

**Wyoming Public Lands Initiative
Gardner Mountain / North Fork
Powder River Fire Hall, Kaycee
March 14, 2017**

MINUTES

Present: Johnson County Commissioner **Bill Novotny**; **Anita Bartlett**-Conservation; **Nolan Davis**-Ag/Ranching; **Brock Hanson**-Ag/Ranching, **David Stoetzel**-Non-Motorized Recreation; **J.D. Petty**-Sportsmen; **Rob Davidson**-Conservation; **Chris Brock**-General Public; **Kelly Norris**-WY State Forestry Division;

Public: Kaycee Mayor Crosby Taylor

Minutes – Dave Stoetzel moved and Rob Davidson seconded to approve the February 7, 2017 minutes. Motion carried.

Buffalo BLM

Tom Bills, Planner, Buffalo BLM

Mr. Bills brought before the Advisory Committee 2 presentations:

1. What is the resource potential for the area, how much mineral, standing gravel, timber potential, wildlife, soils and other resources?
2. What are the options for a potential name or designation for these WSA?

Wilderness is a congressional designation. Cloud Peak Wilderness is managed by the Forest Service. The total acres in Cloud Peak Wilderness are approximately 190,000 acres with over half, 103,000 acres, in Johnson County. Wilderness management is very restrictive; man is a visitor, natural processes are supposed to reign supreme. Only an act of Congress can make or do away with a wilderness. Other objectives are that natural ecological processes should be able to operate freely. There can be site specific anomalies. In Wyoming if you are a nonresident hunter and you want to hunt in the wilderness area you need a licensed guide. That is a state of Wyoming law it doesn't have anything to do with the wilderness designation. There are some unique areas that have recreation, scenery, scientific or educational opportunities. In Oregon there is a Cooperative Management Area in the Steens Mountains. It has similarities to Johnson County and the Big Horn Mountains. This particular area has a wilderness area in the center of it with more public land surrounding it. It is called a Cooperative Management Area because the public land is very inaccessible and there is a lot of private land around it so this area is a combination of private and public lands.

Management of Wilderness Areas with Characteristics

These are areas that meet the definition for wilderness; there are at least 5,000 acres. There are opportunities for primitive recreation, opportunities for solitude, very little intrusion from man and human related things. The Northeast of the North Fork wilderness study area is called the face of the Big Horns; it is an area of 6,865 acres. The objectives for wilderness characteristics are to preserve the eco systems, natural values, wildlife, cultural sites, protect the soil and water and provide primitive recreation opportunities. It is not available for surface occupancy which means you cannot locate a well physically within the wilderness characteristic area but you can locate a well outside by drilling underneath the wilderness characteristic area to access the oil or the gas. Mr. Davidson asked if you

could build a road across. Mr. Bills said that you have to maintain the wilderness characteristics. The committee would have to make the determination if a road would invade the wilderness characteristics. Mr. Bills talked with the group about once a determination is made what the process would be to make changes to that determination, the plan would have to be amended by a public process and this would take a minimum of a couple of years. Ms. Bartlett wanted to know if Washington DC was involved in the process of the Resource Management Plan (RMP). Mr. Bills said that the Fortification Creek RMP was not a full RMP and didn't have the scrutiny and hurdles that other RMP's have. Most of what changed in the RMP, due to Washington DC, was sage grouse. Mr. Davidson asked if the group puts the WSA in the Land with Wilderness Characteristics (LWC) and they submit to the county does the county submit to the delegation. Commissioner Novotny said that preliminary discussions with the delegation is put forward by the Advisory Committee and makes it into the overall bill. Mr. Bills said that if Congress passes the law that the BLM will have to follow that law.

Area Critical of Environmental Concern

These are areas that have some relevant and important value, which could be scientific, biological, cultural, geological, or a health and safety issues. The Buffalo BLM office oversees Welch Ranch in Sheridan County which has biological and ecological values near the Tongue River. There was a coal seam fire west of the Tongue River which created health and safety issues of natural hazards. This is a popular recreation area for Sheridan County. The other is in Pumpkin Buttes which have cultural value for the Indian tribes. Welch Ranch area is 1100 acres and the Pumpkin Buttes area is 1700 acres. Pumpkin Buttes is strictly BLM surface which is on North Middle Butte, South Middle Butte, North Butte, South Butte and Indian Butte. The management for these areas is decided locally. For both of these areas BLM has closed them to hard rock minerals and sand and gravel operations. The Pumpkin Buttes have several communication towers. If someone wants to put a communication site in that area they can use an existing tower. BLM is managing the as a Class 2 rating which means you could potentially have development but the development cannot intrude on the visual qualities of the area. Pumpkin Buttes area is available for mineral development and oil and gas development but wells on the top or slopes of the buttes are not allowed. Mr. Davidson asked if the WSA in Johnson County has any of those environmental concerns and if an Area of Critical Environmental Concern (ACEC) would be an appropriate designation? Mr. Bills said that natural resources, scenery and wildlife would be environmental concerns for the WSA in Johnson County. Ms. Norris asked if BLM did an ACEC on Fortification Creek. Mr. Bills said that yes BLM did one for Fortification Creek and that one of the things about ACEC is they are supposed to acquire special management in order to preserve those particular characteristics. Fortification Creek had been nominated several times for an ACEC. There is an isolated elk herd in that area and the vegetation is primarily shrub, juniper and ponderosa, it is rough country. It has high oil and gas potential. The BLM was looking at how to protect the elk and have oil and gas development at the same time so that is what the Fortification Creek Management Plan is all about. BLM looked at an area of critical environmental concern and proposed that in the resource management plan. However they did not go through with the ACEC designation because they already had the Fortification Creek Resource Management Plan which was designed specifically to conserve the elk, fragile soils and watershed with the oil and gas being concurrent. Since BLM had management in place they did not need additional management to protect the relevant elements of the Fortification Creek area. Therefore an ACEC was not designated or warranted.

Special Recreation Management Areas

These are areas that have recreational values and the idea is to manage them for those recreational opportunities. In Johnson County there are four (4) areas:

- Dry Creek Petrified Tree Area (east of Buffalo) which is a paleontological site and very popular for school trips
- Mosier Gulch (west of Buffalo) this is another day use area, picnic site, outhouse, trail from town runs right through it and allows you access to the National Forest land
- Middle Fork of the Powder River that has a canyon for fishing, a campground, and cultural value with outlaw cave, rock shelter
- Hole in the Wall, is a historical area

BLM has closed these areas to commercial development. The management can be site specific. BLM has two areas north of Gillette, Burnt Hollow which is managed as a back country and non-motorized recreational area and Weston Hills which has a motorized emphasis so oil and gas could be compatible with the activities there.

Potential for Different Uses and Different Resource Value of the Area

Mr. Bills showed a slide of areas that have the most potential for oil and gas development. In the Gardner Mountain and North Fork areas there isn't any oil and gas potential. Uranium, bentonite, and gypsum are some low clay minerals that are very popular in the area. There is metallurgical limestone, but because of the remoteness of the area there hasn't been any commercial activity. This area is just on the edge of commercial quality wind. What is considered commercial quality wind is 6.5 miles per hour at 80 meters up. BLM looked at the potential for the different uses. BLM then looked at some of the other values, the soil, air quality, and wildlife. BLM decided that the Big Horns was not an appropriate place for renewable energy.

A no surface occupancy area is an area of 40 acres or more. It is an area where you cannot place a well pad; you might be able to drill under to produce the oil and gas. There are timing limitations where BLM prohibits development for certain times of the year because of sage grouse, big game and raptors. If the timing limitations last more than 6 months that is a major constraint. There are 4 classes for visual resources. Class 1 is the strictest; it does not allow development and does not interfere with the scenic values. Class 2 allows some development but the development is not supposed to attract attention. The WSA is currently classified Class 2. Class 3 allows moderate level impact. You could be able to see an oil well but it is not supposed to overwhelm the area. Class 4 you can easily see the development.

The Dull Knife Battlefield is a no development area. There is a 3 mile buffer where BLM is trying to protect the setting around it. If Gardner Mountain is turned into a recreation area and private land is next to it there would be no effect. BLM can protect the scenery on Gardner Mountain but they don't have any influence on private surface. Control surface use means there is a resource present. Control surface use has wildlife. If a proposal is submitted it needs to indicate how the proposal will be used while managing the wildlife in those areas. Timing limitation is a prohibition on development during those time periods. The majority of land in the WSA is control surface use.

Based on the geology there is a small portion by the North Fork with high potential for fossils. If an activity was proposed in that area a survey needs to be conducted. If fossils are found the proposal needs to state how your activity would interact with the fossils.

WPLI Update in Lander Wyoming

Anita Bartlett will attend and give a five (5) minute presentation based on these three (3) questions.

- What is unique about your Advisory Committee? We are covering two (2) WSA, we involve the BLM and have a good relationship, they have presented alternative management options and a process for RMP amendment, the BLM recommended no designation for WSA in 1991. The BLM has been to every meeting.
- What is your Advisory Committee's greatest impediment to advancing your recommendation? The Charter has not been completed.
- What piece of advice would you like to share with other Advisory Committees? Know management options and classifications from the federal government managing them.

Charter

The Charter was discussed and changes were made. The Advisory Committee will go through Section 8-Decision Process at their next meeting.

Next Meeting Agenda

BLM – Review of Historical Documents

Presentation from the Lander Meeting

Charter Section 8 – Decision Process

Members to discuss the reason why they are on the Committee

Public Comments

The next meeting will be Tuesday, April 18, 2017 at 6:00 p.m. at the Powder River Fire Hall, Kaycee.

Brock Hanson made a motion to adjourn the meeting at 8:22 p.m. and Anita Bartlett seconded the motion. Motion Carried. Meeting Adjourned.

A recording of the meeting is available.