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## Western Environmental Law Center

*Comments submitted via electronic mail and U.S.P.S.*

June 29, 2015

Director (210)  
Attn: Protest Coordinator  
P.O. Box 71383  
Washington, D.C. 20003

Re: Protest of Billings Field Office and Pompeys Pillar National Monument  
Proposed Resource Management Plan and Final Environmental Impact  
Statement

Thank you for providing this opportunity to protest the Bureau of Land Management's (BLM's) Proposed Resource Management Plan and Final Environmental Impact Statement for the Billings Field Office and Pompeys Pillar National Monument (hereinafter "Proposed RMP" or "FEIS").

This protest is submitted during the 30-day protest period by the Western Environmental Law Center (WELC) on behalf of the Montana Wilderness Association (MWA), the Montana Wilderness Association Eastern Wildlands Chapter, Pryors Coalition, Dick Walton, and Susan Newell.

Further details and elaborations on issues summarized below can be found in our original comment letters on the RMP DEIS. Specifically, please see the June 28, 2013 letter from Matthew Bishop of the Western Environmental Law Center on behalf of the Montana Wilderness Association *et al.*, ("MWA Comments") and the June 26, 2013 letter from Dick Walton for the Pryors Coalition ("Pryors Comments"). Specific citation to portions of these letters is made herein.

As required by 40 C.F.R. § 1610.5-2(a)(2), the names, mailing addresses, and telephone numbers for the organizations and individuals filing this protest are listed below:

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## INTERESTS OF PROTESTING PARTIES

The **Western Environmental Law Center** (“WELC”) uses the power of the law to defend and protect the American West’s treasured landscapes, iconic wildlife and rural communities. WELC combines legal skills with sound conservation biology and environmental science to address major environmental issues in the West in the most strategic and effective manner. WELC works at the national, regional, state, and local levels; and in all three branches of government. WELC integrates national policies and regional perspective with the local knowledge of our 100+ partner groups to implement smart and appropriate place-based actions.

The **Montana Wilderness Association** (“MWA”), including the **Eastern Wildlands Chapter**, is dedicated to protecting eastern Montana’s natural resources, wilderness quality lands, habitat for native wildlife and bird species, rivers, streams, riparian areas and wetlands, historic and cultural properties, and traditional recreational opportunities, including but not limited to backcountry hiking, camping, hunting, and bird watching. Members and employees have used and will continue to use the BLM lands within the Billings District that are covered by the Proposed RMP and Final EIS for these various purposes. Montana Wilderness Association seeks to protect and restore the natural and biological integrity of the area and is supportive of BLM’s efforts to conserve greater-sage grouse habitat, designate new ACECs, recognize some lands with wilderness characteristics and provide opportunities for quiet non-motorized recreation, including trails.

Founded in 1958, MWA's mission is to work with communities to protect Montana's wilderness heritage, quiet beauty, and outdoor traditions, now and for future generations.

The **Pryors Coalition** is made up of a diverse collection of groups and individuals – young and old, families, teachers, business owners, medical professionals, construction workers, students, scientists, and others. We cherish the peaceful and quiet beauty of the Pryors, and value its unique natural and cultural history. We enjoy the Pryors in many ways, hiking, hunting, horseback riding, bird watching, mountain biking, camping, and more. Many of us own and enjoy four-wheel drive vehicles, and support responsible motorized use on public land. The mission of the Pryors Coalition is: to conserve the natural and cultural resources of this spectacular landscape; to provide recreational opportunities in the Pryor Mountains for our diverse and growing population; and to pass the Pryors on, undamaged, as a legacy for future generations to enjoy.

**Dick Walton and Susan Newell** have been frequent visitors to the Pryors for 49 years, and have enjoyed camping, hiking, spelunking, birding, and wildflower viewing in the Pryors. For several years, Walton and Newell have also organized volunteer noxious weedpulls in the Pryors in collaboration with BLM and the U.S. Forest Service.

**STATEMENT OF REASONS  
IN SUPPORT OF CONSERVATION GROUPS' PROTEST OF THE  
BILLINGS AND POMPEYS PILLAR NATIONAL MONUMENT  
PROPOSED RESOURCE MANAGEMENT PLAN AND FINAL  
ENVIRONMENTAL IMPACT STATEMENT**

**I. FLPMA Compliance**

***A. Lands with Wilderness Characteristics.***

The Federal Policy and Management Act ("FLPMA") requires the BLM to inventory and consider lands with wilderness characteristics during the land use planning process. 43 U.S.C § 1711(a); *see also Ore. Natural Desert Ass'n v. BLM*, 531 F 3d 1114, 1119 (9<sup>th</sup> Cir. 2008). BLM Instruction Memorandum ("IM") 2011-154 and BLM Manuals 6310 and 6320 contain mandatory guidance on implementing this requirement of FLPMA. The IM directs BLM to "conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under [NEPA]." BLM Manual 6310 provides detailed guidelines for conducting LWC inventory in

compliance with FLPMA, including boundary determinations, assessment of wilderness characteristics, and documentation requirements.

We recommend that the Billings Field Office update the inventory for the following five areas because they were dropped from consideration as LWCs for reasons not in compliance with BLM Manual 6310 prior to finalizing this RMP.

1. Deer Creek
2. Jack Creek
3. Lake Mason Unit
4. Dry Creek
5. Bear Creek

BLM can post updated inventory information for public review without conducting supplemental NEPA analysis.

**Requested Remedy:** BLM must update its inventory of lands with wilderness characteristics so that it complies with FLPMA and BLM Manual 6310. BLM should post the updated inventory information for public review as soon as it is complete and prior to finalizing the Billings Area RMP. The updated inventory should be incorporated into the Record of Decision for the RMP, and BLM should commit to not authorizing implementation actions that could impact newly-inventoried LWC until BLM has considered management alternatives for those areas per BLM Manual 6320.

In our previous comments, we urged BLM to reexamine for wilderness characteristics areas that had been dropped from consideration, including the Bear Creek, Lake Mason, and Dry Creek areas. *See* MWA Comment at 10-16. We protest the fact that none of these areas, or Deer Creek and Jack Creek, identified above, were reevaluated or added as Lands with Wilderness Characteristics in the Proposed RMP/FEIS.

Additionally, Pryor Mountain Unit Tract 4 should be designated as an LWC. It is quite possible that someday the area on all sides of Tract 4 will be designated as Wilderness. If at that time Tract 4 is not managed just the same as its surroundings it could degrade the surrounding Wilderness values. Common sense says that Tract 4 should be an LWC now. If there is no exception to the 5,000 acre rule to allow this, there certainly should be.

But there is an obvious way. The redundant route on one side (preferably PM 1006) should be closed. Then there is no technical obstacle to designating Tract 4 as an LWC. BLM even indicates that that would be done.

BLM does not give any reason for keeping both routes open. The RMP only says “Regarding the Sykes Ridge routes (PM 1001 and PM 1006) the BLM staff has determined that both route segments will remain as open for motorized use in the RMP.” FEIS at 5-210. PM 1006 should be closed in order to allow Tract 4 to be an LWC. We gave other strong reasons for closing PM 1006 in our comments. *See Pryors Comments at 10.* BLM gives no response to these reasons.

### ***B. Multiple Uses***

We protest the Proposed RMP/FEIS insofar as it fails to manage for “multiple uses,” particularly for wildlife and bird habitat, wilderness values, and non-motorized or quiet recreational activities. As described in more detail in our previous comments (see MWA Comments at 4-5), under the Federal Land Policy Management Act (FLPMA), managing for “multiple use” means providing and maintaining opportunities for a variety of uses. 43 U.S.C. § 1702(c). Thus, while some areas may be set aside for oil and gas development and motorized use, other areas should be managed for other resources, including habitat, wilderness, and quiet recreation.

Specifically with respect to motorized use, pursuant to Executive Order (“E.O.”) 11644, BLM is to provide for designation of areas and trails on which off-road vehicles may be permitted, and designation of areas and trails on which off-road vehicles may not be permitted. E.O. 11644 at § 3 (emphasis added). We protest the BLM’s failure to set aside large blocks of natural quiet for non-motorized use (as well as wildlife and bird habitat, including sage grouse habitat) and ensure such areas are off-limits to oil and gas development.

Likewise, we protest the BLM’s failure to adequately provide for balanced and multiple uses by providing for enough different lands, roads, areas, and trails for motorized and non-motorized use. Shared access to the same lands, roads, areas, and trails at the same time does not suffice. *See MWA Comments at 4.*

In order to protect and properly manage sensitive areas within the planning area, including lands with wilderness character (see below), ACECs, WSAs, and greater sage grouse habitat and areas, we again urge that BLM: (1) commit to not leasing these areas to oil and gas development once the existing leases expire (and ensure that all existing leases are “valid” i.e., they continue to produce in paying quantities); and (2) condition the approval of any already existing and/or future leases on the protection of natural resources.

As noted in our comments, see MWA Comments at 5, BLM must also recognize that it has the authority to revise conditions of approval for applications for permits to

drill (APDs) based on updated scientific information demonstrating that the previous conditions would be inadequate to protect the resource. *See Yates Petroleum Corporation*, 174 IBLA 155 (September 30, 2008). In addition to imposing reasonable measures on existing and future leases (based on the best available science), BLM also has the legal duty to consider the need for such measures prior to approving APDs. *See id.*; *William P. Maycock*, 177 IBLA 1 (March 16, 2009).

**1. The Proposed RMP does not adequately address the need for non-motorized opportunities in the Pryors.<sup>1</sup>**

Again, in accordance with the BLM’s multiple use management objective under the Federal Land Policy Management Act (FLPMA), BLM must provide and maintain opportunities for a variety of uses, including wildlife and bird habitat, wilderness values, and non-motorized or quiet recreational activities. *See* 43 U.S.C. § 1702(c).

Additionally, pursuant to Executive Order (“E.O.”) 11644, “Off-Road Vehicles on the Public Lands,” as amended and strengthened by E.O. 11989 (1977), BLM is to “provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted.” E.O. 11644 also directs that the designation of areas and trails for motorized use on public lands be in accordance with the following:

- Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.
- Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.
- Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands.

*Id.* at § 3.

The directives in E.O. 11644, commonly referred to as the “minimization criteria,” require BLM to minimize motorized impacts on public lands. *See Wildlands CPR v. USFS*, — F. Supp. —, 2012 WL 1072351 at \*12-13 (D. Mont. 2012). “Minimization” does not mean that BLM must eliminate all impacts, but that BLM must designate routes and areas for motorized use to minimize damage to natural resources and conflicts

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<sup>1</sup> References to “the Pryors” in this letter refer to the BLM managed part of the Pryors.

between uses. *Idaho Conservation League v. Guzman*, 766 F.Supp. 2d 1056 (D. Idaho 2011) (citing *CBD v. BLM*, 746 F. Supp. 2d 1055, 1080 (N.D. Cal. 2009)).

In 1978, BLM promulgated regulations codifying E.O. 11644's minimization criteria. *See* C.F.R. § 8342.1. Both E.O. 11644 and BLM's implementing regulations require that BLM must do more than simply list the minimization criteria and note that they were considered. *Id.* Instead, BLM must document and explain how the minimization criteria was applied when making specific route and area designations.

In 2001, BLM identified a number of resource concerns that still needed to be addressed, especially in Montana, North Dakota, and South Dakota (the "Tri-State region"), where some areas remained with no travel plans or restrictions on motorized use. In 2003, BLM issued a new, RMP-level decision to amend existing RMPs in eastern Montana – including RMPs in the Billings District – to restrict motorized wheeled cross-country travel, subject to a few exceptions. This Tri-State decision restricts motorized travel to existing routes (roads and trails) in the analysis area, with no "new" two-tracks to be allowed.

In the Pryors, the Draft RMP/EIS designated 130 miles of motorized routes and *no* non-motorized routes. In our comments, we urged BLM to set aside large blocks of natural quiet for non-motorized use (as well as wildlife and bird habitat, including sage grouse). *See* MWA Comments at 4; Pryors Comments at 3-4. We are pleased that the Proposed RMP/FEIS does for the first time designate a few non-motorized routes. But these designations are not sufficient.

BLM acknowledges its duty to provide for a balanced mix of multiple uses. *See* Proposed RMP/FEIS, Appendix O, at O-2 ("The planning process must consider and address the full range of various modes of travel on public lands, not just motorized access needs."); *id.* at O-6 ("This process [developing and defining Travel Management Areas] is designed to improve the BiFO's ability to protect various resource values by minimizing impacts and provide a more balanced range of motorized and non-motorized opportunities throughout the planning area."). But the Proposed RMP does not come close to satisfying these goals.

While it is difficult to determine how many miles of public motorized routes are designated in the Pryors under Proposed Alternative D, it appears that there are about 116 miles designated for motorized public use. *Compare* FEIS Table O-4 at O-14 to -15 (indicating that under Alternative A, 116 miles are currently open to motorized use) and FEIS Figure 4.1.4b at O-197 (indicating that road density is the same in Alternatives A and D); *but see* FEIS 2-194 (indicating 127 miles of public motorized routes in the Pryors).

It is even harder to determine the number of miles of designated non-motorized routes in the Pryors from the Proposed RMP. But we believe it is about 15 miles. *See* FEIS Table O-2 at O-9 & 10 (listing a total of 20.6 miles in the Pryors); Section A.1.a, below (explaining that, based on our oral communication with BLM, Bear Canyon should not be in the table). Some routes, like Royce Cave and Sykes Cave Trails, are short trails accessible only by a long ATV drive. Thus they are not much use for most hikers and certainly not for equestrians. The Demijohn Flat Trail (nearly half the total at 8.2 miles) is inflated. From map 146 it can be seen to be more like 6 miles. In any case the southern end is mostly just an old scar on the ground that happens to be there. Also this southern end is not a place many would hike except in very early spring or late fall.

Thus, there are approximately 8 times as many miles of designated motorized routes as non-motorized routes. That is, only about 11% of the public designated routes are designated non-motorized. This seems far from “balanced” and fails to “address the full range of modes of travel.”

BLM has also designated administrative routes, which the agency indicates are available for non-motorized travel. RMP FEIS page O-6. However, designation of administrative routes does not satisfy the need for designated non-motorized routes for two reasons: (1) These routes, which are designated for utilitarian administrative purposes (e.g., maintenance of grazing developments), are usually not prime routes for recreational purposes. They are generally the “leftover” routes after the prime routes are designated for public motorized use. (2) Non-motorized recreationists want, and deserve, designated, mapped, and signed hiking/equestrian routes just like motorized users.

Although we are appreciative of any designated non-motorized trails, it is clear the few miles designated in the RMP are mostly fragments and leftovers after many more miles of motorized routes are designated. Clearly BLM made an effort to designate non-motorized routes, but made only the easy choices where there would be little controversy. This does not satisfy the goal of “address[ing] the full range of various modes of travel on public lands, not just motorized access needs,” FEIS at O-2, or “provid[ing] a more balanced range of motorized and non-motorized opportunities,” FEIS at O-6.

To meet these objectives, BLM would need to make some harder and more controversial decisions. We suggested that BLM close three routes in our comments: Bear Canyon (PM 1068), the Lisbon-Dandy Mine Loop, and PM 1006 on Sykes Ridge. *See* Pryors Comments at 7, 10.

*a. Bear Canyon (PM1068)*

We protest the BLM's decision to open Bear Canyon (PM1068) to motorized use. The RMP clearly states that Bear Canyon (PM1068) is to be non-motorized. *See* Table O-2 at O-9 to -10 (listing PM1068 as one of the few designated non-motorized routes); Map 146 (showing PM1068 as non-motorized); 5-213 (responding to Pryor's Coalition's comments by stating that Bear Canyon would be non-motorized). However, we have been told orally that BLM has decided that Bear Canyon will be open to public motorized use. If this is true, we protest that decision for all the reasons given in our comment letters and elsewhere in this protest letter.

Pryors Coalition and other commenters have previously requested, for compelling reasons, that Bear Canyon PM1068 be closed to public motorized use and designated a non-motorized route. *See* Pryors Comments at 7; *see also* Table 5-8 at 5-42 (listing numerous similar comments and responses).<sup>2</sup> We reiterate here that Bear Canyon PM1068 beginning at the canyon mouth 1/2 mile from Helt Rd should be non-motorized for a number of reasons:

1. It is an ecologically sensitive area and a National Audubon Society IBA.
2. It is part of an increasingly popular hiking trail.
3. Bear Canyon is the roughest of the three routes for motorized access.
4. Although the route does connect with a motorized route on Custer NF, that CNF route is easily motor accessible from Stockman Trail.
5. Equestrians, including the Beartooth Back Country Horsemen, are very concerned about safety issues related to mixing horses with motorcycles and ATVs. This would provide separate staging areas and trails for motorized use and horses.
6. The inventory sheet for this route (PM1068) identifies many "special resource" concerns with regard to this route including birds, plants, soils, and archeological sites. The inventory sheet claims "Mitigation will be achieved by employing adaptive management monitoring of the status and/or integrity of the potentially impacted sensitive resources or resource issues identified above as they relate to various factors (e.g. climate cycles, exotic species introduction, visitor use levels [type, intensity, season of

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<sup>2</sup> There are also comments that request the northernmost (on BLM) 1/2 mile segment of Bear Canyon (not PM1068) be designated a non-motorized route. We understood before sending comments that BLM had already decided to do this. We sent comments on this to reinforce that decision. This request is not in conflict with the numerous comments that all of Bear Canyon be designated non-motorized.

use]).” This vacuous bureaucratese does not identify any specific action that can or will be taken to mitigate impacts of motorized use on the identified resources.

7. The closure of PM1071 to public motorized use would do a lot to minimize impacts to Bear Canyon’s special resources and make it a better place for hikers and equestrians. There would be public access to Bear Canyon rather than a motorized thoroughfare through Bear Canyon to the rest of Big Pryor Mountain. (Stockman Trail and perhaps Graham Trail would serve that purpose.)

8. The Route Inventory Sheet for PM 1068 includes the question: “Can the ... uses of this route be adequately met by another route that minimizes impacts to the sensitive resources identified above ...?” BLM answers “No.” We think the correct answer is obviously “Yes” because Stockman Trail goes to the same place. The only motorized use of this route that can't be met by Stockman Trail is motorized use of this route. (This would be true of any route.)”

As noted above, the Bear Canyon route connects with a motorized route on Custer National Forest. We have heard the argument that BLM and the USFS need to be consistent in their decisions. This is a desirable goal. But it should not trump the other compelling reasons for closing the Bear Canyon route, particularly since the CNF route is easily motor accessible from Stockman Trail. Additionally, we also remind BLM that in making their recent Travel Plan decisions, the Custer National Forest chose to open Graham Trail to motorized use despite the fact that the continuation of this route on BLM was *not* then designated for motorized use (i.e. Custer NF’s decision was not consistent with BLM.) Now BLM proposes to designate Graham Trail as motorized, citing the need for consistency with CNF. BLM also feels compelled to designate Bear Canyon motorized to be consistent with CNF (despite compelling reasons otherwise). It appears that the driving motivation is not consistency, but a default to motorized designation.

The net result of this shell game will be to increase from two to three the number of nearby (within three miles), roughly parallel, motorized routes up Big Pryor Mountain. (There are 7 more motorized routes not far away.)

One of several reasons for designating Bear Canyon non-motorized is to provide more balanced opportunities – a separate route for hikers and equestrians to help minimize conflicts between different recreational modes both at the trailhead and on the trail. *See* FEIS at 2-185 (listing the “Desired Outcomes (Goals and Objectives)” of Trails and Travel Management, including “[m]inimiz[ing] conflicts among OHV users and other uses of public lands”).

**b. Administrative Routes**

We previously asked BLM to reconsider each of the many routes designated for administrative use. *See* Pryors Comments at 12. As we noted, only those routes, forks, and branches for which a clear and distinct administrative need can be demonstrated should be kept. The rest should be decommissioned, and removed from the system. In the FEIS, BLM has increased administrative routes from 61 miles to 313 miles across the entire BiFO. *See* FEIS Figure 4.1.4a at O-196; Table O-21 at O-36 to -37; Table O-15 at O-31. In the Pryors, the increase is from about 2 miles to about 60 miles. This is mostly “new” administrative routes, not newly restricted, previously public routes. Nothing in the RMP indicates any route-specific need for this many routes. Nor has BLM appeared to have responded to or even acknowledged our concern about the number of routes designated for administrative use. As we noted in our previous comment, if BLM is not prudent and judicious in designating administrative routes for its own use, it will be harder for BLM to justify responsible limits on public motorized use.

**2. The Proposed RMP fails to provide a comprehensive plan for non-motorized travel.**

BLM is required to establish a comprehensive program for both motorized and non-motorized travel. *See* Executive Order 11644 at § 3 (directing BLM to develop and issue regulations to provide for the designation of the specific areas and trails on public lands where off-road vehicles may be permitted and areas where such uses are not permitted). The Proposed RMP designates a system of routes for motorized use in 11 TMAs and restricts motorized use to “existing” roads and trails outside the 11 TMA. BLM also notes in the Proposed RMP that it has initiated a new effort to inventory all transportation routes outside of the TMAs to provide a baseline. *See* FEIS at 5-223. This is helpful, but there remain problems with BLM’s approach in the Proposed RMP: (1) BLM fails to analyze the direct, indirect, and cumulative impacts of its approach on lands with wilderness characteristics, ACECs, WSA, native wildlife, soils, cultural and historic properties, and water resources. (2) The “existing” system is still not yet inventoried, so BLM cannot analyze the impacts of such routes. (3) There is no evidence that BLM considered and applied the minimization criteria (described above) in creating the 11 TMAs. (4) BLM should designate a system of routes for the entire planning area, not just 11 TMAs. (5) Until a travel plan is developed for areas outside the 11 TMAs, BLM should limit motorized travel to designated routes in areas where a wilderness inventory has been conducted.

We protest the Proposed RMP for its failure to address these problems in the Pryors and elsewhere in the BiFO. The BLM recognizes its obligations to establish a comprehensive program for both motorized and non-motorized travel. *See* FEIS at 5-63

(citing BLM Manual 1626). BLM promises that establishing a comprehensive program for both motorized and non-motorized travel “will be done in this RMP.” *See id.* Again, we see no way to claim this has been done for non-motorized travel. (The motorized part is more than comprehensive.)

In the Pryors, we urge the BLM to strive for designation of at least a few high-quality, non-motorized routes. As the BLM recognizes, much of the current transportation network was not planned and designated by BLM. Rather, it is the result of unplanned past public and resource use, and was established before BLM considered and was charged with designating a network of non-motorized routes. *See* FEIS at O-1 (“The BLM’s present transportation network is largely inherited, created from past resource uses and public access patterns.”)

Because of the history of motorized travel in the Pryors, it is a challenge to designate quantitatively balanced networks of motorized and non-motorized routes – and BLM has not come close. This is all the more reason to designate a few quality routes rather than leftovers.

In the Pryors, given the “inherited” history of the current road network in the BLM, a comprehensive non-motorized network would require at least a few conversions of motorized routes to non-motorized routes. There are a limited number of possible routes in a small area like the Pryors. Now, almost all are motorized. Every “quality” route does not need to be open to motorized use just because some people want it open. Some “quality” routes should be designated for those who want quiet recreation. Converting all three routes suggested by the Pryors Coalition and others (Bear Canyon (PM 1068), the Lisbon-Dandy Mine Loop, and PM 1006 on Sykes Ridge) would still only provide a small set of non-motorized routes. But it would be a good start, and would indicate a good faith effort on the part of BLM.

Even if this all this was done there would remain 7 routes beginning on BLM to drive motor vehicles to the top of Big Pryor Mountain (on USFS). Two more routes up Big Pryor do not cross BLM. (Big Pryor is not a very big area.) Land managers need to consider how many roads are enough.

## **II. NEPA Compliance**

Pursuant to NEPA, BLM is required to assess how the proposed action – in this case the Proposed RMP – may directly, indirectly, and cumulatively impact the environment. Direct impacts are caused by the action and occur at the same time and place. *See* 40 C.F.R. §1508.8. The direct impacts of an action must be analyzed based on the affected interests, the affected region, and the locality in which they will occur. 40

C.F.R. § 1508.27 (a). Indirect effects are effects that are caused by the action but occur later in time or are further removed in distance. 40 C.F.R. § 1508 (b). Indirect effects “may include growth inducing effects or other effects related to induced changes in pattern of land use; population density or growth rate; and related effects on air, water, and other natural resources.” *Id.* Finally, cumulative impacts are “the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 40 C.F.R. § 1508.7. Cumulative impacts can result from “individually minor but collectively significant actions taking place over a period of time.” *Id.*

Here, BLM fails to adequately assess the direct, indirect, and cumulative effects of the Proposed RMP. The proposed action may have significant direct, indirect, and cumulative impacts on the area’s resources, as detailed in our previous comments. *See* MWA Comments at 20-23. One such impact is from the Proposed RMP’s dispersed camping exemption, as described below.

**1. Proposed Dispersed Camping regulations are neither wise nor practical.**

The dispersed camping vehicle exemption in the Proposed RMP defeats one of the main purposes of travel planning, which is to keep vehicles on roads, rather than allowing them to disturb the landscape. Let’s be clear. “Dispersed camping” is not about camping. It is about driving motor vehicles off roads to park at campsites. Instead people should park beside the road and carry their camping gear whatever distance from a road they want to set up camp.

The Proposed RMP has made an unacceptable change to the dispersed camping exemption. The Draft RMP provided that “Excluding WSAs and ACECs, motorized wheeled use off designated routes for the purposes of camping would be allowed only on previously disturbed areas, for a distance up to 50 feet from the centerline of the route.” *See* DEIS at 2-128. The FEIS changes this to: “Excluding WSAs and ACECs, OHV use off designated routes for the purposes of camping would be allowed, for a distance up to 150 feet from the centerline of the route.” *See* FEIS at 2-188.

There are two key changes. The distance is tripled from 50 to 150 feet, and the “only on previously disturbed areas” language has vanished. In our comments, we endorsed the proposed dispersed camping regulation. *See* Pryors Comments at 13. The new dispersed camping exemption in the FEIS threatens natural resources and will be unmanageable.

Specifically, the proposed 300 foot wide (2x150) “dispersed camping” corridor potentially threatens 36 acres of land for every mile of road. This threat is increased by dropping the “only on previously disturbed areas” language. Beyond 50 feet there should be considerable undisturbed area. Land managers should try to keep it undisturbed. Most of the area under consideration in the Pryors is very arid with extremely fragile soils and vegetation. It cannot withstand motor vehicle use. We have found no analysis in the FEIS of the impacts of this greatly expanded “dispersed camping” corridor.

The greatly expanded “dispersed camping” corridor also threatens the native vegetation with the introduction of noxious and invasive weeds. Weeds are a serious and increasing problem in the Pryors. We found no mention in the FEIS of the potential impact of the proposed 300 foot wide “dispersed camping” corridor on the introduction and spread of weeds.

Some of us have worked hard on volunteer weed control activities in the Pryors. We are very aware that neither the BLM nor the USFS has adequate staff and/or funding to appropriately deal with the weed problem. A wide and unnecessary “dispersed camping” corridor will simply increase the problem. (The fact that the proposed corridor is narrower than current lax regulations is not relevant. The concern is the impact of future regulations and activities.)

We know that USFS weed control contracts in the Pryors specify weed treatment 50 feet from the centerline of roads. And most roads do not have any systematic monitoring and treatment. We do not have documentation, but are confident, based on our experience, that BLM weed control activity is similarly limited. Vehicles are a major factor in the introduction and spread of weeds. It is reckless management to permit a “dispersed camping,” off-road driving corridor three times as wide as the weed treatment corridor.

BLM Manual 1626 (Travel and Transportation) says (page 10) “Executive Order 13112 (Invasive Species) provides that no Federal agency shall authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions.”

This alone should be sufficient reason to revert to the “dispersed camping” language in the DEIS.

The language “Excluding WSAs and ACECs . . . ” in the “dispersed camping” rules in both the DEIS and FEIS raises two other issues. We did not mention these in our comment letters on the DEIS because with the 50 foot limit they were not serious concerns. If “dispersed camping” (i.e. driving) is permitted up to 150 feet, the concerns are serious. We strongly approve these exclusions from allowed 150 foot “dispersed camping.” It is the 150 feet elsewhere that causes the problem.

First, designated Lands with Wilderness Characteristics (LWCs) should also be excluded from 150 foot “dispersed camping” along with WSAs and ACECs for the same reasons.

Second, the “dispersed camping” regulation as written in the FEIS will be a nightmare for both managers and the public. In fact we believe it is totally unworkable in the Pryors. How will people know whether the land beside the road at any location is a WSA, ACEC or LWC or not? These are not shown on most maps, and often well intentioned people do not know exactly where they are on the map. Furthermore BLM has been reluctant to disclose maps of ACECs to the public. Such disclosure of exact ACEC areas sometimes threatens the very thing the ACEC is intended to protect. To make it more complicated there will be places in the Pryors where the two sides of the road will have different “dispersed camping” limits.

The DEIS had it right. Returning to the DEIS language for “dispersed camping” will eliminate most of the problems mentioned above. (Specified “dispersed camping” locations may be acceptable. Such known and limited locations can be fairly easily monitored for weeds and other impacts.)

Thank you for providing this opportunity to comment on the Proposed RMP and FEIS We sincerely appreciate the opportunity to participate in this and other important decisions affecting public lands in Montana. We hope you find these comments to be helpful, informative, and useful in deciding how best to manage the area.

If you have any questions or comments, or wish to discuss the issues raised in this protest letter in greater detail, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura King", enclosed within a rectangular border.

Laura King

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