

GROVE CREEK PROPOSAL

PURPOSE OF THE BRIEFING DOCUMENT:

On May 20, 2003, R.L.F Bighorn Properties, LLC filed a road right-of-way application with the Billings Field Office for four road ROW segments across public lands in the Grove Creek Ranch area. The private land to which the proponent is seeking access was subdivided into 20-acre parcels for the purpose of development; the ROWs would provide access to approximately 40 percent of the tracts.

On January 7, 2004, the Billings Field Manager issued a decision to RLF Bighorn Properties, LLC modifying the original cost recovery category from a Level IV to a Level V, which requires the applicant to complete an environmental impact statement if so desired. The decision is based on the proposal's high level of controversy as well as the potential for significant impacts to public land resources.

On April 29, 2004, RLF Bighorn Properties, LLC contacted the Billings Field Office to discuss any other alternatives besides pursuing a contractor for the development of an EIS. Other alternatives discussed were exchange opportunities which would look at trading private lands having high resource values for those selected (public) lands having a lower concern and would block up private land development in the area. The Billings Field Office is in the process of obtaining preliminary estimates of the tentative lands that would be involved and determining feasibility of the transaction. Continued coordination is occurring among Carbon County, the Crow Tribe Cultural Department, and local interests.

ISSUES:

According to the survey report submitted by the cultural contractor, four sites would be impacted by the proposed action, all of which are classified as eligible or potentially eligible for the National Register. In addition, numerous Native American cultural sites exist within the project area, four of which may be impacted by project development. A 1994 report recommended that the entire Grove Creek area be declared a Traditional Cultural District eligible for the National Register.

Because creation of a Traditional Cultural Property District requires both a tribal definition as well as interpretation of feature density and distribution across the landscape, the BLM has opened consultation with the Crow Tribe Cultural Department.

Other identified impacts related to the proposal are:

- Wildlife displacement during construction activities and increased vehicle traffic.
- Interior pasture fence line dissection.
- Livestock watering pipelines running parallel to or under proposed routes.
- Sage Grouse leks and habitat considerations.
- Conflicts with existing block management boundaries.
- Existing oil and gas leases (federal and nonfederal surface).

After informal consultation with the U.S. Fish and Wildlife Service (USFWS) and a request for a list of threatened and endangered (T&E) species present in the general area, it has been determined that formal consultation would be appropriate. This recommendation is a result of anticipated cumulative impacts on T&E species resulting from the overall development of the area and not necessarily from the issuance of the ROWs.

MAIN DECISION OR MESSAGE:

The Billings Field Office is currently analyzing both direct and cumulative impacts associated with the issuance of the ROWs across public lands to determine if the action is significant in nature.

BUREAU PERSPECTIVE:

We have received several comments from the local community in opposition of the development. We are currently in formal consultation with the USFWS and are working on the Biological Assessment.

The project has received attention from local media and generated three congressional inquiries as it relates to public involvement opportunities and resource concerns.

CONTACT:

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