

Decision Record and Finding of No Significant Impact
for the
Resource Management Plan and Plan Amendment
Four Dances area

Sundance Lodge and Four Dances Area
Resource Management Plan
Environmental Assessment/Amendment
for the
Billings Resource Management Plan

EA Number: MT-010-0-39

Prepared by:
Bureau of Land Management
Billings Field Office
Billings, Montana

Introduction:

The Bureau of Land Management proposed to create and implement resource management direction and guidance for the recently acquired land known as Four Dances.

The Billings Resource Management Plan (RMP/EIS) was completed in 1984 and does not contain land use planning guidance for the Four Dances area.

Proposed desired outcomes and allowable uses and actions to achieve those outcomes are described in detail as Alternative C of the Sundance Lodge and Four Dances Resource Management Plan Environmental Assessment/Amendment (EA Number MT 010-0-39).

Decision:

I have decided to approve the management plan for the Four Dances area, described as the Preferred Alternative (Alternative C) of the Sundance Lodge/Four Dances Environmental Assessment/Plan Amendment (EA Number 010-0-39).

This decision is based on the analysis in the Environmental Assessment and the corresponding case file. Approval of this alternative constitutes an amendment to the Billings Resource Management Plan completed in 1984, and provides management guidance for this area. Approval of Alternative C also confirms the Area of Critical Environmental Concern (ACEC) designation for Four Dances.

The EA analyzed management for both the Sundance Lodge and Four Dances sites. A separate Decision Record for the Sundance Lodge site has been issued.

The following resource management decisions will hereafter be applied to the Four Dances site, as described under Alternative C.

Air Quality

- Activities will be conducted to preserve the Class II air quality designation.
- Prescribed burning will only occur when prevailing winds are not expected to carry smoke toward Billings or Laurel. Burns will only be allowed during favorable smoke dispersal conditions with stable atmospheric conditions. This will limit the possibility of smoke settling in populated river valleys during air inversions.

ACEC

- Four Dances will be designated as an ACEC and a

Special Recreation Management Area. These designations will highlight special management for the ACEC resources and values and the special recreation values, resources, and opportunities.

Animal Damage Control

- All ADC activities will be conducted using procedures approved by the the Animal and Plant Health Inspection Service (APHIS), and will be coordinated with APHIS if necessary.

Cultural

- Cultural inventories will be completed in the vicinity of proposed surface disturbing activities.
- Cultural resources will be evaluated for National Register of Historic Places eligibility.
- All treatment of cultural resources will be consistent with Sections 106 and 110 of the National Historic Preservation Act.
- Educational and interpretive materials will be developed with help from SHPO and Native American tribes. These materials will emphasize the qualities mentioned in the ACEC nomination.
- Some limitation on use by the general public may be required to facilitate Native American religious activities. These will be limited to specific time periods and specific portions of the property.
- Ultimately, a comprehensive cultural resources management plan will be developed.
- Management of non-ACEC values may be adjusted to protect cultural and historic values.

Fire management

- Appropriate management response to wildland fire would generally be aggressive fire suppression.
- Unless protection of human life would be compromised, appropriate response to wildland fire will include the use of natural barriers and hand constructed fire lines. The use of bulldozers and retardant will be avoided unless approved by the Billings Field Manager.
- Prescribed fire could be used to reduce hazardous fuels and meet other resource objectives.
- A fire rehabilitation plan may be developed and available for use.

- Camp/cooking fires could be allowed in designated sites
- Fireworks will be prohibited.
- The area may be closed to human use during periods of high fire danger to protect ACEC and other resources and values.

Grazing

- Livestock grazing will only be authorized to meet other resource objectives that are consistent with the ACEC designation. This grazing must meet the Standards for Rangeland Health and guidelines for livestock grazing management.
- Buffalo grazing will not be permitted.

Hazardous Materials and Waste Management

- No authorizations will be allowed for solid waste or hazardous materials disposal facilities on site.

Historic

- The historic Will James Cabin will be maintained according to the Secretary of Interior's Standards for Historic Preservation.
- Protection of the historic Will James cabin may involve preservation, restoration, rehabilitation, and reconstruction. Work on the cabin will be done under the supervision of an historic preservation specialist.

Lands Use Prohibitions

- 765 acres of public lands have been withdrawn from location or entry under the US mining laws for 20 years to protect recreational and natural values.
- Lands would not be available for sale, Recreation and Public Purposes Act lease or conveyance, long-term leases for habitation or industrial use, or for military training purposes.

Lands, Realty, and Land Uses

- Uses and practices will be consistent with the Deed of Conservation Easement.
- Qualified applicants will be provided with a restricted quantity of rights-of-way, temporary use permits, and land use authorizations if they are consistent with ACEC objectives.
- The construction and use of an on-site caretaker's

residence may be allowed. This facility may not disturb more than ½ acre or change the VRM, Recreation Opportunity Spectrum (ROS), classifications or ACEC scenic values.

- Non-federal lands within and adjacent to the ACEC boundary may be acquired from willing sellers.

Minerals (Leasable, Locatable, and Materials)

- The area will be closed (discretionary closure by PLO 5180) to mineral leasing, exploration and development.
- No geophysical exploration may take place.
- Four Dances has been withdrawn from mineral location and entry.
- The area will be closed to mineral material disposal.

OHV

- OHV use (including bicycles) will be limited to administrative or authorized uses only.
- Use of snowmobiles will be prohibited.

Recreation

- Four Dances will be managed as a Special Recreation Management Area (SRMA) where recreation is the principle management objective. Greater recreation investment and more intense management will be required. Visitors may have less freedom of choice and more regulatory constraint.
- The area will be day use only.
- The area will be available for environmental education programs.
- Developments will have to meet VRM Class III objectives. These may include up to two parking areas; fully accessible viewing areas; toilets and picnic facilities at the parking areas only; hiking trails; interpretive signs; and caretaker housing.
- Authorizations will be required or timing and locations will be specified for events such as cross country races and hunting (archery only).
- To protect ACEC values, the area will be closed to horseback riding, use of fireworks, hang gliding, rock climbing, paint ball, the discharging of firearms, exercising pets off leash, and driving vehicles off road.

Rights-of-Way Management

- Four Dances will be designated as a ROW avoidance area and any authorized ROW will have to be compatible with the purpose of the ACEC.

Soil and Water

- The area will be managed to maintain soil productivity; prevent or minimize accelerated erosion; prevent or minimize flood damage; protect municipal and domestic water supplies; and maintain, restore, and enhance watershed values.
- Water bars may be installed on steep slopes of trails to reduce runoff erosion.

Safety

- An emergency response and safety plan will be developed. Non-ACEC management may be adjusted as necessary to protect human safety.

Special Forest Products Management

- Timber management for the safety and enhancement of other values could be practiced in the woody draws, on the islands, and along the Yellowstone River bottom.
- The forest vegetation along the river and on the island will be managed to favor deciduous trees.
- Wood products sales will not be issued.
- Commercial timber harvest will not be allowed.

Vegetation

- Crested wheatgrass may be replaced by re-seeding the area with native vegetation. Methods would be used to minimize the straight line contrast between native and altered vegetation.
- Natural riparian areas will be managed for proper functioning condition.

Visual Resource Management

- Alterations would be designed to meet VRM Class III objectives.

Noxious Weeds

- Treatments may include any appropriate combination of: herbicide application, burning, grazing, and the use of insects or pathogens. The use of chemicals would be minimized.

- Uses will be consistent with guidelines outlined in *Partners Against Weeds: An Action Plan for the Bureau of Land Management*.

Wildlife

- A wildlife habitat management plan will be developed and implemented to provide/restore natural functioning riparian areas.
- Livestock grazing may be allowed as a vegetative management tool to provide wildlife habitat and habitat diversity in designated areas.
- Riparian vegetation conditions will be maintained or improved to represent diverse and healthy plant communities for neotropical birds.
- The wildlife habitat management plan will also provide/restore native vegetation and create a mosaic in areas that have been farmed in the past.
- Special management and priority will be given to protecting falcon eyries by restricting human activity along the rims that might adversely affect the nesting birds. Non-ACEC values may be adjusted as necessary.
- A watchable wildlife program for the area will be developed when possible.

Alternatives Considered Including the Selected Alternative

Based on public involvement and interdisciplinary team analyses, the BLM developed three management alternatives for consideration. This summary provides a cursory description of each alternative. Full development of each alternative is found in the "Alternatives" portion of the EA.

Alternative A (No Action Alternative)– The area would be managed according to current policies, guidelines, laws, regulations, or initiatives. No special designations or management direction would exist and management would be typical of that applying to most lands managed by the Bureau of Land Management.

Alternative B (SRMA designation)– Management would be directed by a combination of management initiatives and guidance consistent with Special Recreation Management Area (SRMA) designation. Recreation would be the principle management objective. Four Dances would have a Rural management direction.

This alternative includes desired outcomes, allowable uses, and actions that were not part of the preferred alternative (Alternative C).

Alternative C (SRMA and Four Dances ACEC designation)– SRMA guidance for Alternative C is similar to that described in Alternative B, but modifications would be necessary to protect ACEC values. The user may experience more restrictions and less freedom of choice. Four Dances would still have a Rural management direction.

Alternative Considered but Eliminated from Detailed Study– A proposal for a 200 acre horse cross country course with constructed jumps was received during a public scoping meeting in Billings in June of 1999. This proposal was not analyzed in detail because it would have involved development for a specific type of use that would not have been compatible with the purposes for which the property was required, i.e., preserving the area in a natural state. An alternate location was later provided on private land.

Rationale for the Decision:

Given the proximity to population centers, the likely recreation uses, and anticipated level of activity, Alternative C would best meet the goals of providing additional recreation opportunities near Billings, protecting wildlife habitat, and preserving the historic and natural values of the Four Dances site.

Based on the analysis, Alternative C provides access to the greatest number recreation users while minimizing the impacts to the following ACEC values and other unique and valuable natural resources at the site:

- importance of cultural resources at more than a regional level,
- circumstances making the area fragile or vulnerable to adverse change,
- special management demanded by the cliffs, and
- the threat to human life or safety posed by the cliffs themselves.

Resolution of Issues

This decision amends the Billings RMP to include the management proposed under Alternative C in the EA/Plan amendment. I have chosen Alternative C as the best resolution of issues raised during the planning process.

Comments submitted during the scoping process for Four Dances included the following areas of interest:

- Preserving the naturalness and riparian values of the area.
- Opening the area to as much use as possible without causing damage to the environment.
- Doing as little as possible to allow for a quiet, peaceful experience without a lot of activities or distractions.
- Including hiking trails, cross country skiing and cross country running.
- Having toilet and picnic facilities available.
- Excluding OHV use.

Following the release of the EA, the public comment period provided feedback that was largely consistent with concerns identified during scoping. The BLM received 25 letters addressing Four Dances. The letters addressed a range of issues, including ways to improve the Preferred Alternative; differences or agreement with the management direction identified in the Preferred Alternative; and individual preferences for management.

One of the letters supporting horse use at Four Dances under Alternative C was a protest with more than 140 signatures, with reference to a 1999 petition submitted by the same person that brought the total number of signatures to more than 180.

The protest resolution affirmed the management discussed in the EA, and horse use will not be allowed.

Agency Comments

Several other agencies offered their expertise in the form of comments on the analysis, which I considered and incorporated into my decision. Montana Fish, Wildlife, & Parks; Billings/Yellowstone City/County Planning Board; and the City of Laurel Planning Department all responded during the comment period.

Both the FWP and the City/County Planning Board indicated that beaver damage may become an issue in riparian areas. That consideration was added to Animal Damage Control in both the Alternatives and Anticipated Level of Activity sections.

In response to concerns by the City/County Planning Board, the BLM committed to burying communication

sites and utility lines and emphasized a site specific NEPA document will be completed to consider effects of any future development at the site.

Public Involvement:

The following list is abbreviated from the complete public participation list of the Environmental Assessment. The following dates establish key points during public involvement specifically concerning Four Dances, and do not document progress within the BLM on the analysis:

1999

May 11

Notice of Proposed Withdrawal and Opportunity for Public Meeting notice published in the Federal Register.

June 11

Notice of Intent to Plan Affecting Two Tracts of Public Land in Yellowstone County, MT published in the Federal Register.

June 29

Public Scoping Meeting held at MSU-Billings to discuss planning issues for the Four Dances Natural Area and Sundance Lodge Recreation Area.

July 7

Public Scoping Meeting held in Laurel to discuss planning issues for the Four Dances Natural Area and Sundance Lodge Recreation Area.

Aug 1

Deadline for the expression of issues, concerns, or alternatives on the Four Dances Natural Area and the Sundance Lodge Recreation Area as published in the Federal Register.

Aug 9

Deadline for comments and requests for a public meeting as published in the Federal Register.

Oct 14

Notice of Closure of Public Land to Certain Uses published in the Federal Register.

2000

March 8

BLM updated Yellowstone River Parks Association (YRPA) on process of determining allowable uses of Four Dances Natural Area.

March 20

YRPA nominated the Four Dances Area as an ACEC

(Area of Critical Environmental Concern). YRPA submitted concerns on management of the Four Dances Natural Area.

April 3

BLM correspondence to YRPA clarifying points of BLM management progress.

April 12

BLM invited to attend April 12 meeting of YRPA to discuss concerns and proposals.

Sept 6

Mineral Report for the Four Dances Natural Area Withdrawal Proposal prepared.

Oct 19:

City/County Planner for Billings and Yellowstone Country briefed by about the ongoing plans and EA.

2001

Jan. 3

Discussion between project leader and Billings City Parks Department on recreation use information at two city parks for the purpose of identifying anticipated level of activity.

Jan. 12

Yellowstone River Parks Association updated on the status of the management plans and tentative schedule.

Jan. 30

Letter mailed to individuals on mailing list explaining project status and indicating availability of alternatives for review at Billings Field Office.

Feb. 1

Preliminary alternatives available to the public at the Billings Field Office.

Feb. 12

BLM Management briefed regarding status of management plans and tentative schedule.

March 9

Meeting with agencies explaining project status and reviewing preferred alternative.

April 26

News release issued announcing EA's availability.

Implementation:

The Billings Resource Management plan will be amended

to incorporate this resource management guidance upon notification of the public. Examples of land use plan decisions that become effective immediately include desired outcomes, resource objectives, and designations. Upon approval of this land use plan amendment, subsequent implementation decisions may be put into effect by developing activity plans.

Finding of No Significant Impact (FONSI)

Based on the analysis of the potential impacts contained in the attached environmental assessment and careful consideration of public comments, I have determined that Alternative C will have no significant impact on the human environment. An environmental impact statement does not need to be prepared.

Support for the FONSI:

The activities considered in Alternative C will not cause measurable air quality effects or significantly contribute to cumulative air quality effects. The recommended mitigation to avoid air quality impacts on the Laurel and Billings non-attainment areas from prescribed burning will be adopted.

Any subsequently discovered archeological resources which are considered eligible for the National Register of Historic Places (NHRP) will either be avoided or, in consultation with State Historic Preservation Officer (SHPO), a plan for mitigating the effects of the proposed actions will be formulated and implemented.

Alternative C will not cause disproportionately high or adverse effects on human health or environmental effects on low-income or minority populations, as provided under Environmental Justice considerations.

The cliffs located at Four Dances pose a danger to human safety. Alternative C includes restrictions to protect public health and safety and commits to developing a safety plan.

The area at the base of the cliffs at Four Dances is within the floodplain. However, no structures or facilities will be located there.

Consultation was completed with representatives of the Crow tribe and effects on Native American religious concerns were considered at Four Dances. Accommodations will be made to allow for Native American religious activities. No other concerns were identified.

Alternative C will not contribute to the unnecessary and

irreversible conversion of prime or unique farmland to nonagricultural uses.

Riparian areas and wetlands will be managed to maintain or improve existing qualities.

No threatened or endangered species or their habitat were identified at Four Dances. The peregrine falcon was protected by the Endangered Species Act at the time that the Four Dances Area was acquired. Although the bird was delisted to "monitoring status" in August 1999, many similar protections are provided under the Migratory Bird Treaty Act. Alternative C provides for restrictions on human activity which might adversely affect nesting peregrine falcons.

It is not expected that any future activities will generate effects in conflict with either CERCLA or RCRA.

A Pesticide Use Proposal will be submitted and approved before any chemical or fertilizer treatments occur on site. Any water provided by BLM will conform to the provisions of the Safe Water Drinking Act of 1974.

The Yellowstone River is not designated as a Wild and Scenic River and is not subject to the Wild and Scenic Rivers Act of 1968, as amended in 1970.

Management at Four Dances will not be affected by any part of the Wilderness Act of 1964.

Development and activities associated with Alternative C will not cause a significant change in vegetation. Noxious weeds will be treated if facility construction creates new infestations. Uses will be consistent with guidelines outlined in *Partners Against Weeds: An Action Plan for the Bureau of Land Management* (1996).

Increased soil loss and sedimentation and turbidity in the water as the result of prescribed fire would be minimal, and will not cause significant impact to fish or fish habitat.

With Alternative C, the recreation experience available will change from one characterized as Roaded Natural to Rural. This change in designation will still harmonize with the natural environment. The recreational experience will be similar to current conditions. Even though Alternative C represents the highest peak daily recreation use level, the sights and sounds of man would be less apparent because OHV use would be generally restricted.

Overall, the user's reaction to and perception of the recreation experience, including activities, setting, experience, remoteness, evidence of other humans, social

setting, and managerial setting will not change substantially as a result of any management direction or recreational developments completed under Alternative C. When evaluated against these criteria, no significant impacts to recreation opportunities or experiences will be anticipated.

Alternative C provides the greatest protection to the visual resources of Four Dances by prohibiting OHV use, mountain biking, overnight camping, and horseback riding. Construction of a caretaker's residence will increase visual impacts for off-site viewers along Coburn Road. However, the changes in the line, form, color, or texture of the landscape would not change the overall visual quality of the area. The context and severity of the visual impacts will not result in significant impacts.

Facility construction will cause a very small loss of wildlife habitat. However, restoring native vegetation on previously farmed areas will favor native wildlife populations and increase species diversity. Improving riparian habitat condition will increase neotropical migrant and other non-game bird populations. The context and intensity of impacts to wildlife habitat and populations will not be significant.

This analysis did not identify effects to the human environment that are considered highly controversial, highly uncertain or involve unique or unknown risks.

These actions will not establish a precedent for future actions with significant effects or represent a discussion in principle about a future consideration.

These actions will not violate federal, state, or local laws or requirements imposed for the protection of the environment.

Based on the analysis of management actions and anticipated activities both individually and cumulatively, I have determined that Alternative C will not constitute a significant environmental impact.

Recommended by:

Sandra S. Brooks
Sandra S. Brooks
Billings Field Manager
Billings Field Office

5/02/02
Date

Approved by:

Mat Millenbach
Mat Millenbach
Montana/Dakotas State Director
Montana State Office

5/3/02
Date