

## **BADGER-TWO MEDICINE APPLICATIONS FOR PERMIT TO DRILL (APDS)**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

There is renewed interest in drilling at the former Fina exploratory drilling site on the Rocky Mountain Ranger District, Lewis & Clark National Forest. Sidney Longwell now holds the lease on which Fina Oil and Chemical Company first proposed an exploratory well in 1983. The proposed well is located at the northern edge of the Lewis & Clark NF Rocky Mountain Ranger District in the Hall Creek drainage within an area known as the Badger-Two Medicine.

### **ISSUES:**

The BLM decides whether or not to approve applications for permit to drill (APDs) on federal leases. On National Forest land, however, the Forest Service has primary responsibility for surface related issues while the BLM has primary responsibility for "down hole" issues.

The APD for the well site was approved in 1991 after the Forest Service conducted several environmental analyses; an EA was completed in 1985 and a Final EIS was completed in 1990. The National Wildlife Federation and six other groups sued the Forest Service. The drilling approval and lawsuit were suspended while the Forest Service gathered information and analyzed the cultural and religious significance of the area to Native American Tribes. An area in the Badger-Two Medicine of about 90,000 acres was identified as having traditional cultural importance to the Blackfoot Tribe. In January 2002, the Keeper of the Register of National Historic Places determined this site as eligible for listing on the National Register of Historic Places. The drilling proposal is located roughly 2 miles north of the current district boundary.

### **MAIN DECISION OR MESSAGE:**

The Forest Service is the lead agency for evaluating possible impacts of the proposed drilling on properties that have cultural and religious significance to Native American Tribes, as well as ensuring that any other new information since the 1991 decision is considered. The following steps must be taken:

- A review of new information since the decision was made (for example, traditional cultural district, listing of lynx as threatened species);
- A determination as to whether the new information has a bearing on the 1991 decision to approve the drilling; and
- A determination whether the new information requires a revision, correction, or supplement to the previous analysis.

If a review of the new information indicates there is no need to supplement or revise the current decision, approval of the proposal would remain under the terms and conditions established in the 1991 decision. If there is a need to supplement the analysis, a draft supplemental EIS would be developed for public review. The lease suspension will continue until conclusion of these reviews.

The Forest conducted surveys to determine whether newly identified threatened, endangered or sensitive species or their habitat could be impacted by the proposal. A survey of goshawk territories, potential amphibian habitat, and sensitive plants has been completed. Preliminary review of this data indicates no new projected impacts from the drilling proposal. The Forest is also working closely with the Blackfoot Tribe and other consulting parties to identify possible impacts from the proposal to the Traditional Cultural District. An area of potential impacts from the drilling proposal was tentatively identified and the Forest requested review and any additional information from consulting parties. The Blackfoot Tribe provided new information with respect to traditional cultural uses in the Hall Creek area, including additional documentary sources and ethnographic information that warrants further research. The Forest has contracted for additional ethnographic review, including continued dialogue with Blackfoot elders and Tribal government, to identify whether new information indicates a need to reevaluate potential impacts from the drilling proposal and/or the current boundaries of the Traditional Cultural District.

The decision on the Devon APD is still pending completion of a similar review.

### **BUREAU PERSPECTIVE:**

Public interest is very high. National organizations are involved, and decisions occasionally get statewide attention. Demonstrations of opposition were staged in Great Falls and Missoula, Montana, following the 1993 decision to approve the APD. Senator Baucus introduced Senate bill 1616 on February 5, 1998, and Senate bill 984 on May 1, 2003, to authorize exchange of existing federal oil and gas leases, including those within the Badger-Two Medicine, for federal oil and gas lease sale bidding credits or payments due on existing leases. Neither bill passed.

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