lepisto (Acting Deputy State Director for Resources and Planning), Kathy Tribby (Field Manager, Malta Field Office), Dan Fox (Supervisory Natural Resource Specialist, Miles City Field Office), Jason Snellman (Outdoor Recreation Planner, Malta Field Office), Zane Fullbright (Monument Manager, Upper Missouri River Breaks National Monument)

**Meeting began at 8 a.m.**

Mark Jacobsen welcomed members and the meeting was brought to order; site orientation, safety and housekeeping items were reviewed. Leah Dailey assisted members in completing travel reimbursement vouchers. All MBRAC members and BLM

staff introduced themselves, as it was the first meeting since five new members had been appointed. Mark Jacobsen asked for opinions of having virtual MBRAC meetings. Members prefer to meet four times per year in a central location. If weather conditions or other issues warrant, two meetings could be virtual.

The meeting was turned over to the MBRAC Vice-Chairperson Perri Jacobs. The first order of business was electing a new chairperson and vice-chairperson. Perri Jacobs asked for volunteers for the chair position; Miles Hutton and Perri Jacobs volunteered. Perri Jacobs opened the floor for additional nominations, none were offered. Kevin Wagner moved to close nominations; Jeff Schafer seconded. All members voted in favor of closing nominations. Miles Hutton and Perri Jacobs presented their experience and goals for holding the position. Mark Jacobsen informed the group of the duties of a chairperson and vice-chairperson. Members discussed the preferred length of a term for the elected positions and agreed that the positions would be held for one year. Members in attendance voted for chairperson by paper ballot and those online voted through the chat to Gina Baltrusch. Voting results were: Miles Hutton (2) and Perri Jacobs (9).

Perri Jacobs, now the newly elected chairperson, requested volunteers for the vice-chairperson position. Miles Hutton and Trisha Tonn volunteered. Perri Jacobs opened the floor for nominations; none were received. Miles Hutton withdrew from consideration. Greg Jergeson moved to close nominations; Kevin Wagner seconded.

Trisha Tonn was unanimously elected as vice-chairperson.

## **BLM Manager Briefings**

### **Wendy Warren - MBRAC Designated Federal Official and District Manager, Eastern Montana Dakotas District:**

The Supplemental Environmental Impact Statement and proposed Record of Decision for an amended Miles City Resource Management Plan was released on the BLM ePlanning website. The protest period will begin Friday May 17, 2024, and closes 30 days later. The Governor of Montana will then have a 60-day review period. This document is the BLM response to a court ordered 'redo' on the 2015 Miles City Field Office Approved RMP. The proposed action is no new coal leasing for the Rosebud and Spring Creek Mines. Existing leases will be honored through 2035 and 2060; all active leases will be full force and effect until that time. The final document is due Dec 3, 2024.

The Snowy River CO2 Sequestration Project EA in Carter County public comment period has been extended twice. The proposal is for a right of way to access BLM to allow CO2 to be pumped into the ground; the comment period remains open until Friday May 17, 2024. No proposed decision identified at this time. The Denbury Plan of Development is attached to the project EA and is available on ePlanning for public review and comment. A number of public meetings, in-person and virtual, have been hosted -- the most recent was April 30, 2024, with the Carter County Commissioners, the EPA and Denbury Inc., and discussed the proposal and how it will work. The public

was invited to attend. The EPA is the authority and must issue permits for a Class 6 well for the project to be approved; BLM involvement is limited to the issuing a right of way for the sequestration to occur. The right of way includes 15 wells, 12 on BLM-administered lands and three on State of Montana lands; 500 surface acres. This has been identified as a potential area, but testing will occur to determine if the area will be appropriate for this use.

\*Wendy Warren departed the MBRAC meeting to host the BLM 'Local Perspectives' new employee orientation. Nate Arave will continue reporting updates on EMDD information.

***Sonya Germann - Montana/Dakotas State Director:***

Sonya noted that the MBRAC meeting is primarily intended for District Managers to inform and obtain information from members regarding projects and issues in their area, and she's attending as an opportunity to engage with MBRAC members on topics that are being discussed at the national level. She expressed appreciation for the feedback from MBRAC members to keep her informed of issues that affect the public, their use of public lands and how BLM decisions affect them. "Federal servants need to understand the concerns of the public." Sonya thanked members for volunteering.

National-level topics discussed:

\*The Sage Grouse EIS is currently out for public comment which will close June 13, 2024. She thanked Stacey Barta for her invaluable comments through her representation of a cooperating agency (MT-DNRC). The BLM Programmatic EIS for Sage Grouse covers its entire range. Beginning in 2015, numerous agencies have coordinated with BLM to develop this plan to manage the population, (State of Montana, Montana Sage Grouse Oversight team, South Dakota Game and Fish, et.al.) Recently, Prairie County Commissioners came out in support of the EIS.

\* The other nationwide issue is a Solar Programmatic EIS. A Western Solar Plan was completed in 2012, this identified acres that had potential to be made available for solar development--Montana, North and South Dakota were not included in that plan. In the most recent plan, 200,000 acres in North Central Montana were identified that may be appropriate for solar development. Before this Programmatic EIS, even more acres in Montana could have been classified as appropriate for development. This Programmatic EIS clarifies that 7.8 million acres are not appropriate for solar development. Appropriate sites were determined using consideration of the distance from transmission lines, sage grouse habitat, migration corridors, wildlife habitat, ACECs and slope requirements/restrictions for solar panel placement, and more. Specific sites will be reviewed through the NEPA process to determine permitting and mitigation decisions.

\*The Oil and Gas quarterly lease sales have resumed.

\*The Inflation Reduction Act provided \$55 million for restoration projects for Montana. Projects identified are Bentonite Restoration in South Dakota and three landscape restoration projects in Montana. Two of the Montana restoration landscapes are located in the Western Montana District -- one near Missoula and another in Southwest Montana out of the Dillon Field Office. The third Montana restoration landscape project is the Hi-Line Sagebrush Anchor project in the Malta and Glasgow field offices.

\*The Public Lands Rule headquarters committee reviewed and adjusted the rule in response to public comments. The Final Rule was released April 18, 2024. The BLM Montana/Dakotas State Office has a team reviewing the document to identify and understand how it will affect public resources and how it will be implemented. BLM is available to meet with groups that would like to learn more about the rule. Some presentations are already planned, and other groups have been contacted to determine interest in hosting a presentation (North Dakota Petroleum Council, Stockgrowers industry groups, county commissioners, Montana Wood Products Association, etc.)

***Nate Arave - Field Manager, Billings Field Office:***

MBRAC members will tour Pompey's Pillar National Monument this afternoon. The BLM has been working on a stabilization project to protect the historic engraved signatures from water/weather damage. This has been a multi-year project and cleanup and re-seeding was recently completed.

Billings Field Office staff are currently working on an EA to update the horse management plan for the wild horse herd in the Pryor Mountains. The herd size remains above the preferred population of 120. The last horse gather was conducted in 2018. Natural events have prevented the herd from growing as rapidly as anticipated; currently at about 200 horses. The new plan will address future gatherings. This year, horses were treated with the fertility drug PCP --which will help control future herd size. The goal is to complete the EA by October 2024. This will allow the field office to consider comments they expect to receive from the public comment period. A revision to the 2015 RMP is planned to update the section regarding genetic information on the herd. This is in response to a court decision.

***Philip D'Amo - Acting District Manager, North Central Montana District:***

NCMD field office updates were previously emailed to MBRAC members. Phil D'Amo summarized and answered member questions. Phil asked that at the fall meeting, the RAC consider as an agenda item a change in recreation fees for the Malta Field Office campgrounds. The recreation program business plan is being updated and the last time fees were adjusted was in 2014. These fees need to be updated to cover maintenance and meet fair market value to help cover increasing costs of providing services for recreation facilities.

## **Public Lands Rule Briefing**

**Christine Cimiluca - Supervisory Climate, Environment and Planning:**

Christine gave a presentation about the Public Lands Rule. An overview was previously emailed to members and printed copies were provided to members to follow along. Members asked questions and for clarification on the Rule presentation.

### **Public Comment Period**

No comments received. Public online and in attendance listened to the presentations and discussion between BLM and MBRAC members.

### **Meeting Close-out, Requests and Future Meeting Topics**

\*Printed documents to be provided with pagination.

\*Provide RAC members with quarterly updates of BLM issues and actions.

\*Determine how the RAC can develop proposals and conduct work without establishing subcommittees, which pose a heavy staffing and administrative burden.

\*Next meeting TBD. The chairperson, vice-chairperson and BLM will determine possible location and start/end times. A suggestion to have meetings start and end at noon was made. Members will respond to a doodle poll to determine best date, time and location for the next meeting.

Malta FO requested to be on the agenda to brief RAC members on a proposed Recreation Business plan that includes possible changes in Recreation Fees. If approved, changes will be effective Spring 2025. Initial BLM presentation may be in August/September, then the proposal would be analyzed through the NEPA process. The RAC would review the document and members would determine their support of the proposal at the October meeting.

North Dakota RMP to be released in June. Tour suggestion for the Hi-Line Sagebrush Anchor Restoration Landscape project in Montana's Valley and Phillips counties. RAC members asked that field trips be scheduled in the morning to avoid the afternoon temperatures. Members should forward any requests for the next meeting's agenda topics to Perri Jacobs or Trisha Tonn. Billings FO is writing an Elk Basin travel management plan. The Little Rockies Forest health plan EA in North Central Montana District will be available for public comment in 2025.

Leah will seek guidance regarding possible travel reimbursement for members that may wish to travel for research on issues the RAC will be addressing.

### **Meeting Ended – 11:45 a.m.**

Lunch is on your own. Members will meet for a tour of preservation work being conducted at Pompey's Pillar National Monument at 1:30 p.m.

***Respectfully approved/submitted,***

**Perri Jacobs**  
**Missouri Basin RAC Chair**

**Trisha Tonn**  
**Missouri Basin RAC Co-Chair**

Documents/Presentations provided to MBRAC members:

- NCMD District Update
- EMDD District Update
- Public Lands Rule Fact Sheet
- Public Lands Rule Presentation

**NOTE: personally identifying information (PII), such as private email addresses have been omitted.**

**From:** Baltrusch, Regina C  
**To:** Trish Tonn; Perri Jacobs  
**Cc:** Boucher, Ann M; Jacobsen, Mark E  
**Subject:** RE: MBRAC MEETING MINUTES FOR EDIT/INPUT DD: 7/3/2024  
**Date:** Tuesday, July 9, 2024 8:45:00 AM

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Thanks so much, Perri and Trish! This email conversation will serve as a record of concurrence, and will be included in the final meeting minutes package posted on the MBRAC webpage. I will omit/obscure any personal email addresses in that public copy. Once it's web-posted, I'll share it via email to all MBRAC members and BLM-MT/DKs leadership. Cheers!  
Gina

Gina Baltrusch  
Public Affairs  
North Central Montana District  
Bureau of Land Management  
406-791-7778 desk  
406-308-9387 cell  
[rbaltrusch@blm.gov](mailto:rbaltrusch@blm.gov)

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**From:** Trish Tonn  
**Sent:** Monday, July 8, 2024 11:00 AM  
**To:** Jacobsen, Mark E <mjacobse@blm.gov>  
**Cc:** Baltrusch, Regina C <rbaltrusch@blm.gov>; Boucher, Ann M <aboucher@blm.gov>  
**Subject:** RE: MBRAC MEETING MINUTES FOR EDIT/INPUT DD: 7/3/2024

Yes. I am good with those.

I rarely check this email, Mark. If you could use the >>>PII OMITTED<<< address, I will see your messages sooner.

Trish

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**From:** Jacobsen, Mark E <[mjacobse@blm.gov](mailto:mjacobse@blm.gov)>  
**Sent:** Friday, July 5, 2024 3:26:29 PM  
**To:** Trish Tonn  
**Cc:** Baltrusch, Regina C <[rbaltrusch@blm.gov](mailto:rbaltrusch@blm.gov)>; Boucher, Ann M <[aboucher@blm.gov](mailto:aboucher@blm.gov)>  
**Subject:** RE: MBRAC MEETING MINUTES FOR EDIT/INPUT DD: 7/3/2024

Hi Trish--- Are you good with these minutes?

**Mark Jacobsen**  
**BLM Public Affairs/Media Relations**  
**Eastern Montana Dakotas/District**  
**111 Garryowen Road**  
**Miles City, MT 59301**  
**406.233.2831**

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**From:** Perri Jacobs  
**Sent:** Tuesday, July 2, 2024 2:04 PM  
**To:** Jacobsen, Mark E <[mjacobse@blm.gov](mailto:mjacobse@blm.gov)>  
**Subject:** RE: MBRAC MEETING MINUTES FOR EDIT/INPUT DD: 7/3/2024

Look good to me.

Perri

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**From:** Jacobsen, Mark E <[mjacobse@blm.gov](mailto:mjacobse@blm.gov)>  
**Sent:** Tuesday, July 2, 2024 11:20 AM  
**To:** Perri Jacobs; Jeff Schafer; Doug Krings; Mark Good; [Greg Jergeson](#); Stacey Barta; Jody Mason; Clifford Merriman; Scott Heidebrink; Trish Tonn; Morel, Gregory S <[gmorel@blm.gov](mailto:gmorel@blm.gov)>; Jim Moore; Michael Fox; William Jensen; Miles Hutton; Kevin Wagner  
**Cc:** Baltrusch, Regina C <[rbaltrusch@blm.gov](mailto:rbaltrusch@blm.gov)>; Boucher, Ann M <[aboucher@blm.gov](mailto:aboucher@blm.gov)>; Warren, Wendy M <[wwarren@blm.gov](mailto:wwarren@blm.gov)>  
**Subject:** MBRAC MEETING MINUTES FOR EDIT/INPUT DD: 7/3/2024

Please see the attached meeting minutes for your edit and input.

DD for action is TOMORROW by COB.

No need to reply if you concur, or were not in attendance.

Once the final edits are in place, these minutes will then be approved by the Chair and Co Chair.

At that point they are considered final/official and will be posted.

Thanks in advance!

Happy Independence Day

**Mark Jacobsen**  
**BLM Public Affairs/Media Relations**  
**Eastern Montana Dakotas/District**  
**111 Garryowen Road**  
**Miles City, MT 59301**  
**406.233.2831**





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

# North Central Montana District

## Recent & Upcoming Significant Land Management Planning Activities & Projects

**Hi-Line Sagebrush Anchor Restoration Landscape (IRA).** This project area encompasses about 3-million acres (including about 1.5 million BLM-administered acres managed by the Glasgow and Malta field offices) and showcases some of the largest intact grasslands left in North America that support numerous at-risk grassland bird species, holds priority habitat for greater sage-grouse and provide critical winter and migration habitat for elk, deer and pronghorn. The short-grass prairie of north central Montana is an extremely popular destination for hunting, fishing and bird watching. As drought continues, restoration investments will improve mesic and woody draw habitats, increase native plant diversity and remove encroaching conifers and man-made features that threaten sage-grouse survival. \$6.76-million will be invested through the Inflation Reduction Act which provides for 5:1 partner match opportunities. The Hi-Line Sagebrush Anchor Restoration Landscape project management team is engaging more than a dozen local, regional and national-level potential partners. Potential projects include removal and/or modification of about 100 miles of fencing to improve wildlife migration, restoration of about 2,500 acres of crested wheatgrass to native plant communities, burying about 10 miles of powerline to reduce raptor predation of sage-grouse, about 50 miles of mesic (riparian) habitat projects to improve drought resiliency, treating about 250 acres of conifer invaded lands to improve wildland fire resiliency, and assessing grazing management practices and potential adjustments to timing, intensity, duration and new technology to improve upland and riparian areas. Learn more -- [https://www.blm.gov/sites/default/files/docs/2023-06/BLM-MT-Hi-Line-Sagebrush-Anchor-Restoration-Landscape-Factsheet\\_06-01-2023.pdf](https://www.blm.gov/sites/default/files/docs/2023-06/BLM-MT-Hi-Line-Sagebrush-Anchor-Restoration-Landscape-Factsheet_06-01-2023.pdf).

### **MALTA FIELD OFFICE**

**Little Rockies Forest Health and Hazardous Fuels Reduction Programmatic NEPA.** The BLM proposes to conduct fuels-reduction treatments both within and outside of the wildland urban interface, as well as within and outside of the Zortman-Landusky CERCLA/Superfund site boundary. The proposed project will break up continuous fuel materials, reduce the amount and height of hazardous fuels and maintain previous treatments to reduce the risk and impacts of large fire events. Addressing increased fuel loading in proximity to values at risk will reduce the potential for public and private property loss and to reduce suppression costs. Internal scoping is in progress and likely to be completed by the end of 2023. Public scoping was conducted April 18-May 2, with a public scoping meeting held in Zortman on April 18. Learn more on ePlanning – <https://eplanning.blm.gov/eplanning-ui/project/2027358/510>. Planners anticipate having a proposed EA available for public review and comment by the end of Summer 2024. Implementation is likely to occur during fiscal year 2025.

**Dry Fork Road culvert replacement (GAOA).** The west end of Dry Fork Road begins at the intersection with State Highway 191. The Dry Fork Road is graveled for its entire length and is an all-weather surface. The BLM owns and maintains the first 23.8 miles of the road. Two existing corrugated metal pipe culverts are in poor overall condition and likely to soon fail. This project will remove and replace the metal culverts (two 48-inch diameter corrugated metal pipes by 140 feet long) with a new (single 72-inch diameter) precast reinforced concrete culvert of approximately the same length. Principal items of work include structural excavation, corrugated metal pipe culvert removal, installation of bedding material, installation of a new precast reinforced concrete culvert, structural backfill (using onsite excavated material), and slope and site restoration. Replacing and maintaining this crossing will result in continued access across the north side of the Charles M Russell National Wildlife Refuge and Missouri River, allowing the Dry Fork Road to continue to be a major access route for numerous traffic types, including ranchers, recreationists, tourists, and county, state, and federal employees. DNRC is completing MEPA since the culverts and road diversion will be on State lands. Construction is expected to take place late summer or early fall 2024.

**Recreation Business Plan & Recreation Fees Update.** As part of updating its recreation program business plan, the Malta Field Office plans to reassess recreation fees at its campgrounds in the Little Rocky Mountains. These fees were last updated in January 2014 and need to be increased to meet fair market value to help with the increasing cost of maintenance and continue to provide for and receive fair value for use of recreation facilities as stated in the 2015 Hi-Line Resource Management Plan. These facilities include Camp Creek, Horse Corral and Montana Gulch. We are also considering establishing rental use fees for Buff's Day Use Picnic Area (for special events such as weddings and memorials) and fees for renting the historic Zortman Ranger Station for overnight use. While the Ranger Station still needs quite a bit of interior work before it will be ready for public rental, it will be included with this proposal. We plan to present an updated fee proposal for discussion during the MBRAC's autumn/winter meeting.

**Little Rockies Travel Management Plan.** The Malta Field Office will apply the Travel and Transportation Management Process to develop a sustainable network of roads and trails for motorized, mechanized and non-motorized methods of travel in the Little Rocky Mountains (Little Rockies). Development of the Little Rockies TMP requires a collaborative effort of interested public individuals, groups, communities and cooperating agencies. The travel management area encompasses a 27,700-acre area and currently contains 262 routes and 124 miles of roads, primitive roads and trails. Although the area surrounds scattered private parcels and adjoins private, state and Fort Belknap lands, the decisions within the TMP will apply only to the public lands managed by the BLM. TMP decisions, however, will take into consideration potential effects on non-BLM lands. In addition, any travel restrictions within the TMP will not apply to emergency operations such as fire response, search and rescue, law enforcement and military actions. This TMP has been on-hold awaiting the findings of a Class III Cultural Inventory which was recently completed. We anticipate beginning the travel plan public outreach and NEPA during fiscal year 2025.

**Bar Island Dam Reconstruction (GAOA).** Bar Island Detention Dam, a low-hazard class dam, is located in South Phillips County, Montana, about 59 miles southwest of Malta, on Cottonwood Creek, a tributary of Rock Creek which is a minor tributary of the Missouri River. The compacted earth embankment dam was constructed in 1967 as a peak discharge control structure, and an erosion and sediment control structure. It also provides habitat for native fish, sage grouse, and many other wildlife species, and is a general recreation use area. Notably, the dam also consistently retains water that is available for wildland fire response operations. Reconstruction will address the deficiencies identified with the dam's principal spillway outlet works, the principal spillway inlet and outlet works, the auxiliary spillway, erosion on the dam embankment and more. Work will stay within the dam's original footprint to avoid disturbance to surrounding sage grouse habitat. Dewatering shall be accomplished in such a way as to fully preserve this habitat. Scheduled to be implemented in 2025.

**American Prairie July 2022 Grazing Decision.** On July 28th, 2022, BLM issued a final decision authorizing bison and/or cattle grazing on seven allotments in the Malta Field Office (Telegraph Creek, Box Elder, Garey Coulee, French Coulee, Dry Fork, Flat Creek, Whiterock Coulee). East Dry Fork – a common allotment grazed with one other operator – remains approved for cattle-only grazing. All seven allotments are managed by the BLM's Malta Field Office. Telegraph Creek and Box Elder were previously authorized for bison grazing in 2014. The Final Grazing Decision was appealed by 1) the Montana Stockgrowers Association (a joint appeal including North Phillips County Cooperative State Grazing District, South Phillips County Cooperative State Grazing District, and the MSGA), 2) the State of Montana by and through the Montana Attorney General, and 3) the State of Montana, by and through its Governor (a joint appeal including , Montana Department of Agriculture, Montana Department of Livestock, Montana Department of Natural Resources and Conservation, and Montana Department of Fish, Wildlife and Parks). The appeals are being adjudicated by the Department of the Interior, Office of Hearings and Appeals, Board of Land Appeals. The appeals were followed by petitions for stay from all three parties. On October 13, 2022, Administrative Law Judge Veronica Larvie, with the DOI's Office of Hearings and Appeals, Departmental Case Hearings Division, issued an order DENYING the petitions for stay. Within 30-days, all three appellants appealed the petition order and filed timely their Statements of Reason (SOR) on December 22, 2022. In April 2023, in keeping with standard administrative practices for BLM-authorized grazing leases, the Malta Field Office issued grazing permits to American Prairie (AP) for the allotments approved for both cattle and bison. The written arguments phase for adjudication of the appeals pertaining to the American Prairie July 2022 grazing decision was completed on November 13, 2023. The parties involved are now awaiting a decision from the DOI's Office of Hearings and Appeals, Departmental Cases Hearings Division. It's important to note that there is no required deadline for the appeals adjudication to conclude.

## **GLASGOW FIELD OFFICE**

**Finale Detention Dam Rehabilitation (GAOA).** Finale Detention Dam is a low-hazard dam built in 1965 in Valley County, Montana, that after nearly 60 years, requires rehabilitation. Undercutting of the dam's principal spillway outlet, severe scouring of the stilling basin, erosion of the embankment and damage to the concrete inlet pad require substantial restoration work to prevent complete dam failure. The Great American Outdoors Act Legacy Restoration Fund is the primary funding source for this project, which is currently in the design phase, with ground-breaking anticipated to occur during late fiscal year 2024. Finale Dam is critical to maintaining access to over 250,000 acres of BLM managed lands that are used by the public for hunting and wildlife watching. The dam is located on Triple Cross Access Road, which in addition to providing public access to BLM managed lands, provides collector road access to BLM employees for range and resource management purposes. Finale Dam was originally built to serve as a flood control structure in the Willow Creek drainage area to protect the town of Glasgow, Montana. Finale Reservoir is also an important tool in promoting climate resiliency and protecting natural resources. Dam improvements will ensure that runoff can continue to be impounded to provide sustainable riparian habitat for a variety of wildlife species. The dam will also continue to provide a consistent wildland fire fighting water source, which will be critical as summers become hotter and drier. Rehabilitation of the dam will also sustain wildlife habitat and recreation opportunities for the public. The project will include dewatering the reservoir and construction area, excavating a portion of the existing dam embankment and foundation to removal of the current outlet works, construction of new outlet works, replacing and compacting the foundation and embankment materials, constructing a new principal spillway and restoring the road surface across the dam. Contractors will also reclaim all disturbed areas, including staging areas and temporary roads, preparing the work site for reseeding. Original construction of this 700-foot-long, 34-foot-high, earthen-filled gravity dam was completed in 1965 for the primary purpose of flood-risk reduction in the Milk River Basin. The dam has an overall condition rating of poor and will likely fail if not repaired. The dam's reservoir has a surface area of about 15.5 acres and a storage capacity of 74 acre-feet – enough to fill about 36 Olympic-sized swimming pools. The reservoir provides habitat for a variety of wildlife, including big game, waterfowl, and upland birds.

**Cactus Flat Road Reconstruction (GAOA).** Great American Outdoors Act funding will help repair and rehabilitate approximately 8 miles of the BLM's Cactus Flat Road, located in the Glasgow Field Office area in Valley County, Montana. This project is currently in the design phase, with ground-breaking anticipated to occur during late fiscal year 2024 or early FY25. Cactus Flat Road provides an important access route to an estimated 250,000 acres of land managed by the BLM. Most of this road is in poor condition with its culverts being deteriorated by galvanic coupling with the extremely reactive soils in the area, resulting in piping and erosion. Replacement of the culverts and restoration of the road's cross-sectional profile will restore a safe access route for local recreationists, grazing permit holders and BLM staff who rely year-round on using this road.

## **HAVRE FIELD OFFICE**

**BR-43 Dam Emergency Response/Repair.** During April 2023, snowmelt and runoff poured into the reservoir of the Havre Field Office's BR-43 dam, filling it to maximum capacity. That high water level revealed a weakened area of the earthen-filled dam structure and water was rapidly seeping and piping through the dam, posing a high risk of evolving into a full-on dam breach. Havre Field Office employees immediately devised a plan to lower the water level of the reservoir to a safe elevation, relieving pressure from the dam and lessening the probability of failure. Havre staff worked with the BLM grazing permittee for the allotment, Frank Baldik, to keep a large water pump fueled up and pumping water out of the reservoir and down the spillway around the clock in a manner that ultimately bought the BLM time to employ a more permanent solution. Once the water level was lowered, Engineering Equipment Operator Scott Meneely from the Malta Field Office excavated a cut-off trench – 120-foot-long by 2-foot-wide and 4-foot deep – then filled and recompacted the trench, effectively repairing the piping that had occurred. The fix was temporary, but thorough enough that Havre Engineer Ken Koncilya was confident catastrophic failure was no longer a risk. Permanent repairs were implemented via construction contract in October 2023. Quick actions, problem solving, teamwork and willingness to get things done by the Havre Field Office Staff, Scott Meneely and Frank Baldik turned this potential critical safety situation into a collaborative success story, earning the response team a 2023 State Director's Award for Safety.

**Marias River Recreation Site Improvements (BIL).** The Sullivan Bridge Recreation area will receive a new vault toilet, picnic tables and fire rings as part of a Resilient Recreation project for locations on the Marias River and Sweetgrass Hills.

In addition, the earthen boat launch area will be rebuilt after flooding damage and gravel will be placed on roadways. This recreation area is located where the confluence of the Two Medicine River and Cut Bank Creek form the Marias River and is a popular day-use area and boat launch for non-motorized watercraft. Groundbreaking on this project is slated to occur during late-FY2024.

**Sweetgrass Hills Recreation Site Improvements (BIL).** The Sweet Grass Hills Recreation Site will receive a new vault toilet in the fall of 2024 as part of the initial development of this area. The location currently receives a good deal of dispersed primitive camping for those looking to access the sole public-access trail on East Butte of the Sweetgrass Hills. Design and NEPA for the development of this location was completed back in 2013 but funding was not available. Popular with hunters, hikers and other recreationists this small camping area will provide approximately 8 campsites when complete. While consultation with local Tribes was also completed in 2013, the BLM has also reinitiated conversations about this site with interested Tribes. There will likely be interpretive signage incorporated into future development to educate the public on the cultural importance of this area to indigenous populations.

**BR-45 Dam Repair (GAOA).** The BR-45 Dam is a Low Hazard, Hazard Class dam constructed in 1937 that has partially failed. The dam currently does not have a principal spillway. All the water is flowing through the earthen auxiliary spillway, which is severely eroding and subject to impending failure. Estimated reconstruction cost of the BR-45 Dam is \$912,000, provided by the GAOA. Ground-breaking on this project is slated to occur during summer 2025.

## **LEWISTOWN FIELD OFFICE**

**South Fork Dry Blood Creek Detention Dam Rehabilitation (GAOA).** Rehabilitation of this low-hazard dam in Petroleum County, Montana, was completed in November 2023. A \$1.45 million contract to perform the work was awarded Sept. 15, 2022, to Youderian Construction Inc., a registered small business based in Stanford, Montana. The project included dewatering the reservoir and construction area, excavating a portion of the existing dam embankment and foundation to remove the failing primary spillway, constructing the new primary spillway, replacing and compacting the foundation and embankment materials, constructing a new enlarged auxiliary spillway and restoring the road surface across the dam. Contractors also reclaimed all disturbed areas. Original construction of this 1,010-foot-long, 36-foot-high, earthen-filled gravity dam was completed in 1963 for the primary purpose of flood-risk reduction in the Musselshell River Basin. The reservoir created by this dam has a maximum surface area of about 16.5 acres and a storage capacity of 108 acre-feet. The reservoir also provides valuable recreation opportunities and habitat for a variety of wildlife, including big game, waterfowl, upland birds and fish.

**Elk Creek Outcome Based Grazing Authorization (OBGA) status/accomplishments.** The purpose of OBGA is to give greater flexibility to the livestock operators and the BLM to adjust grazing use for changing conditions to achieve specific vegetative, habitat and livestock operation sustainability objectives. In March 2018, the BLM national office selected the Lewistown Field Office's (LFO) Elk Creek project submission as one of the demonstration projects for this initiative. The Elk Creek OBGA project includes two individual grazing permittees and two grazing authorizations that authorize 2,279 Animal Unit Months (AUMs) of livestock grazing in four allotments in Petroleum County. BLM signed the final grazing decisions on June 3, 2022, and issued the flexible authorizations Sept. 15, 2022. The flexible authorizations allow permittees the opportunity to modify the season-of-use, pasture rotations and livestock numbers annually based on local environmental factors. The flexible use is contingent upon monitoring, which is completed by both BLM and permittees. Results from monitoring efforts are shared and discussed during the annual meeting, which also serves as a form of monitoring. In addition to flexible grazing use, range improvement projects including electrical fence construction, fence modification, livestock water pipeline installation, and mesic restoration projects are being implemented. To date, approximately 4 miles of fence have been modified and mesic restoration projects have been installed in 1/2 mile of stream. Electric fence construction, additional fence modification and stream restoration work are planned this year.

## **UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT**

**Left Coulee Access (Bullwhacker area).** The BLM signed a decision on April 16 for the Left Coulee Access EA authorizing legal motorized and mechanized public access in the Bullwhacker area of the Upper Missouri River Breaks National Monument. In 2023, the Square Butte Grazing Association and Montana Fish, Wildlife, and Parks finalized a Public

Access Land Agreement (PALA) through a private parcel along Cow Creek. In 2009 the only existing access road to this network, the Bullwhacker Road, was closed to the public through a court decision which determined that road through the Anchor Ranch is private. The BLM evaluated the proposed action and alternatives for opening a 0.6-mile road connecting the now publicly accessible road on private property with 51 miles of existing BLM roads in the Bullwhacker area. More than 150 individuals and organizations provided public comments on the Left Coulee access proposal. Those comments were used to strengthen the analysis leading to the decision to seasonally open the Left Coulee route. Learn more -- <https://eplanning.blm.gov/eplanning-ui/project/2030427/510>.

**James Kipp Recreation Area Hazard Tree Removal (GAOA).** During August 2023, Great American Outdoors Act-funded work helped address dead cottonwood trees and dead limbs that posed a safety risk to visitors at the James Kipp Recreation Area. Arborists trimmed more than 300 trees and felled 41 trees. Only trees with a potential to fall onto areas of maintained infrastructure were removed to maximize the availability of trees for wildlife habitat. Timing of the work also ensured young birds had fledged and left their nests. In August 2022, the BLM awarded a \$125,375 contract to Advanced Tree Service LLC, a small business based in Saint Anthony, Idaho, to perform the work at James Kipp Recreation Area. The James Kipp Recreation Area is located about 60 miles north of Lewistown, situated within a grove of cottonwood trees along the Upper Missouri River. It features a concrete boat launch, 34 camping sites for recreational vehicles/camper trailers, two tent camping areas, two day-use picnic areas, and eight concrete vault toilets. Yearly overnight visitation to the campground averages 5,500 people, with an additional average of 40,000 day-use visitors to the recreation area.

**Coal Banks Landing Recreation Area Boat Ramp Construction.** Plans to construct a new boat ramp at Coal Banks Landing will replace the existing launch site. Over the last 30 years, an attached bar upriver from the ramp has continued to grow, resulting in reduced flows and increased sediment deposition within the channel beyond the ramp. Currently, motorized boats are highly impacted once river flows fall below 7,500 cubic feet per second, which generally occurs in early summer. Because of the shallowing channel resulting in reduced motorized access at the launch site, motorboat operators have begun to drive to the nearby Virgelle Ferry, taking it to the opposite side of the river to launch motorized boats. Many of these recreationalists continue to use Coal Banks Landing for camping, parking trailers and trip preparation. The new boat ramp will be located at the upriver end of the campground and will have room for both jet boat and canoe launching. Construction is planned to begin after Labor Day 2024.

## **NCMD DIVISION OF OIL & GAS**

**Idled and Orphaned Wells.** Enforcement through current lessees and operating rights holders completed for eight orphaned wells during FY2023.

**Increased Engagement w/Tribes.** Assisting two Tribes with data requests regarding grants through BIA to fund the plugging of orphaned wells with tribal mineral ownership. Assisting another Tribe with an application for orphaned well funding.

## **NCMD FIRE MANAGEMENT OFFICE**

**Woodhawk Wildland Fire Module established.** The Woodhawk Wildland Fire Module (WFM) is a new addition to the district's fuels-management program. The WFM will not only help the district with the planning and implementation of fuels treatments, but will also provide assistance across the BLM-Montana/Dakotas area, especially with prescribed fire implementation. The WFM is also expected to assist with wildland fire suppression efforts, both within the BLM-Montana/Dakotas three-state area and nationally, when requested. These priorities align with the National Cohesive Wildland Fire Management Strategy and is a great example of advancing department priorities that will directly benefit public lands. Seasonal employees onboarded March 25. There is only one other WFM in the BLM.

**FY24 Fire Suppression Program.** Hiring is completed. Onboarding of summer seasonal staff occurred during the week of May 6.

**FY24 Fuels Program.** Two large-landscape prescribed fires are planned for this spring in the Upper Missouri River National Monument. Antelope Creek is an interagency prescribed fire with the U.S. Fish and Wildlife Service for 14,500

acres between the two agencies (3,000 acres of BLM involved). The Two Calf prescribed fire is 2,500 acres and is partially BIL-funded. The total prescribed Fire target for the year is 5,909 acres. Additionally, there are 16,000 acres of BIL-funded cultural inventories and 5,270 acres of mechanical treatments planned. There are 35 acres of Community Assistance program support planned.

**FY24 Mitigation Education Program.** Completed three education events so far this year. NCMD's Wildfire Education Day occurred on April 30 in Lewistown, Montana and also celebrated Smokey Bear's 80<sup>th</sup> birthday. We have six other events scheduled for the year in other locations throughout the district.

**FY24 Rural Fire Readiness Program.** NCMD's fire program donating an engine to Blaine County on April 18 through the Rural Fire Readiness Program. Learn more -- <https://www.krtv.com/news/montana-and-regional-news/a-new-truck-for-the-blaine-county-rural-fire-department>.

**-BLM-**

*Updated May 10, 2024*



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

# Eastern Montana-Dakotas District

## Recent & Upcoming Significant Land Management Planning Activities & Projects

### MILES CITY FIELD OFFICE

**Western Organization of Resource Councils - 2.** The 2015 MCFO ROD/Approved Resource Management Plan (RMP) (BLM 2015a) was challenged by the Western Organization of Resource Councils in the US District Court of Montana in March 2016. The court issued an order on March 26, 2018, finding that the BLM violated NEPA in the Final EIS and required the BLM to complete a new coal screening and remedial NEPA analysis by November 29, 2019. Thereafter, the BLM signed the ROD on November 25, 2019.

On August 27, 2020, Western Organization of Resource Councils and others challenged the 2019 Miles City ROD/Approved RMPA in *Western Organization of Resource Councils, et al. v. Bureau of Land Management*, Civil Action No. CV-00076-GF-BMM (D. Mont. 2022). On October 16, 2020, the US District Court set aside this decision due to court case *Bullock v. United States Bureau of Land Management*, Civil Action No 4:20-CV-00062-BMM, citing violation of administrative procedures; numerous EISs were the subject of the litigation. To resolve the *Bullock* litigation, the MCFO issued a new ROD on January 4, 2021, which was signed by the Secretary of the Interior. Decisions in the January 4, 2021, ROD were the same as those in the November 25, 2019 ROD.

As a result of the challenge by Western Organization of Resource Councils and others to the 2019 ROD/Approved RMPA, the District Court for the District of Montana issued an order on August 3, 2022 (the Order). Pursuant to the Order, the court found that the BLM violated NEPA; the court ordered the BLM to complete a new coal screening and remedial NEPA analysis that considers no-leasing and limited coal leasing alternatives and discloses the public health impacts (both climate and nonclimate) of burning fossil fuels (coal, oil, and gas) from the planning area.

The BLM published a notice of availability for the Draft SEIS/Potential RMPA in the Federal Register on May 5, 2023, which initiated a 90-day comment period.

The BLM Montana/Dakotas State Office will be publishing a Notice of Availability (NOA) on the Proposed Resource Management Plan (RMP) Amendment and Final Supplemental Environmental Impact Statement (EIS) for the 2015 Miles City Field Office Approved RMP. The publication of the NOA will begin the 30-day protest period of the Proposed RMP Amendment and Final Supplemental EIS. Protest of the Proposed RMP constitutes the final opportunity for administrative review of the proposed land use planning decisions prior to the BLM adopting an approved RMP.

**North Plains Connector.** North Plains Connector, LLC (North Plains, a subsidiary of Grid United LLC) has submitted a right-of-way application to Miles City Field Office for a 525-KV DC transmission line to connect the eastern and western power grids. The application was found deficient, and a new application is expected in June of 2024 with a NOI being released sometime around September of 2024. The Department of Energy, Grid Deployment Office will be Lead Agency for the NEPA process and BLM will be a Cooperating Agency. A cooperating agency agreement has been signed between BLM and DOE.

The transmission line will begin in Colstrip, Montana and travel east into North Dakota where it will diverge into two separate lines with one 345-KV AC transmission line connecting to Center, North Dakota and another 345-KV AC transmission line to Solen, North Dakota. No additional connections or spurs are planned, as this line is solely intended to connect two separate power grids for improved reliability, redundancy, and emergency support. The total route is projected to be around 385 miles in length with around 9-miles being on BLM-managed lands in the Miles City Field Office.

The transmission line will cross multiple jurisdictions including BLM, U.S. Forest Service, USDA Agricultural Research Station, U.S. Army Corps of Engineers jurisdictional waters, Montana State Trust Lands, North Dakota State Trust Lands, and private lands. The project will be analyzed under an Environmental Impact Statement.

**Denbury Carbon Solutions, LLC. Right-of-Way Application for Snowy River Carbon Sequestration project.** In November 2021, Denbury Carbon Solutions, LLC submitted an SF-299 and preliminary plan of development (POD) proposing a deep permanent CO<sub>2</sub> geologic sequestration project in Carter County, Montana within the Miles City Field Office (MCFO). The project includes access roads, well pads for 15 EPA Class VI wells (12 BLM, 3 State), flowlines, temporary use areas, two 5-acre pump stations with offices, and underground pore space (approximately 100,200 acres BLM, 8,300 acres State of Montana, 1,200 acres private).

The CO<sub>2</sub> would be transported using the existing pipeline constructed by Denbury Green Pipeline Montana, LLC, in 2021 which is located in the project area and currently transports CO<sub>2</sub> to the Cedar Creek Anticline Enhanced Oil Recovery for development in Fallon County, Montana. Denbury anticipates injecting approximately 15 million tons over a 20-year period, equivalent to annual emissions generated from approximately 1.6 million cars.

Over the last two years, the MCFO and Denbury have gathered baseline data to refine the proposal and update the plan of development (POD). To ensure baseline data was considered in the POD revision, BLM and Denbury strategically collected data and adjusted infrastructure placement to avoid sensitive resources in the area. Map 1 below shows the current relocation of infrastructure after consideration of wildlife and associated habitats. Field verification visits were completed to secure constructability of relocated infrastructure.

The MCFO and Denbury have engaged with BLM HQ, EPA Region 8, State of Montana, Carter County, FWS, Montana SHPO, and Tribes to inform them of the project and provide opportunities for their participation in the review process. EPA has provided reviews on the project as it pertains to the UIC Permit. Close coordination with the Montana Sage Grouse Habitat Conservation Program to ensure appropriate avoidance measures are in place that meet State and MCFO land use plan requirements for sage grouse. Four consulting Tribes participated in field surveys of the project area. Consistent outreach to County commissioners on project status and to gather input and concerns.

A 30-day public scoping began on September 27, 2023, with a public meeting held at Ekalaka, Montana on October 12, 2023. In consideration of public requests, the BLM granted a 30-day extension until November 27, 2023. After consideration of the public scoping comments, the Draft EA was available for a 30-day public comment period on February 16, 2024. An in person public meeting on the Draft EA was held in Ekalaka, MT on March 5th, and a virtual public meeting was held on March 6th, 2024. Two separate requests to extend the comment period were received and each time BLM extended the comment period an additional 30-days for a total of 90-days for public comment on the Draft EA. The comment period for the Draft EA will end on May 17, 2024.

The MCFO will review and respond to comments following the conclusion of the comment period. The EA will be updated based on any substantive comments as appropriate. The Decision Record is anticipated in early June 2024.

## **BILLINGS FIELD OFFICE**

**Pompeys Pillar National Monument Stabilization Project.** Pompeys Pillar National Monument (PPNM) is located about 25 miles east of Billings and encompasses 51 acres and features the Pillar, a sandstone butte covering about two acres at its base and standing about 120 feet high, which overlooks the Yellowstone River. It has been a landmark for centuries for nomadic cultures and features the only known inscription left by the Corps of Discovery during their return to the states on July 25, 1806.

The rock stabilization project construction contract was awarded in May 2023 to contractor Triptych Construction, LLC. There have been some delays during this project, but it is expected to finish in April 2024 prior to the start of the season, May 1.



The stabilization work will address key areas of the sandstone formation and protect them from the effects of erosion. Specifically, the work included water diversion at the top of the Pillar. This will attempt to control water from flowing into the large cracks at the top and hopefully prevent the freeze thaw cycle from degrading the sandstone. Geotextile, gravel, curbing and drain, as well as a drainpipe were installed. Work also included encapsulating the shale stone layer below the signature blocks to prevent further erosion. This included rock bolting, underpinning, structural shotcrete, and architectural shotcrete. Work also included supporting turtle rock head with rock bolts and a support. The BLM is doing this to allow the public to access the only remaining visible evidence of the Corps of Discovery's trail and other significant markings and inscriptions. We want future generations to have the same opportunities to experience this unique feature of the American landscape.

#### **Environmental Assessment (EA) for the Amendment to the Billings RMP and Horse Management Area Plan**

**(HMAP).** The BiFO hasn't gathered Wild Horses from the Pryor Mountain HMA since 2015 resulting in degradation of the range conditions from prolonged overpopulation. This EA proposes to Amend the RMP and the HMAP establishing the framework for management of wild horses on the range for the next 10 years which will promote the recovery of range conditions.

The purpose of an HMAP is to establish an appropriate management level (AML - which is the number of adult horses within an HMA) with the overall goal being to manage for healthy wild horses within healthy productive habitats or rangelands. This is accomplished through population control measures including gathers, fertility control (e.g. PZP darting), natural means, or a combination of prescriptions. The HMAP also prescribes how the HMA rangelands will be managed to include construction of perimeter fencing and development of water features. AML Upper Limit is established as the maximum number of horses that results in a thriving natural ecological balance and avoids a deterioration of the range. AML Lower Limit is established as the number that allows the population to grow to the AML upper limit over 4-5 years, without the need for gathers to remove excess during that time. The Pryor Mountain HMA includes lands managed by BLM, USFS, and NPS with BLM being the agency primarily responsible for horse management.

The horses on the HMA have lineage that can be traced (in part) to Colonial Spanish Mustangs which contribute to the unique characteristics of the horses. The 2009 HMAP established that the wild horses on the HMA would be managed for Spanish Horse characteristics while balancing colors, sex ratios, and age structures. The 2009 HMAP also established an AML of 90-120. As part of BLM's decision on the 2009 HMAP, the BLM committed to collect monitoring data to recalculate the AML within five years or after the revision of the Billings RMP, whichever came first. Under management direction contained in the 2009 HMAP, BLM gathered and removed excess wild horses from the range in 2009, 2012, and 2015. In 2015, the BLM approved a decision for fertility control treatments that continue to be implemented through remote darting of ZonaStat-H (PZP).

The Pryor Mountain HMA includes lands managed by BLM, the National Park Service (NPS) Big Horn National Recreation Area, and the United States Forest Service (USFS) Custer-Gallatin National Forest. There is also a privately held inholding within the HMA that is owned by the Krueger Family for which BLM holds a lease to allow for the grazing of the Wild Horses. The majority of the HMA is in Montana with a small portion being in Wyoming. While the HMA includes multiple jurisdictions the management of the Wild Horses is primarily the responsibility of the BLM. The USFS will issue a separate decision from the BLM prepared EA with their own objection process.

In 2015, the BLM approved a new Resource Management Plan (RMP) for the BIFO which provided that the wild horse population would initially be managed within a population range between 90 to 120 horses, and that implementation level planning would occur through a HMAP or other activity level plan to identify and set objectives including, but not limited to, herd composition, animal characteristics, genetics, and habitat development needs; soil, vegetation, and watershed characteristics; and establishment and adjustment to AML. Further the RMP provides that AML will be adjusted as needed to ensure a thriving natural ecological balance. The RMP also established management direction to manage herd structure for all representations in the herd, not allowing specific colors or bloodlines to dominate from management manipulation.

In a July 2016, US District Court decision in the Montana District, Billings Division the court found that the BLM committed to recalculating the 2009 HMAP AML by 2015 in the Decision Record approving the 2009 HMAP but failed to

do so [Friends of Animals v. Sparks, 200 F. Supp. 3d at 1126]. Following the court's decision, in December 2016, the BiFO prepared the Pryor Mountain Wild Horse Range AML Recalculation Report, which concluded that the AML of 90-120 horses would achieve a thriving natural ecological balance. In August 2018, the Montana District Court found that the 2016 Re-Calculation Report did not follow BLM handbook direction, which requires a public 30-day review and comment period before issuance of the decision, as well as it did not include a Decision Record. Further the Court found that BLM failed to consider the loss of patrilineal lines, failed to consider the ramifications of the loss of horses it chose to remove with respect to loss of genetic lines, and failed to explain how BLM is managing to maintain rare colors. BLM was enjoined from conducting a proposed 2018 gather [Ginger Kathrens and The Cloud Foundation vs Department of the Interior, et al; CV 18-125-BLG-SPW].

The current EA is being prepared to establish a new HMAP as well as amend the BiFO RMP to manage for desirable levels of genetic diversity (citing handbook direction and defining what that is). The EA was initiated with scoping in April of 2020. The Federal Register Notice for the proposed RMP amendment was published March 30, 2022. A preliminary EA was posted for public comment in March of 2023 and BiFO is currently working through the 13,500+ comments received and making needed changes to the document. Most of these comments were form letters. The Mustang Center submitted detailed comments as well as their own proposed alternative.

Preparation of this EA has been prolonged due to vacancies in key positions, both in BiFO and the State Office. These include both the wild horse program lead for the BiFO as well as the State Office Program Lead. Both positions have been advertised multiple times without being filled. The HMA has also been included in the Grizzly Bear occupied habitat as of summer 2023 requiring BiFO to prepare a Biological Assessment under the Endangered Species Act for which BiFO received concurrence from the Fish and Wildlife Service in April of 2024.

The new NEPA regulations require that EAs be completed within one year unless an extension is requested and granted. This EA will need to meet the requirements for both BLM and USFS administrative remedy processes as well as the timeline requirements for RMP amendments to include Governor's consistency review in both Montana and Wyoming. The anticipated completion date for this project is January 2025.

## **SOUTH DAKOTA FIELD OFFICE**

**BLM and USFS Joint Prescribed Fire Project.** The BLM South Dakota Field Office, in conjunction with the Hell Canyon Ranger District on the Black Hills National Forest and two private landowners, successfully completed the Schenk prescribed fire project the end of April, when weather and on the ground conditions allowed.

The Schenk project area is located approximately 5 miles southwest of Jewel Cave National Monument. It contains a total of 2,355 acres broken into four units. Ownership includes 168 acres of BLM-administered lands, 1,457 acres of National Forest lands and 730 acres of private lands.

The objectives of this prescribed fire were to reduce forest density and hazardous fuels accumulations that could make suppression efforts difficult to control during the summer months. Also, to remove insect-weakened trees and minimize the risk of unwanted wildfire across the landscape. Prescribed fire is also used in meadows to rejuvenate grasses, forbs, and shrubs, to benefit grazing, while reestablishing meadow boundaries by reducing pine, and juniper encroachment.

## **NORTH DAKOTA FIELD OFFICE**

**Denials and approvals for Spotted Hawk Development LLC.** Spotted Hawk Development, LLC (SHD) submitted eight extension requests for Applications for Permits to Drill (APD) in March 2022. The original approval of these APDs did not recognize the ownership of the minerals under the Big Missouri Riverbed by the United States in trust for the MHA Nation. However, the M-37073 Opinion issued on Feb. 4, 2022, determined the MHA Nation does own the minerals beneath the Big Missouri River.

The well directional plans in these APDs indicate the wells would go through the Big Missouri Riverbed. According to the Trust Asset and Accounting Management System (TAAMS), the official record of the Bureau of Indian Affairs (BIA), these

APDs would penetrate unleased Tribal Trust minerals. As a result, the North Dakota Field Office (NDFO) intends to deny these APD extension requests in accordance with the requirements of 25 C.F.R 211.48(a) & 43 C.F.R 3171.14.

It is important to note the BLM has the authority to approve or deny the proposed action, as established by the Mineral Leasing Act of 1920.

Additionally, SHD has submitted an extension request for Temporary Abandonment (TA) of the Java 24-30H well, which was drilled but not completed. The Java 24-30H well also goes through the Big Missouri Riverbed and unleased minerals. The NDFO intends to deny the TA request and issue a plugging order for the well.

SHD also submitted extension requests for three Approved APDs in March 2022 for the proposed Mattie Grace drilling spacing unit (DSU). These requests do not involve the penetration of unleased minerals. The BLM does not have a reason to deny these APD extension requests other than the request of the Tribe, and therefore intends to approve them. The NDFO has also engaged in meetings and consultation with the Tribe and SHD previously.

The NDFO anticipates SHD may appeal the BLM's decisions. SHD has expressed disagreement with the terms of the lease and has filed a lawsuit against the MHA Nation. The matter is currently being resolved through arbitration.

**North Dakota Field Office Resource Management Plan.** The preferred alternative, Alternative B, was identified in the January 2023 Draft RMP/EIS. Alternative B emphasizes sustaining the ecological integrity of habitats for all priority plant, wildlife, and fish species, while allowing appropriate development scenarios for allowable uses (such as mineral leasing, recreation, rights-of-way, and livestock grazing).

The BLM held a public comment period on a draft RMP for North Dakota in January of 2023. The BLM is now working through comments received and hopes to release a proposed plan later this summer, informed by public feedback.

There were concerns voiced by the State that the 4-mile development boundary in Alternative B conflicts with BLM's legal requirement to maximize economic recovery of coal within a mining unit. The 4-mile development boundary in Alternative B is based on several factors including, existing approved federal mining plans, proximity to existing mine infrastructure, long-range mining plans as provided in lease application documents, future areas of interest identified by the mines, and consideration of a reasonably foreseeable development scenario. According to the available information, Alternative B contains sufficient federal coal reserves to extend the lifespan of each mine beyond the timeframe covered by the RMP.

The effects analysis supports this conclusion, indicating that leasing of federal coal is not expected to be constrained under Alternative B, as the anticipated nominated acreage (4,960 acres) during the planning period is limited and would be allocated as available under this alternative.

**-BLM-**

*Updated May 10, 2024*



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

## FACT SHEET: Public Lands Rule

The Public Lands Rule helps ensure conservation is a key component of 21<sup>st</sup> century public lands management, helping BLM protect our best and healthiest lands and waters, restore those that need it, and make informed management and development decisions based on the best available science and data, including Indigenous Knowledge.

Americans rely on public lands for our way of life. We hunt, fish, and play on our public lands. They provide the energy that lights our homes, the wood we build with, and the places where we camp, hike, and make family memories. But our public lands are threatened as the impacts of climate change on the landscape increase. As we guide responsible development, this rule puts conservation on equal footing with the other uses of the public lands. In short, this rule helps ensure we can meet our mission to protect the health, diversity, and productivity of public lands for present and future generations of Americans.

### ***What does the Public Lands Rule do?***

#### **1. Promotes restoration of our public lands and water.**

- **Directs land managers to identify landscapes in need of restoration and develop plans to put restoration into action.**  
Restoration plans would prioritize places based on land and water health, partnership opportunities, and benefits to local communities. As always, the BLM would ensure opportunities for public input to inform where and how we do our work.
- **Creates a framework for restoration leases, a new tool for investment in the health of our public lands.**  
Under this provision, a third party can apply for a lease to help restore the health of public lands and waters. These leases will be issued at the discretion of BLM and must not conflict with valid existing rights or previously authorized uses. Restoration leases are designed to add to the toolbox of management options supporting multiple use and landscape health. For example, a non-profit organization or state fish and game agency could put people to work restoring mule deer or elk habitat and, through a restoration lease, be assured the work could take hold and flourish.
- **Creates a framework for mitigation leases, an important tool to offset the impacts of development on public lands.**  
Often, companies are required to offset their impacts by investing in restoration or protection of land, a process known as compensatory mitigation. Mitigation leases would, for the first time, create a clear and consistent mechanism for those investments to happen on BLM-managed public lands. They would be issued at the discretion of the BLM and must not conflict with valid existing rights or previously authorized uses.

The inclusion of mitigation leasing in the rule comes in part as a response to feedback from state, local, and industry partners who requested a reliable path to pursue compensatory mitigation on public lands to facilitate development projects.

## 2. Supports informed decision-making for balanced, responsible development.

- **Leverages science and data, including Indigenous Knowledge, to guide decision-making**  
The rule helps ensure BLM management decisions will continue to be guided by science and data. The BLM will use existing data collections and new information to identify trends in the health of our lands and waters and implement adaptive management strategies.
- **Emphasizes best management practices and public input**  
The rule broadens the use of land health standards, long used to support BLM's grazing program, to inform all of our work. Incorporating land health standards and guidelines into land management is a best practice employed by state and federal land management agencies, including the U.S. Forest Service. The BLM will also ensure more information on land health is available to the public as they provide input on potential management decisions.
- **Better information will inform better development decisions**  
By centering on land health and providing a consistent approach to integrating conservation decisions into the land management process, the rule enables the BLM to better work with local communities and developers to identify appropriate places to site projects. This can help avoid conflicts and provide certainty for development proposals.

## 3. Protects the best intact, healthy landscapes.

- **Conserves healthy public lands**  
The rule is pragmatic, directing the BLM to conserve land that is already in good shape. It calls on the BLM to maintain intact lands to help support wildlife, habitat connectivity, old-growth forests, and ecosystem function. The rule follows explicit direction in the Federal Land Policy and Management Act (FLPMA) to protect and preserve lands in their natural condition, where appropriate.
- **Supports locally-driven conservation**  
The rule supports locally-driven and locally-led conservation, enabling communities, through the land management planning process, to help identify lands for restoration and protection and to provide input on where development may be most appropriate.
- **Supports consistent management**  
The rule provides consistent and clear direction to help ensure the BLM is appropriately managing important historic, cultural, and scenic resources and complying with FLPMA's direction to prioritize protection and designation of Areas of Critical Environmental Concern (ACECs). Learn more about ACECs [here](#).

### ***How did the BLM include the public in the Public Lands Rule?***

In response to the substantive comments received from individuals, state, Tribal and local governments, industry groups, and advocacy organizations, the BLM clarified and refined concepts laid out in the proposed rule. Your feedback helped shape the final rule, including the frameworks for restoration and mitigation leasing, utilizing the fundamentals of land health, and the protection of ACECs.

The BLM will continue working with partners and stakeholders to put the final rule into action. In our endeavor to successfully manage our public lands, we cannot succeed without our stakeholders. It's up to all of us to work together to help ensure we pass along our public lands in as good or better shape than we found them.

To learn more about the Public Lands Rule, please visit <https://www.blm.gov/public-lands-rule>.



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

# Final Public Lands Rule

May 2024



Sacramento River Bend, BLM photo



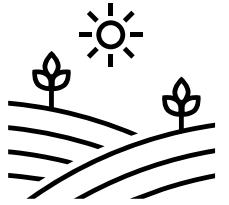
# Public Lands Rule

The Public Lands Rule is intended to advance the Bureau of Land Management's multiple use and sustained yield mission, while prioritizing the health and resilience of public lands.





# Extensive Public Engagement



## Public Comment:

- 90-day comment period
- 5 public meetings: 3 in-person and 2 virtual

## In addition, held dozens of meetings:

- congressional briefings
- states and state agencies
- grazing, recreation, energy interests – including presenting at conferences and events

More than 216,000 people voiced their opinions in more than 150,000 comment submissions – approximately 8,400 substantive comments

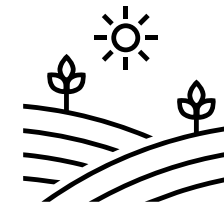
- majority generally supportive of the rule
- smaller portion proposed changes

The rule maintains general structure and content from proposed rule; updating and clarifying to reflect input received.





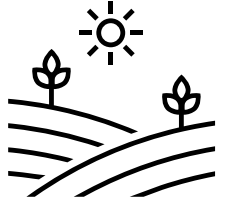
# Public Lands Rule Components



- Intended to address issues affecting the health of public lands by building and maintaining resilience.
- Focuses on ensuring the Bureau manages for landscape health to achieve its multiple use and sustained yield mission.
- Clarifies conservation as a use within Federal Land Policy and Management Act (FLPMA)'s multiple use framework.
- Provides consistent direction to land managers to prioritize designation and protection of Areas of Critical Environmental Concern (ACEC).
- Applies consistent landscape health standards across all public lands and program areas.
- Provides for and supports Tribal co-stewardship and defines Indigenous Knowledge as a part of high-quality information to underpin decision-making and actions.



# Main Provisions of Final Rule and Changes to Existing Policy



## § 1610.7-2 Designation of Areas of Critical Environmental Concern

- Existing policy codified into regulation
- Temporary management for nominated areas
- Research Natural Areas

## § 6102.2 Management to Protect Intact Landscapes

- New requirement to identify, manage and protect intact landscapes
- Public facing database

## § 6102.3.1 Restoration Prioritization and Planning

- New requirement to identify priority landscapes for restoration
- Develop restoration plans and review/amend every 5 years

## § 6102.4 Restoration and Mitigation Leasing

- New leasing program and requirements for consideration, including compatibility with existing authorized land uses and approved land use plans

## § 6102.5 Management Actions for Ecosystem Resilience

- Framework for decision-making based on science, data and Indigenous knowledge across all plans and programs

## § 6103.1 Land Health Standards

- New requirement for BLM to develop national land health standards and review/amend every 10 years
- All program areas will be managed to achieve land health standards

## § 6103.2 Inventory, Assessment, and Monitoring

- New requirement for Watershed Condition Assessments every 10 years



# Public Lands Rule Strategy for Ecological Resilience



**Restore lands back to health**



**Provide for  
informed decision-making**



**Protect intact landscapes**



# Restore Lands Back to Health



- Directs land managers to identify and prioritize lands and waters for restoration.
- Create a restoration plan for those priority landscapes every 5 years.
- Establishes policy regarding restoration leases and mitigation leases.
- Mitigation leases as a mechanism for compensatory mitigation funds to be invested on public lands.



# Restoration Leases and Mitigation Leases

## What are restoration and mitigation leases?

- Mechanism to provide durable mitigation and restoration work on public lands.
- Applicant driven – BLM will review proposals submitted.
- Two types of leases for two purposes **only**:
  - Restoration leases: to restore a degraded landscape to a more natural, resilient ecological state.
  - Mitigation leases: to mitigate impacts to resources resulting from other land use authorizations.
- BLM will evaluate collaboration with other permittees and compatibility with uses as part of assessing a potential lease.
- Leases do **not** override valid existing rights, privileges or preclude other, subsequent authorizations compatible with the lease.
- Leases will not be issued to foreign entities.
- Leases must be conformance with land use plan and Federal laws.





# Refinements from proposed rule: Leases for restoration and mitigation

- Changes nomenclature from “conservation leases” to “restoration leases” and “mitigation leases”
- States explicitly that restoration or mitigation leases **would only be authorized** if they do not conflict with existing authorizations.
- Adds opportunities for conservation districts and state wildlife agencies to hold restoration leases.
- Prohibits foreign entities from holding leases.
- Identifies factors that will make a proposed lease more likely to be accepted, including:
  - Collaboration with existing permittees/adjacent land managers, work with local communities;
  - Consideration of environmental justice;
  - Desired outcomes consistent with existing land management (recreation, grazing, energy development).
- Restoration and mitigation leases would not preclude recreation uses.





# Ensure Informed Decision-Making through Land Health Standards



Final Rule requires the BLM to:

- Develop national land health standards.
- Review and amend national land health standards every 10 years.
- All BLM is required to adopt national land health standards
- State BLM offices have option to adopt regionally specific standards.
- Use existing land health standards while developing additional standards (many ecosystem types have existing standards).
- Complete watershed condition assessments (WCAs) every 10 years and use WCAs to inform land health evaluations.
- Conduct land health standards evaluations on all BLM-managed land every 10 years. For areas not meeting standards, conduct a causal factors determination within 1 year.



# Ensure Informed Decision-Making through Land Health Standards, Cont'd.

- Incorporates consideration of land health into all decision-making by:
  - Overarching goal to manage all programs to achieve or make significant progress toward achieving land health standards.
  - Streamlining the process to focus more time and effort on addressing any identified problems and improving habitat conditions.
  - Using land health evaluation results to inform decision-making for all uses on the public lands.
  - Making land health information available to the public.
- Provides for the BLM to work collaboratively with public land users and stakeholders in both the evaluation of land health and management for land health.
- Promotes Tribal Engagement:
  - Meaningful consultation with Tribes and Alaska Native Corporations during decision making processes.
  - Identifying opportunities for Tribal co-stewardship.
  - Opportunity to serve as cooperating agencies.
  - Inclusion of Indigenous Knowledge as part of incorporating science and data to support decision-making.







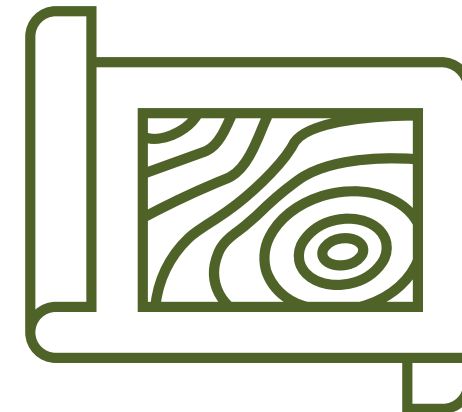
# Protect Important Landscapes



- Intact landscapes:
  - Unfragmented landscape;
  - Large enough to maintain native biological diversity.
  - Not impacted by local conditions that could affect composition, structure and function.
- Complete inventory of public lands intactness.
- Collect and track landscape intactness data in publicly available database.
- Identify and delineate intact landscapes during land use planning.
- Identify which intact landscapes or portions of intact landscapes will be managed to protect their intactness.



# Areas of Critical Environmental Concern



- Codifies existing BLM policies for ACEC designation and management.
- New temporary management policy for areas nominated outside of the land use planning process.
- Establishes management standard to ensure ACEC values are appropriately conserved.
- Codifies research natural areas.
- All potential ACECs that meet relevant, important, and special management attention criteria will be designated.



## Public Lands Rule Does

Allow qualified entities to apply for a restoration or mitigation lease on any BLM-managed surface.

Give the BLM discretion to approve restoration or mitigation leases where the applicant has demonstrated collaboration with existing permittees, the lease would advance environmental justice objectives, the objectives of the proposed leases would be supported by current management of the lands and would not conflict with any existing uses or authorizations.

Require the BLM to avoid authorizing any use of public lands that permanently impairs ecosystem resilience. If impairment cannot be avoided, the BLM must provide justification for the decision to authorize a use which may potentially impair ecosystem resilience.

Allow the nomination of parcels as ACECs outside of the planning process, and outlines requirements for temporary management of nominated areas that exhibit relevant and important values requiring special management attention.

Require the BLM to seek to work with local communities; consult with Tribes to identify opportunities for co-stewardship; and establish partnerships.

Consider Indigenous knowledge in decision-making. The final rule emphasizes and elaborates on opportunities for Tribal co-stewardship and the importance of incorporating Indigenous knowledge in decision-making.

## Public Lands Rule Does NOT

Allow approval of restoration or mitigation leases which conflict with existing uses or authorizations.

Prevent authorization of grazing permit renewals. Existing grazing permits that are proposed for renewal would be considered, particularly if the allotments are meeting land health standards. In addition, the presence of a ROW for a restoration or mitigation lease would not necessarily preclude grazing within the lease area. This would be dependent on the terms of the lease, and whether these are compatible with grazing.

Prohibit or preclude energy development. The final rule reiterates that development, including energy development, would continue to be permitted, while emphasizing importance of avoiding or minimizing impacts, and when the impacts are unavoidable, using compensatory mitigation, including through mitigation leases.

Permit authorization of temporary management of potential ACECs without public notification and periodic review of the temporary management.

Impair the ability of BLM employees and their partners at the state and local level to effectively improve and restore landscapes and watersheds. The rule puts more tools in the hands of BLM partners, including those at the state and local levels. The PLR introduces restoration and mitigation leases as tools that can be used to restore damaged or degraded ecosystems on BLM-managed lands.

Elevate Indigenous knowledge above other high-quality sources of information and scientific data. Indigenous knowledge would be considered as part of a comprehensive review of available information.



# Next Steps:

- Rule goes into effect on June 10
- Federal Register Notice:  
<https://www.federalregister.gov/documents/2024/05/09/2024-08821/conservation-and-landscape-health>
- Additional material available:  
<https://www.blm.gov/public-lands-rule>





# QUESTIONS?

