

# 1—Introduction

In 2012, the U.S. Fish and Wildlife Service (Service) completed this 15-year comprehensive conservation plan (CCP) to guide management and use of the Charles M. Russell National Wildlife Refuge and the UL Bend National Wildlife Refuge in north-central Montana. Following publication of the final CCP and environmental impact statement (EIS), the Regional Director of the Mountain–Prairie Region selected the preferred alternative for implementation, which becomes this standalone plan (refer to “Appendix A, Record of Decision”).

Located within the boundary of the Charles M. Russell Refuge, UL Bend Refuge is, in essence, a refuge within a refuge (see vicinity map in figure 1). The Service manages these refuges as one refuge. Together, they encompass an area of 1.1 million acres that span about 125 air miles along the Missouri River, from the Fort Peck Dam west to the boundary with the Upper Missouri River Breaks National Monument. Throughout this document, the two refuges are referred to as “the refuge” unless individually named.

Figure 2 shows landownership in and around the refuge (refer to chapter 2 for a description of the refuge history). Where USACE holds primary jurisdiction and the refuge has secondary jurisdiction, a memorandum of understanding guides how habitat and wildlife resources are managed (refer to chapters 2 and 4).

Wildlife conservation is the first priority in managing national wildlife refuges. Public uses, specifically wildlife-dependent recreational uses, are allowed and encouraged as long as they are compatible with the refuge’s purposes.

In preparing this document, the Service complied with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd et seq.), also known as the National Wildlife Refuge System Improvement Act (Improvement Act) and Part 602 (National Wildlife Refuge System Planning) of the Fish and Wildlife Service Manual (FWS 2000c). Additionally, the actions described meet the requirements of the National Environmental Policy Act of 1969.

The CCP was developed with extensive public input and by working closely with agencies and local governments that have close ties to the refuge. The core planning team of representatives from several Service programs (refer to “Appendix B, List of Preparers and Contributors”) prepared the draft and final documents. The following cooperating agencies participated on the planning team:

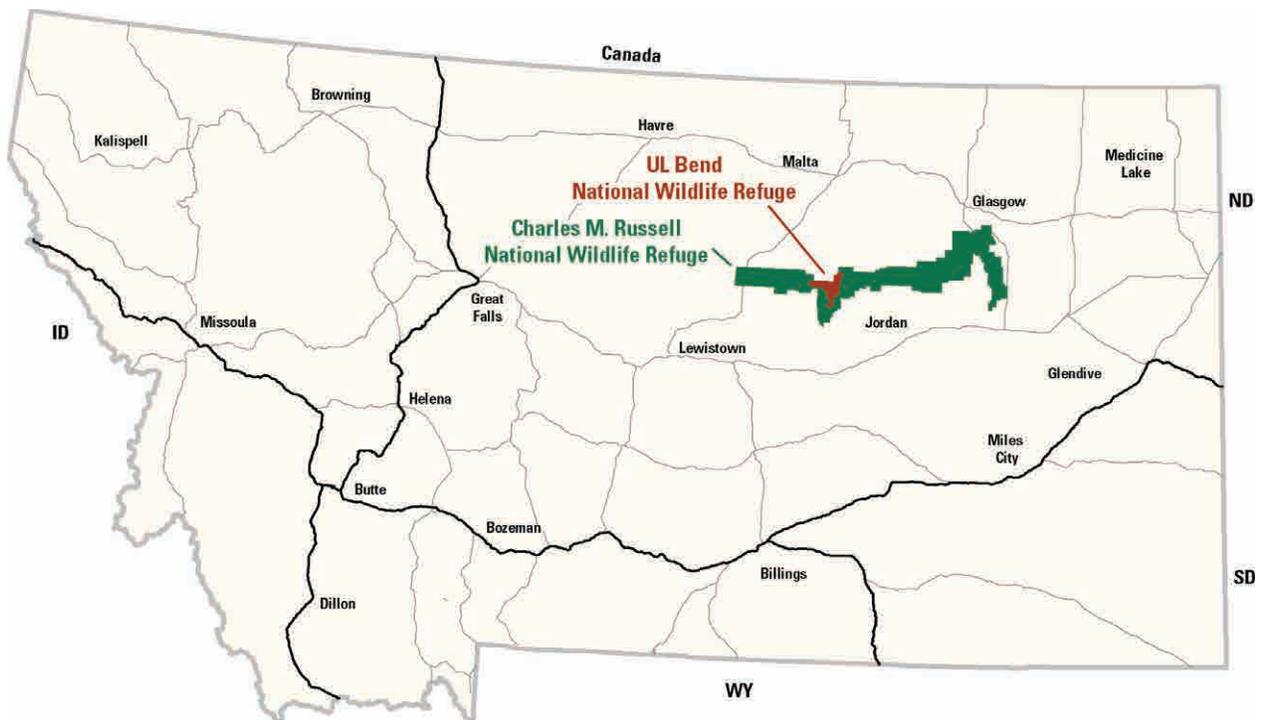
- U.S. Army Corps of Engineers (USACE)
- Bureau of Land Management (BLM)
- Montana Department of Fish, Wildlife and Parks (MFWP)
- Montana Department of Natural Resources and Conservation (DNRC)
- Counties of Fergus, Garfield, McCone, Petroleum, Phillips, and Valley
- Missouri River Conservation Districts Council, representing the six conservation districts next to the refuge

Public involvement throughout the planning process is discussed in section 1.7 below and in detail in “Appendix C, Public Involvement Summary.”



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*About 276 bird species, including the burrowing owl, have been recorded on the refuge.*



**Figure 1. Vicinity map for the Charles M. Russell and UL Bend Refuges, Montana.**

After reviewing a wide range of management needs and public comments during three public comment periods (scoping, draft alternatives, and draft CCP and EIS), the Service completed the final CCP and EIS, which contains the environmental analysis and responses to public comments. This CCP is the standalone plan. “Chapter 4, Management Direction” details the objectives and strategies that will be carried out based on the record of decision (appendix A).

The CCP describes program levels that are sometimes substantially above current budget allocations and, as such, are primarily for Service strategic planning purposes. The CCP specifies the necessary actions to achieve the vision and goals of the refuge. The plan will guide the management, programs, and actions for 15 years.

## 1.1 PURPOSE and NEED for ACTION

The purpose of the CCP is to identify the role the refuge will play in support of the mission of the National Wildlife Refuge System (Refuge System) and to provide long-term guidance for management of refuge programs and activities. The CCP is needed:

- to communicate with the public and other partners in efforts to carry out the mission of the Refuge System;

- to provide a clear statement of direction for management of the refuge;
- to provide neighbors, visitors, and government officials with an understanding of the Service’s management actions on and around the refuge;
- to ensure that the Service’s management actions are consistent with the mandates of the Improvement Act;
- to ensure that management of the refuge considers other Federal, State, and local government plans;
- to provide a basis for development of budget requests for the operation, maintenance, and capital improvement needs of the refuge.

The Service is committed to sustaining the Nation’s fish and wildlife resources together through the combined efforts of governments, businesses, and private citizens.

## 1.2 The U.S. FISH and WILDLIFE SERVICE and REFUGE SYSTEM

The Service is the principal Federal agency responsible for fish, wildlife, and plant conservation. The Refuge System is one of the Service’s major programs.



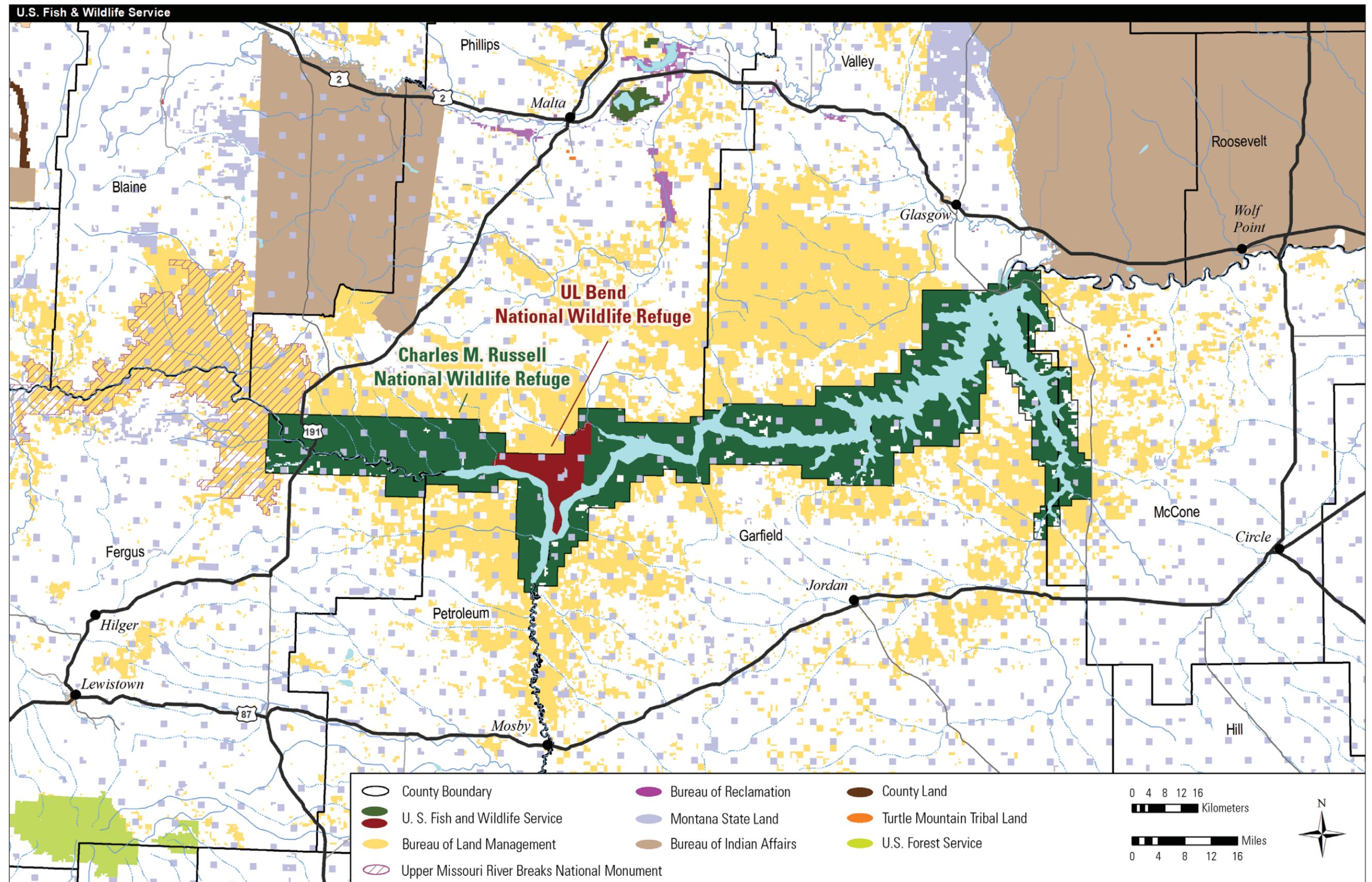


Figure 2. Map of landownership in and around the Charles M. Russell and UL Bend Refuges, Montana.



## U.S. FISH and WILDLIFE SERVICE

The Service was established in the Department of the Interior (DOI) in 1940, through the consolidation of bureaus then operating in several Federal departments. The primary precursor agency was the Bureau of Biological Survey in the U.S. Department of Agriculture (USDA). Today, the Service enforces Federal wildlife laws, manages migratory bird populations, restores nationally significant fisheries, conserves and restores vital wildlife habitat, protects and recovers endangered species, and helps other governments with conservation efforts. In addition, the Service administers a Federal aid program that distributes hundreds of millions of dollars to States for fish and wildlife restoration, boating access, hunter education, and related programs.

*Our mission is working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.*

### Service Activities in Montana

Service activities in Montana contribute to the State's economy, ecosystems, and education programs. The following list describes the Service's presence and activities:

- Management of two national fish hatcheries, one fish health center, one fish technology center, four ecological services field offices, and one fish and wildlife management assistance office (FWS 2010a).

- Management of 23 national wildlife refuges encompassing 1,228,575 acres (FWS 2010a).
- Management of five wetland management districts (FWS 2010a).
- Management of 209,479 acres of waterfowl production areas (includes fee-title lands, easements, or leases) (FWS 2010a).
- Annually provides millions of dollars to MFWP for sport fish and wildlife restoration and hunter education (FWS 2009f).
- For more than 20 years, the Service's Partners for Fish and Wildlife program has helped private landowners restore about 33,000 wetland acres on 2,715 sites, 388,760 upland acres, and 1,288 miles of river and stream channel habitat (FWS 2008a).
- In 2009, payment to Montana counties of \$371,727 under the Refuge Revenue Sharing Act for use in schools and for roads (FWS 2010b).

## NATIONAL WILDLIFE REFUGE SYSTEM

In 1903, President Theodore Roosevelt designated the 5.5-acre Pelican Island in Florida as the Nation's first wildlife refuge for the protection of brown pelicans and other native, nesting birds. This was the first time the Federal Government had set aside land for wildlife. This small but significant designation was the beginning of the National Wildlife Refuge System.

One hundred years later, the Refuge System has become the largest collection of lands in the world specifically managed for wildlife, encompassing more than 550 units that total 150 million acres (FWS 2009e). Today, there is at least one refuge in every State and in five U.S. territories and Commonwealths. These units of the Refuge System



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*Elk grazing on the refuge under bright fall colors.*

vary widely in size, purpose, origin, climate, level of development and use, and degree of Federal ownership (Fischman 2005, FWS 2011d).

Before 1997, most refuge-establishing statutes authorizing acquisition of national wildlife refuge lands gave broad authority to the Service for managing lands for wildlife. However, in many cases the establishing authorities lacked specific direction or procedures for uniform management of the acquired and reserved lands. To resolve this, Congress passed two statutes in the 1960s to provide administrative guidance: Refuge Recreation Act of 1962 and National Wildlife Refuge System Administration Act of 1966. While the Administration Act of 1966 consolidated the units under the Service's jurisdiction, it still did not meet its goal of giving clear direction for Refuge System management. The Administration Act gave the Secretary of the Interior broad power to determine what secondary uses could occur on national wildlife refuges but did not provide any biological standards or other standards of review outside of the establishing purposes. Furthermore, Congress did not specify a definition for compatible uses or provide any other direction on making such a determination (Tredennick 2000).

In the late 1980s, a decline in migratory bird populations prompted a General Accounting Office study of wildlife practices affecting the Service's ability to reverse the decline with refuge lands (General Accounting Office 1989, U.S. House of Representatives 1997). The report concluded that the management of secondary uses of refuges diverted refuge managers' attention and scarce resources away from wildlife management. In the early 1990s, several environmental organizations sought to end recreational and economic uses on refuges because of alleged incompatibility with wildlife conservation and challenged the Service through several lawsuits (Tredennick 2000). Eventually, the Service settled the lawsuits by changing or eliminating several existing uses on refuge lands. The pressure for new legislation intensified as a direct result of these lawsuits combined with other issues, and the ground was laid for passage of a bill that would give the Service a clear mission and help resolve the problems of the past (U.S. House of Representatives 1997). Finally, on October 9,

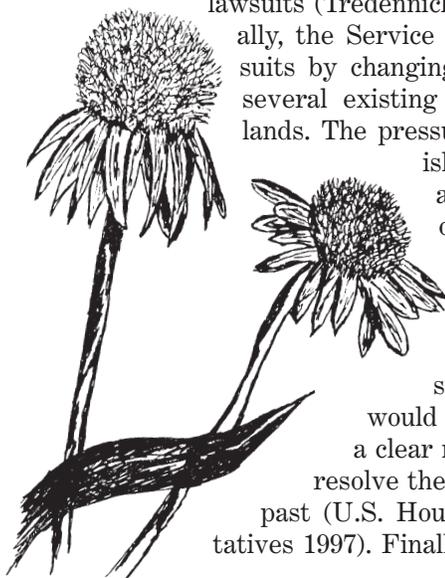
1997, Congress passed into law the National Wildlife Refuge System Improvement Act of 1997. The Improvement Act established a clear vision for the Refuge System.

*The mission of the  
National Wildlife Refuge System  
is to administer a national network of lands  
and waters for the conservation, management,  
and where appropriate, restoration of the fish,  
wildlife, and plant resources and their habitats  
within the United States for the benefit of  
present and future generations of Americans.*

The Improvement Act (or associated regulations) states that each national wildlife refuge shall be managed:

- to “fulfill the mission of the System, as well as the specific purposes for which that refuge was established”;
- to consider “wildlife conservation ... [as] the singular National Wildlife Refuge System mission” (Final Compatibility Regulations Pursuant to the National Wildlife Refuge System Improvement Act of 1997);
- to “ensure that the biological integrity, diversity, and environmental health of the System are maintained”;
- to fulfill the requirements of preparing “a comprehensive conservation plan ... for each refuge within 15 years after the date of enactment of the ... Act” and of ensuring opportunities for “public involvement in the preparation and revision of [these] plans”;
- to recognize that “compatible wildlife-dependent recreation [fishing, hunting, wildlife observation and photography, and environmental education and interpretation] is a legitimate and appropriate general public use of the System”;
- to retain the authority of a refuge manager to “make ... the compatibility determination” after exercising “sound professional judgement ... regarding wildlife conservation and uses of the National Wildlife Refuge System” (Final Compatibility Regulations Pursuant to the National Wildlife Refuge System Improvement Act of 1997).

Following passage of the Improvement Act, the Service started carrying out the direction of the new legislation including the preparation of CCPs for all national wildlife refuges and wetland management districts. Consistent with the Improvement Act, the



as a direct result of these lawsuits combined with other issues, and the ground was laid for passage of a bill that would give the Service a clear mission and help resolve the problems of the past (U.S. House of Representatives 1997). Finally, on October 9,

Service prepares CCPs in conjunction with public involvement. Each refuge and district is required to complete its first CCP within the 15-year schedule, by 2012.

## People and the Refuge System

The Nation's fish and wildlife heritage contributes to the quality of American lives and is an integral part of the country's greatness. Wildlife and wild places have always given people special opportunities to have fun, relax, and appreciate the natural world.

Wildlife recreation contributes millions of dollars to local economies, whether through birdwatching, fishing, hunting, photography, or other wildlife pursuits. Nearly 35 million people visited national wildlife refuges in 2006 (Carver and Caudill 2007), mostly to observe wildlife in their natural habitats. Visitors experience nature trails, auto tours, interpretive programs, and hunting and fishing opportunities. Local communities that surround the refuges and districts generate significant economic benefits. Economists report that Refuge System visitors contribute more than \$1.7 billion annually to local economies (Carver and Caudill 2007). These figures do not include Alaska or the Pacific Island refuges, which together hosted more than 2 million visitors in 2006.



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*Hunting is a compatible use on the refuge, which will encourage opportunities for young hunters.*

## Compatible Refuge Uses

Lands within the Refuge System are different from multiple-use Federal lands. Refuge System lands are closed to all public uses unless specifically and legally opened. A refuge use is not allowed unless the Service finds the use to be appropriate and compatible (FWS 2000a). The Service cannot initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge unless the Secretary has determined that the use is a compatible use and is consistent with public safety. A compatible

use is one that, in the sound professional judgment of the refuge manager, will not materially interfere with, or detract from the fulfillment of the Refuge System mission or the purposes of the refuge. Sound professional judgment is defined as a decision that is consistent with the principles of fish and wildlife management and administration, the available science and resources, and adherence to law.

Compatibility determinations for uses at the refuge are in appendix D. A compatibility determination is the written documentation that a proposed or existing use of a national wildlife refuge is or is not a compatible use. The determination is completed, signed, and dated by the refuge manager with the concurrence of the assistant Regional Director for the Refuge System. Compatibility determinations are typically completed as part of the process for a CCP or stepdown management plan. Once a final compatibility determination is made, it is not subject to administrative appeal.

The Improvement Act states that six priority uses—hunting, fishing, wildlife observation, photography, interpretation, and environmental education—should receive consideration in planning and management over other public uses. All facilities and activities associated with recreational uses, or where there is an economic benefit associated with a use, such as livestock grazing or commercial recreation, require compatibility determinations. However, refuge management activities such as prescribed fire or invasive plant control do not require compatibility determinations.

## Biological Integrity, Diversity, and Environmental Health

Central to the Improvement Act is the requirement that the biological integrity, diversity, and environmental health of the Refuge System be maintained for the benefit of present and future generations of Americans. In 2001, the Service published a policy with guidance on this topic (FWS 2001). This policy presents a directive for refuge managers to follow while achieving refuge purposes and the Refuge System mission: a refuge manager is to consider the broad spectrum of fish, wildlife, and habitat resources found on the refuge and associated ecosystem. The policy defines the terms biological integrity, diversity, and environmental health and provides direction for allowing secondary economic uses like farming, haying, logging, livestock grazing, and other extractive activities. These are permissible habitat management practices only when prescribed in plans to meet wildlife or habitat management objectives and only when more natural methods, such as fire or grazing by native herbivores, cannot meet refuge purposes and goals.

## 1.3 NATIONAL and REGIONAL MANDATES

The Service manages Refuge System units to achieve the mission and goals of the Refuge System, along with the designated purposes of the refuges and districts as described in establishing legislation, Executive orders, or other establishing documents. Key concepts and guidance for the Refuge System are in the National Wildlife Refuge System Administration Act of 1966, as amended by the Improvement Act (16 United States Code [U.S.C.] 668dd et seq.) and further detailed in Title 50 of the Code of Federal Regulations (CFR) and the Fish and Wildlife Service Manual.

Brief descriptions of the laws and Executive orders that may affect the development or implementation of this CCP are in “Appendix E, Key Legislation and Policy.” Service policy for the planning process and management of refuges and districts is in the Fish and Wildlife Service Manual and the Refuge Manual.

## 1.4 REFUGE CONTRIBUTIONS to NATIONAL and REGIONAL PLANS

Refuge resources contribute to the planning and conservation efforts, both regional and national, listed below.

### FULFILLING THE PROMISE

A 1999 report, “Fulfilling the Promise—The National Wildlife Refuge System” (FWS 1999a), was the culmination of a yearlong process by teams of Service employees to evaluate the Refuge System nationwide. This report was the focus of the first National Refuge System conference (in 1998), which was attended by refuge managers, other Service employees, and representatives from leading conservation organizations. The report contains 42 recommendations packaged with three vision statements dealing with wildlife and habitat, people, and leadership. The outcome of that effort continues to influence CCP planning both nationally and locally.

### BIRD CONSERVATION

During the past few decades, there has been growing interest in conserving birds and their habitats. This has led to the development of partnership-based bird conservation initiatives that have produced international, national, and regional conservation plans. The

North American Bird Conservation Initiative Committee was started in 1999. This coalition of government agencies, private organizations, and bird initiative groups in the United States, Canada, and Mexico is working to advance and integrate bird conservation efforts. The primary conservation planning initiatives follow: Partners In Flight North American Landbird Conservation Plan, North American Waterfowl Management Plan, U.S. Shorebird Conservation Plan, and North American Waterbird Conservation Plan. The refuge’s role is described below for the Partners in Flight plan and the North American Waterfowl Management Plan.

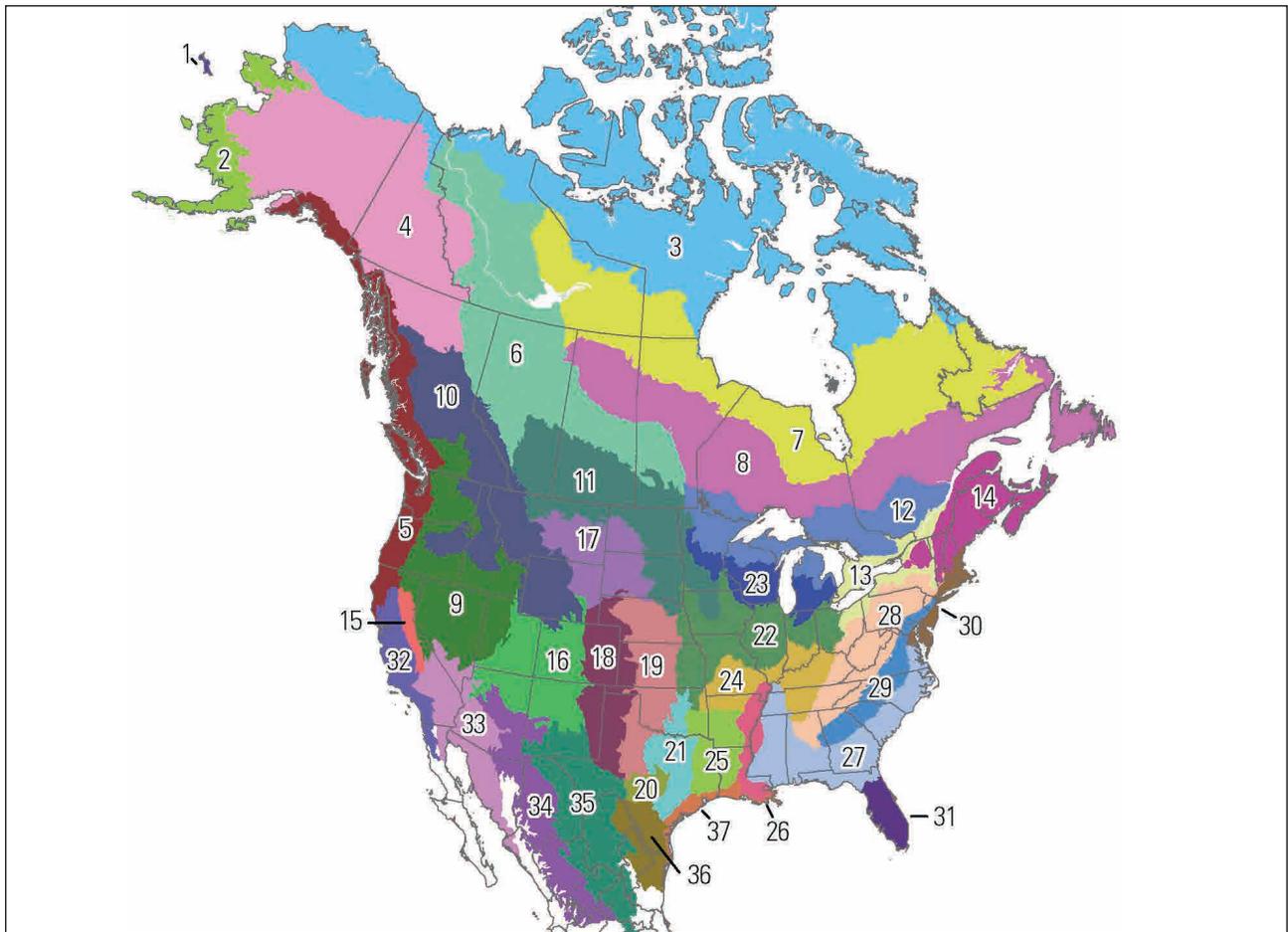
### Partners in Flight

The Partners in Flight program began in 1990 with the recognition of declining population levels of many migratory bird species. The program’s primary goal is to provide for the long-term health of birdlife in North America. Priorities include the following: (1) prevent the rarest species from going extinct; (2) prevent uncommon species from descending into threatened status; and (3) “keep common birds common” (Partners in Flight 2010).

For planning purposes, Partners in Flight splits North America into seven groupings of birds by ecological area, avifaunal biomes, and 37 conservation regions (see figure 3). The refuge lies within Bird Conservation Region 17—Badlands and Prairies (North American Bird Conservation Initiative



*Yellow-headed blackbirds nest on the refuge.*



**Figure 3. Map of the bird conservation regions in North America.**

2009). Region 17 is a semiarid plain dominated by mixed-grass prairie. Importantly, this region provides habitat for some of the healthiest populations of high-priority, dry-grassland bird species on the continent including greater sage-grouse, Sprague's pipit, mountain plover, McCown's longspur, and long-billed curlew.

Focal birds are species representative of a broader group of species that share similar conservation needs. They are a subset of the list of the Service's 2009 Birds of Management Concern (FWS 2011c) and are chosen based on one of five criteria: (1) high conservation need; (2) representative of a broader group of species sharing the same or similar conservation needs; (3) high level of current Service effort; (4) potential to stimulate partnerships; and (5) high likelihood that factors affecting status can realistically be addressed.

As discussed in chapter 3, section 3.2, and chapter 4, section 4.2, many of the Region 17 species are found on the refuge.

### **North American Waterfowl Management Plan**

By 1985, waterfowl populations had plummeted to record lows, with waterfowl habitat disappearing

at a rate of 60 acres per hour. The North American Waterfowl Management Plan envisioned a 15-year effort to achieve landscape conditions that could sustain waterfowl populations. Specific objectives of the plan are to increase and restore duck populations to the average levels of the 1970s: 62 million breeding ducks and a fall flight of 100 million birds.

Recognizing the importance of waterfowl and wetlands to North Americans and the need for international cooperation to help recover a shared resource, the United States and Canada Governments developed a strategy to restore waterfowl populations through habitat protection, restoration, and enhancement. Mexico signed the plan in 1994. The plan is innovative because of its international scope plus its implementation at the regional level (DOI [FWS], SEMARNAP Mexico, Environment Canada 1998).

The success of the waterfowl management plan depends on the strength of partnerships called joint ventures, which involve Federal, State, provincial, tribal, and local governments; businesses; conservation organizations; and individual citizens. Joint ventures are regional, self-directed partnerships that carry out science-based conservation through

community participation. Joint ventures develop implementation plans that focus on areas of concern identified in the plan. The refuge is part of the Northern Great Plains Joint Venture (FWS 2009b).

## **RECOVERY PLANS for THREATENED and ENDANGERED SPECIES**

Where federally listed threatened or endangered species occur at the Charles M. Russell and UL Bend Refuges, the refuge staff adheres to the management goals and strategies in the recovery plans. The list of threatened and endangered species at the refuge changes as species are listed or delisted or as listed species are discovered on refuge lands. Currently, the refuge follows the recovery and management plans for black-footed ferret, pallid sturgeon, piping plover, and least tern. In 1994, the Service released black-footed ferrets into prairie dog towns on the refuge. Since their release, the ferrets have suffered from canine distemper and starvation due to the devastation of their main food source, prairie dogs, caused by the sylvatic plague (refer to “Chapter 3, Refuge Resources and Description”).

## **STATE COMPREHENSIVE FISH and WILDLIFE CONSERVATION STRATEGY**

Documented declines of wildlife populations have occurred nationwide over the past several decades. As an ambitious endeavor to take an active hand in keeping species from becoming threatened or endangered, Congress created the State Wildlife Grant program in 2001. This program provides States and territories with Federal money to support wildlife conservation.

Under this program, a State develops a Comprehensive Fish and Wildlife Conservation Strategy that defines an integrated approach to the stewardship of all wildlife species, with emphasis on species of concern and habitats at risk. The goal is to shift focus from single-species management and highly specific individual efforts to a geographically based, landscape-oriented, conservation effort. The Service approves each State’s conservation strategy and administers the State Wildlife Grant money.

Montana’s focus has been on game animals and their habitats from the early years of fish and wildlife management, and hunters and anglers have provided most of MFWP’s funding. MFWP intends to keep its focus on important game species and maintains that conserving particular types of habitat will benefit a variety of game and nongame species. With Montana’s Comprehensive Fish and Wildlife Conservation Strategy and State Wildlife Grant money in place, MFWP believes that managing fish and wildlife more comprehensively is a natural progression in the effective conservation of Montana’s remarkable fish and wildlife resources (MFWP 2005a).

Although game species are included in Montana’s conservation strategy, the priority is species and their related habitats “in greatest conservation need.” This means identifying focus areas or community types that are significantly degraded or declining, federally listed species and other declining populations, and areas where important distribution and occurrence information needed to assess the status of individuals and groups of species are lacking.

The planning team reviewed Montana’s Comprehensive Fish and Wildlife Conservation Strategy and used the information during the development of the final CCP and EIS (MFWP 2005a). Implementation of the CCP’s habitat goals and objectives will support the goals and objectives of the State conservation strategy.

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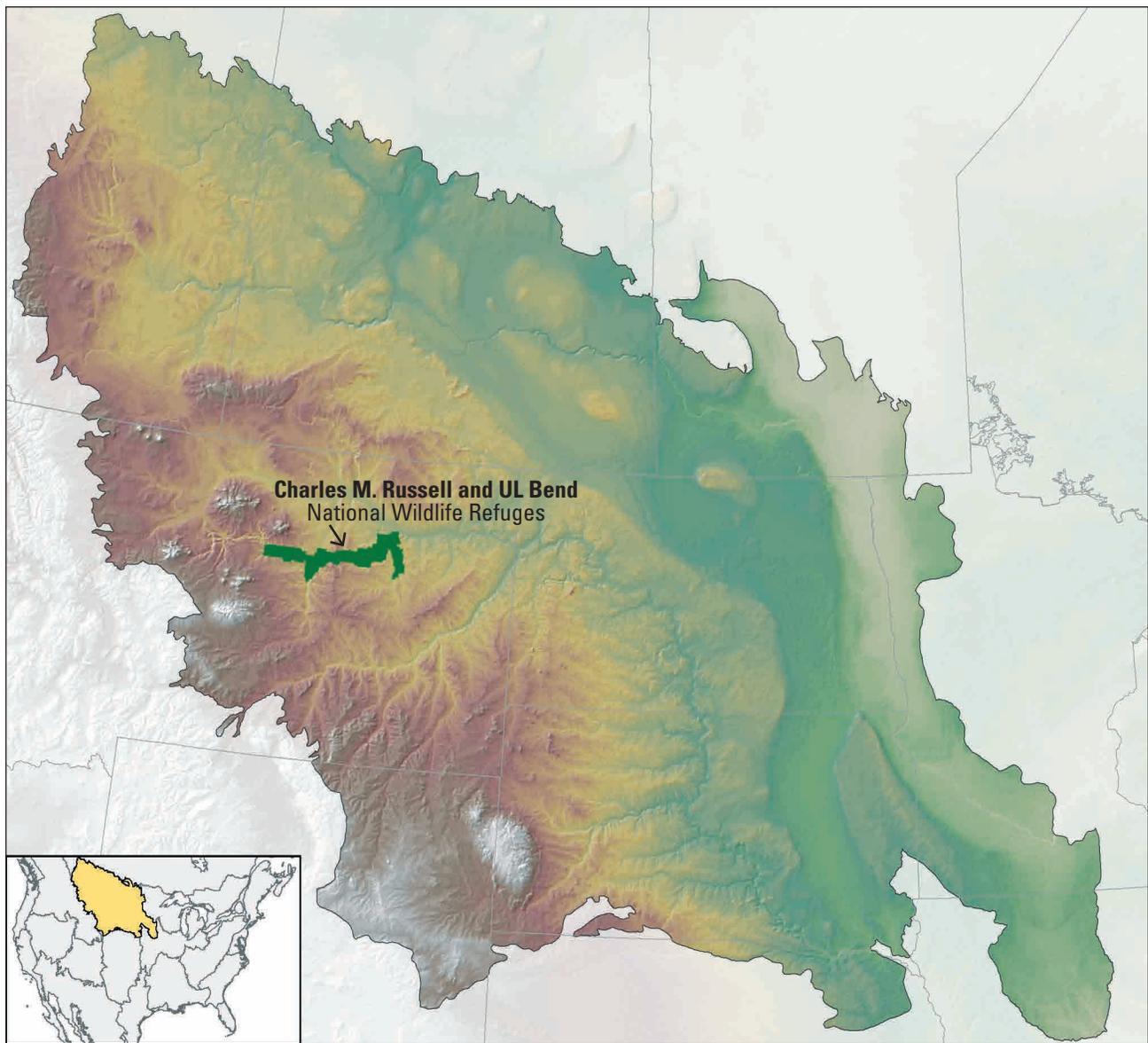
## **1.5 STRATEGIC HABITAT CONSERVATION**

In the face of escalating challenges such as land use conversion, invasive species, water scarcity, and complex issues that have been amplified by accelerating climate change, the Service has evolved from its ecosystem approach of thinking about conservation to developing a broader vision.

A cooperative effort by the Service and U.S. Geological Survey (USGS) culminated in a report by the National Ecological Assessment Team (USGS 2006). The report outlines a unifying adaptive resource management approach for conservation at a landscape scale, the entire range of a priority species or suite of species. This is strategic habitat conservation—a way of thinking and doing business by incorporating biological goals for priority species populations, by making strategic decisions about the work needed, and by constantly reassessing.

Since 2006, the Service has taken significant steps to turn this vision into reality and has defined a framework of 22 geographic areas. Experts from the Service and USGS developed this framework through an aggregation of bird conservation regions (figure 3). The Charles M. Russell and UL Bend Refuges lie in the Plains and Prairie Potholes Geographic Area (figure 4). Key issues in this geographic area are conservation of paddlefish, pallid sturgeon, waterfowl, shorebirds, grassland birds, and black-footed ferret.

The Service is using the framework as the basis to locate the first generation of landscape conservation cooperatives. These cooperatives are conservation-science partnerships between the Service and other Federal agencies, States, tribes, nongovernmental organizations, universities, and others. Designed as fundamental units for planning and science, the cooperatives have the capacity to help the Service carry



**Figure 4. Map of the Plains and Prairie Potholes Geographic Area in North America.**

out the elements of strategic habitat conservation: biological planning, conservation design and delivery, and monitoring and research. Coordinated planning and scientific information will strengthen the Service’s strategic response to accelerating climate change.

## CLIMATE CHANGE

The Service expects that accelerating climate change will affect the Nation’s fish, wildlife, and plant resources in profound ways. While many species will continue to thrive, some may decline and in some instances go extinct. Others will survive in the wild only through direct and continuous intervention by managers. In 2010, the Service completed a strategic plan to address climate change for the next 50 years. The strategic plan employs three key strat-

egies: adaptation, mitigation, and engagement. In addition, the plan acknowledges that no single organization or agency can address climate change without allying itself with others in partnerships across the Nation and around the world (FWS 2010c). This strategic plan is an integral part of DOI’s strategy for addressing climate change as expressed in Secretarial Order 3289 (DOI 2009).

The Service will use the following guiding principles from the strategic plan (FWS 2010c) in responding to climate change:

- *Priority Setting*—Continually evaluate priorities and approaches, make difficult choices, take calculated risks, and adapt to climate change.
- *Partnership*—Commit to a new spirit of coordination, collaboration, and interdependence with others.

- *Best Science*—Reflect scientific excellence, professionalism, and integrity in all the Service’s work.
- *Landscape Conservation*—Emphasize the conservation of habitats within sustainable landscapes, applying the Service’s strategic habitat conservation framework.
- *Technical Capacity*—Assemble and use state-of-the-art technical capacity to meet the climate change challenge.
- *Global Approach*—Be a leader in national and international efforts to meet the climate change challenge.

## 1.6 PLANNING PROCESS

In 2000, the Service issued its Refuge System planning policy (FWS 2000c). The resulting requirements and guidance for refuge and district plans, including CCPs and stepdown management plans, ensure that planning efforts comply with the Improvement Act. The planning policy sets out the steps of the CCP and environmental analysis process (see figure 5).

The Service began the pre-planning step for the refuge’s CCP in June 2007 with the establishment of a core planning team comprising Service personnel from the refuge and region 6. Appendix B lists the planning team members, cooperating agency members, contributors, and consultants for this planning process.

The core team was responsible for the analysis, writing, and production of the draft and final versions of the CCP and EIS. Together with the entire refuge staff, the core team developed a preliminary vision and set of goals for the refuge. The cooperating agencies (refer to section 1.7) are part of the larger planning team, which met throughout the process to develop and review the alternatives and to review drafts of the CCP and EIS.

While developing the CCP, the planning team collected available information about the resources of the refuge and surrounding area. This information is summarized in chapter 3 and served as the baseline for analyzing the predicted effects of alternatives (documented in the final CCP and EIS). Table 1 lists these and many other planning activities that occurred.

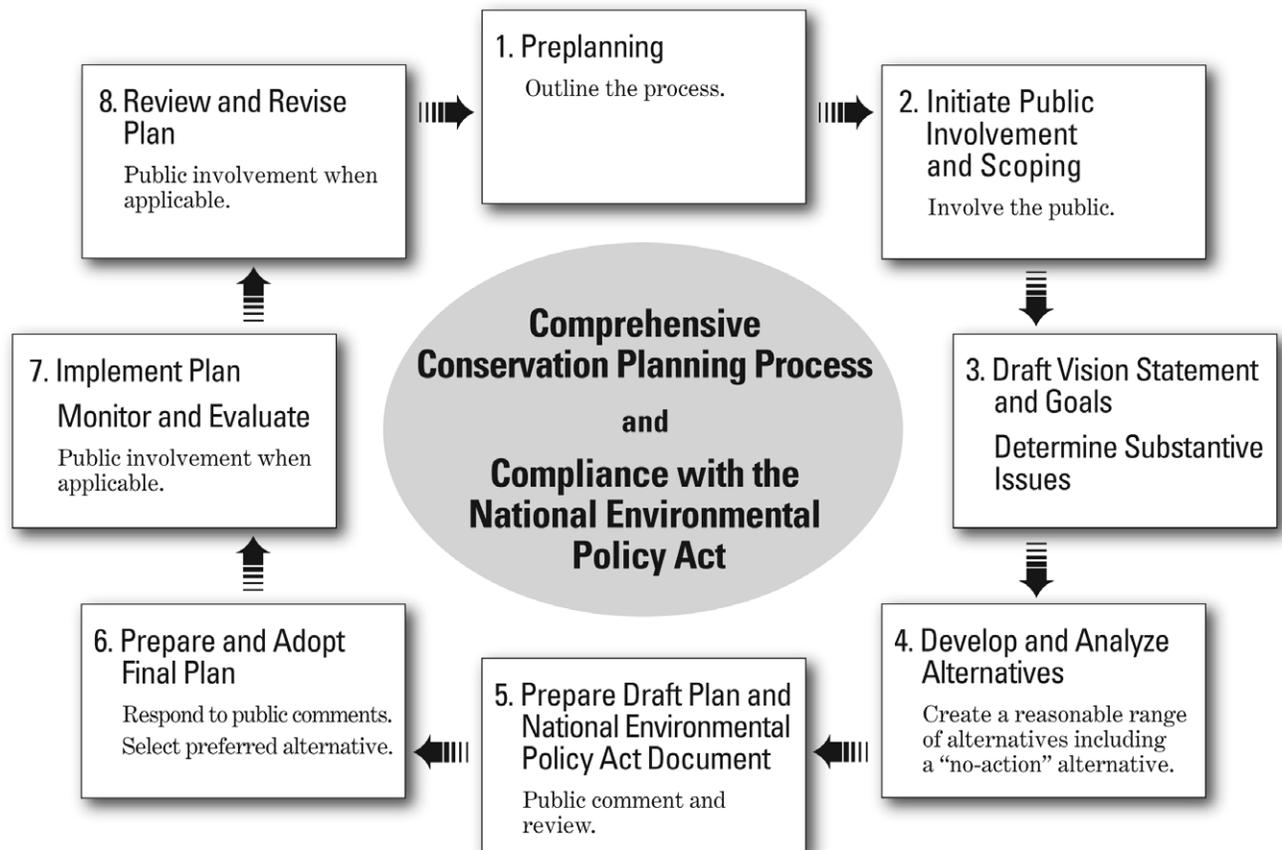


Figure 5. The process for comprehensive conservation planning and environmental analysis.

**Table 1. Planning process summary for the comprehensive conservation plan for the Charles M. Russell and UL Bend Refuges, Montana.**

<i>Date</i>	<i>Planning activity</i>	<i>Outcome</i>
June 2007	Initial site meeting	Finalization of planning team. Identification of refuge purposes and initial list of issues and qualities. Development of the CCP overview and mailing list.
October 9–12, 2007	Kickoff meeting and workshop for vision and goals	Update of the list of issues and qualities. Identification of needed biological information and maps. Draft of vision and goals. Process for public scoping.
October 7, 2007	Public Involvement Summary	Report of the planned public involvement process for use as a handout and posting to the CCP Web page.
Fall 2007	Scoping	Notification or briefing about CCP development to State of Montana, Native American tribes, agencies, county commissioners, conservation districts, and organizations.
November 14, 2007	Planning team kickoff	Initial meeting with refuge staff and the planning team.
December 4, 2008	Notice of intent in the Federal Register	Notice of intent to develop a CCP and EIS and a request for comments published in the Federal Register (scoping comments accepted until February 29, 2008).
January 2008	Planning Update 1	Announcement of dates, location, and format of public meetings; and description of the draft vision and goals. Distribution of update to the mailing list and posting to the CCP Web page.
January 28–30, 2008 February 4–6, 21, 2008	Public scoping meetings	People in six adjacent communities informed about the refuge and CCP development.
April 2008	Scoping report	Documentation of public comments from the comment period and identification of significant issues. Posting of report to the CCP Web page.
April 29–May 1, 2008	Planning team meeting for draft alternatives	Development, discussion, and revision of draft alternatives with refuge staff and the planning team.
May 2008	Planning Update 2	Summary of issues identified during the scoping process. Distribution of update to the mailing list and posting to the CCP Web page.
August 6, 2008	Draft alternatives	Release to the public of four draft alternatives. Posting of draft alternatives to the CCP Web page.
August 2008	Planning Update 3	Summary of four alternatives and schedule for the alternative workshops. Distribution of update to the mailing list and posting to the CCP Web page.
September 2–4, 15–17, 2008	Public workshops for draft alternatives	Input on draft alternatives from people in six communities.
January 2009	Planning Update 4	Summary of comments received on the draft alternatives. Distribution of the update to the mailing list and posting to the CCP Web page.
January 27–29, 2009	Biological objectives, strategies workshop	Development of biological objectives and strategies for each alternative.
February 24–26, 2009	Public use objectives, strategies workshop	Development of public use objectives and strategies for each alternative.
March 18, 2009	Meeting with MFWP for wildlife objectives	Identification of potential outcomes for the objectives for big game and wildlife reintroductions.
May 12, 2009	Transportation meeting	Development of information on road data and the transportation aspects of the draft alternatives.
March 2009–March 2010	Draft CCP and EIS	Initial development of the draft CCP and EIS.

**Table 1. Planning process summary for the comprehensive conservation plan for the Charles M. Russell and UL Bend Refuges, Montana.**

<i>Date</i>	<i>Planning activity</i>	<i>Outcome</i>
July 2009	Tribal consultation	Government-to-government consultation with the Fort Peck Tribes and Fort Belknap Tribes about the CCP and EIS process.
April 2010	Internal review of the draft CCP and EIS	Review of the draft plan by other Service programs and cooperating agencies.
June 2010	Internal review meeting	Met with cooperating agencies to review comments on the internal review document.
August 2010	Plan status meeting	Met with cooperating agencies for an update on the status of the draft CCP and EIS.
September–October 2010	Public hearings	Conducted meetings to gather and record public comments on the draft CCP and EIS.
July 2011	Plan progress meeting	Met with cooperating agencies for an update on the progress of the final CCP and EIS.
April 2012	Plan progress meeting	Met with cooperating agencies for an update on the progress of the final CCP and EIS.
May 2012	Publish final CCP and EIS	Release of documents with final changes and public comments.
June 2012	Tribal consultation	Government-to-government consultation with Fort Belknap Tribes and Fort Peck Tribes.
July 2012	Regional Director signs the record of decision	Start implementation of the CCP.

### **DRAFT CCP and EIS**

On September 7, 2010, the draft CCP and EIS was released to the public for a 60-day review and comment period following publication of a notice of availability in the Federal Register (75 FR 54381). The comment period was extended to December 10, 2010 (75 FR 67095). During the comment period, the Service received 20,600 comments. As a result of public comments, the Service made several significant changes to the final CCP and EIS; these changes are summarized in appendix C, section C.7.

### **FINAL CCP and EIS**

The final CCP and EIS was released to the public on May 7, 2012, following publication of a notice of availability in the Federal Register (77 FR 26781). The Service responded to all substantive comments that were received about the draft CCP and EIS. Subsequently, the Service received two comments during the 30-day waiting period that ended June 18, 2012.

### **RECORD of DECISION**

The Regional Director for region 6 signed the record of decision on July 16, 2012 (appendix A), selecting alternative D of the final EIS to implement as the CCP.

## **1.7 PUBLIC INVOLVEMENT**

Public scoping began in October and November 2007 with the publication of a public involvement summary and a planning update that described the CCP process and anticipated schedule (FWS 2007a). The Service published a notice of intent to prepare a CCP and EIS in the Federal Register on December 4, 2007. The Service conducted 21 public meetings during scoping, development of the alternatives, and release of the draft CCP and EIS; mailed six planning updates; posted information on the Web page for the CCP; and coordinated with Federal, State, and local agencies, and Native American tribes.

An important consideration in the development of this plan—including the vision, goals, objectives and strategies—is the opinions, perspectives, and values of all interested citizens, agencies, and organized groups. While there are no requirements to base management decisions on public opinion, the Service values and considers input from the public. As detailed in appendix C, the Service has consulted with Native American tribes and actively involved Federal and State agencies, local governments, organizations, and private citizens throughout the process.

## COOPERATING AGENCIES

The Service sent letters of notification about the planning process including an invitation to participate on the planning team to the both MFWP and DNRC. The Service also notified the Montana State Historic Preservation Office and the six counties (Fergus, Garfield, McCone, Petroleum, Phillips, and Valley).

In September 2007, Service staff met with representatives from the conservation districts and the counties to inform them of the CCP and EIS process, answer any questions about the project, and gather any issues or concerns.

The Service received formal letters requesting cooperating agency status from the six counties, the Missouri River Conservation Districts Council, and the Garfield County Conservation District. The Service granted the six counties cooperating agency status, and two representatives attend the planning team meetings on the counties' behalf. The Service also granted the six conservation districts that surround the refuge cooperating status, and one representative attends meetings on the districts' behalf.

## TRIBAL COORDINATION

The Service sent letters of notification about the planning process, including an invitation to participate on the planning team, to the following tribes: Arapahoe Business Council, Chippewa Cree Tribe, Crow Tribal Council, Fort Belknap Tribal Council, Fort Peck Tribal Council, and Northern Cheyenne Tribe. The Service has continued to communicate with the tribes and encourage participation in the CCP process. The Service entered into government-to-government consultation with the Fort Belknap Tribes and Fort Peck Tribes in July 2009 and continued the consultation process in June 2012.

## INVOLVEMENT of INTERESTED GROUPS and the PUBLIC

Many interested groups and private citizens have participated in the CCP process by attending public meetings, submitting comments, or obtaining information about the plan from the CCP Web page or other outreach methods.

# 1.8 SIGNIFICANT ISSUES ADDRESSED

The scoping process identified many qualities of the refuge along with issues and recommendations. Based on this information as well as guidance from the Improvement Act, National Environmental Pol-

icy Act, and planning policy, the Service identified seven significant issues to address in the CCP:

- habitat and wildlife
- water resources
- public use and access
- wilderness
- socioeconomics
- partnerships and collaboration
- cultural values, traditions, and resources

The planning team considered every comment received during the public scoping process. These comments were grouped into related topics and sub-topics as described in the scoping report published on the CCP Web page in April 2008 (FWS 2008c). Significant issues are those that are within the Service's jurisdiction, which suggest different actions or alternatives and that will influence the Service's decision.



## HABITAT and WILDLIFE

The refuge encompasses more than a million acres of expansive badlands (arid lands dissected by steep, eroded slopes), riparian areas, old-growth forested coulees (ravines), sagebrush steppes (level, shrubland plains), and mixed-grass prairie in north-central Montana. This CCP addresses the following aspects of the habitat and wildlife issue:

- the use and role of wildland fire, livestock grazing (including water resources needed to support livestock), hunting, fencing, and other management tools for the preservation and restoration of habitat conditions on the refuge
- implementation of the Service's climate change policy in managing habitat and wildlife
- management of the refuge as climate change accelerates and affects refuge wildlife and habitats
- habitat and wildlife management in the context of the larger landscape that includes adjacent private, State, tribal, and Federal lands
- species reintroductions or management of species that could move onto the refuge: wild American bison, gray wolf, grizzly bear, and Rocky Mountain bighorn sheep

- special consideration of threatened and endangered species and species of concern
- invasive species and noxious weed management including the management tools used to combat invasive species
- the definition of prescriptive grazing and how it is used to manage refuge habitat
- predator management

## WATER RESOURCES

Wildlife populations, both on and off the refuge, are affected by water quality and access to water. Livestock grazing has degraded habitat, particularly near water sources. Furthermore, stock watering ponds can affect streamflow, fish, and riparian areas conditions. This CCP addresses these important aspects of the water resources issue:

- water quality and quantity
- water development
- Missouri River riparian ecosystem

## PUBLIC USE and ACCESS

The refuge is one of the most visited refuges in the Refuge System, with nearly 250,000 recreational visits (Carver and Caudill 2007), and it is the main core of a larger regional area that provides many outdoor recreation opportunities and access. The most popular activity is hunting. Large populations of wild ungulates (elk, deer, and pronghorn) offer renowned hunting opportunities that attract local, regional, out-of-state, and international visitors. The refuge provides uncrowded, solitary experiences not afforded on other public lands, and many areas require skills in self-reliance and backcountry travel. However, about 80 percent of the refuge is accessible by more than 680 miles of road (mostly two-track and gravel roads), and there are 135 miles of lake and river access for visitors to take part in a variety of activities.

The Service allows the public uses of hunting, fishing, wildlife observation, photography, interpretation, and environmental education. In addition, the Service supports these uses by providing associated access and facilities such as roads, motorized access, and camping. This CCP addresses the following important aspects of the public use and access issue:

- priority public uses—hunting, fishing, wildlife observation, photography, interpretation, and environmental education
- motorized and nonmotorized access and law enforcement
- roads including number, location, types, and maintenance
- nonpriority uses such as camping and bicycling

- facilities, programs, and infrastructure to support public uses and access
- permitted uses such as other commercial recreation, livestock grazing, or other uses



*Dotted Gayfeather*

USFWS

## WILDERNESS

There is one federally designated wilderness within the refuge boundaries, UL Bend Wilderness, consisting of about 20,819 acres. In addition, there are 15 units (also referred to as “areas”) of proposed wilderness (155,288 acres). These units are awaiting congressional action on formal inclusion into the National Wilderness Preservation System. It is Service policy to manage proposed wilderness units as though they were designated wilderness (FWS 2008d).

Planning policy requires refuges to review special designation areas such as wilderness and address the potential for any new designations. Concurrent with the CCP process, the Service conducted a wilderness review (refer to “Appendix F, Wilderness Review and Summary”) and has made final recommendations in the record of decision (appendix A). This plan addresses the following aspects of the wilderness issue:

- consolidation or addition of existing proposed wilderness units
- identification of the potential for new designations
- access, infrastructure, and use of management tools

## SOCIOECONOMICS

It is important to manage refuge resources and public use in ways that protect the resources, that are financially responsible, and that are integrated with the economic viability of the surrounding communities. This CCP addresses the following aspects of the socioeconomics issue:

- benefits of the refuge and promotion of refuge values
- range of alternatives and effects of those alternatives on the local economy and community

## **PARTNERSHIPS and COLLABORATION**

Because of the long, narrow extent of the refuge boundary, the subsequent amount and variety of adjacent land uses not only affect, but also are interrelated with, refuge resources. Therefore, it is crucial for the Service to collaborate with refuge neighbors and to establish partnerships with interested agencies, stakeholders, and other organizations. Wildlife populations and movements are greatly affected by conditions both outside and inside the refuge. Similarly, invasive species are one of the biggest threats facing State, Federal, and private landowners. Reduced budgets require collaboration between the Service and others to leverage money for combating invasive plants and managing wildlife on lands within and next to the refuge. Changes in the ownership of private lands next to the refuge may change conditions for habitat, wildlife, and public access. Privately owned mineral rights, future energy development, and rights-of-way influence the future conditions and use of the refuge and adjacent lands. This CCP addresses the following important aspects of the partnerships and collaboration issue:

- adjacent land management related to habitat, wildlife, and public use
- consultation and coordination with Federal, State, and local partners
- climate change and development of minerals including recommendations for reducing effects on resources
- priorities for future land acquisition

## **CULTURAL VALUES, TRADITIONS, and RESOURCES**

The refuge, second largest in the lower 48 States, contains unique qualities that are valued on a national, regional, and local level (refer to chapter 2). Montana's glaciated plains in and around the refuge support rich and diverse wildlife populations. In addition to its wildlife value, the geology and landforms have created valued scenery and backcountry areas: the Upper Missouri National Wild and Scenic River is along the refuge's western boundary, the refuge is part of the Missouri Breaks National Back Country Byway, and large areas are designated or proposed for the National Wilderness Preservation System. During scoping, many people described the refuge's qualities as rugged, isolated, and offering outstanding opportunities for solitude, hunting, fishing, and other public uses.

The refuge has significant archaeological resources and rich prehistoric and historic values to the local and regional community from when Native Americans hunted the lands to the area's documentation by the Lewis and Clark expedition. The western traditions and practices of livestock grazing have affected the lives of ranchers and their families for many generations. Of unique value for a refuge, Charles M. Russell and UL Bend Refuges have significant paleontological resources (fossilized plants and animals).

This CCP addresses the following aspects of the resource and cultural values issue:

- refuge values and qualities
- land management designations
- traditions and lifestyles
- cultural and paleontological resources

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## **1.9 ISSUES not ADDRESSED**

The Service considered several issues that were identified by the public during scoping and alternatives' development but were not selected for detailed analysis in the CCP and EIS. In accordance with requirements of the National Environmental Policy Act, the Service eliminated from detailed study the topics or issues that were not significant or were out of the scope of this planning process. These issues and the rationale for not selecting them as significant issues are briefly described below.

### **ENHANCEMENT ACT**

Title VIII of the Water Resources Development Act of 2000 is known as the Enhancement Act (Public Law 106-54). The act authorized the Secretary of the Army, working with the Secretary of the Interior, to identify cabin sites suitable for sale to current lessees. The Enhancement Act also directed the performance of necessary environmental and real estate activities to dispose of these cabin sites at fair-market value. Money from the sale of the cabin sites will be deposited in the Montana Fish and Wildlife Conservation Trust for use in acquiring other lands with greater wildlife and public value for the refuge. The actions outlined in the Enhancement Act, including the time limits imposed in the act, are outside the scope of this planning process. The Service does not have control over the sale of the cabins.

### **EXERCISE of PRIVATE PROPERTY RIGHTS for MINERAL EXTRACTION**

The CCP does not address the rights of private property owners to exercise their rights to extract minerals on State or private lands within or next to the refuge.

## **FORT PECK LAKE LEVELS**

Fort Peck Lake is the Nation's fifth-largest constructed reservoir and backs up from the dam for about 134 river miles to the west and south. At maximum pool levels, the lake surface area is about 245,000 acres (USACE 2009). The Fort Peck Project was authorized for flood control, navigation, hydro-power, fish and wildlife, recreation, municipal and industrial water supply, and irrigation. Management of Fort Peck Lake is under the authority of USACE; therefore, determination of water levels on Fort Peck Lake is outside the scope of this Service planning process.

## **LIVESTOCK GRAZING FEES, TRANSFER of GRAZING PERMITS, and ANIMAL-UNIT MONTHS**

Service guidance on grazing, including the process for determining rates of charge, is in the Refuge Manual (6 RM 9) (FWS 1982). Neither the Public Rangelands Improvement Act of 1978, the Federal Land Policy and Management Act of 1976, nor the Taylor Grazing Act apply to the Service's management of grazing lands within the refuge.

### **Grazing Fee Rates**

For region 6, grazing fee rates are based on the USDA Statistics Board publication, *Grazing Fee Rates for Cattle by Selected States and Regions* (USDA 2011). USDA fee structure is adjusted each year based on the data available. Region 6 uses the annual published USDA rate as the base rate of charge with increases in the yearly fee allowed by \$1.00 per animal-unit month (AUM) until the base rate is reached. The refuge began adjusting to fair market value for grazing rates in 1994, per national Service guidance. The grazing fee rates for the refuge are the same rates for refuges across Montana. Grazing fees are not addressed in the CCP.

### **Transfer of Grazing Privileges**

Unlike other public lands, such as BLM lands, the Improvement Act does not provide for the transfer of grazing permits. The transfer of grazing privileges on the refuge follows current policies, which have guided permit transfers associated with ranch sales. Grazing is considered a secondary use on a national wildlife refuge and must be compatible with the purposes of the refuge. Therefore, the CCP does not address this topic further.

### **Increase Animal-Unit Months**

The 1986 record of decision for the final EIS for re-source management for the refuge (FWS 1986) called for a substantial decrease in the number of AUMs of livestock grazing. This decision was subse-

quently carried out. The CCP does not readdress the 1986 record of decision about the maximum number of AUMs that could be grazed (refer to chapter 2 for more information including past litigation). Instead, this CCP addresses how livestock grazing will be used as a management tool to meet specific goals and objectives for managing habitat and wildlife, which are described in the Improvement Act and the Service's policies on biological integrity and planning.

## **REFUGE REVENUE-SHARING PAYMENTS and PAYMENTS in LIEU of TAXES**

Since 1935, the Service has made revenue-sharing payments for refuge land under its administration to counties under the Refuge Revenue Sharing Act of 1935 (16 U.S.C. 715s), which has been revised several times. These payments are not the same as other Federal revenue-sharing measures such as Payments in Lieu of Taxes, which applies to lands administered by USACE and by other DOI agencies such as the BLM. When there is not enough money to cover the payments, Congress is authorized to appropriate money to make up the deficit; however, payments to a county are reduced when Congress fails to appropriate the money. These are issues of considerable concern for the six counties, but the refuge has no control over these payments and, as such, they are outside the scope of the CCP.

## **ROADS under REVISED STATUTE 2477 and PETITIONED ROADS**

Several of the adjacent counties asked that Revised Statute 2477 roads or county-petitioned roads be recognized as legally valid roads in the planning process. Section 2477 of the Revised Statutes emerged from section 8 of the Mining Act of 1866 to promote public highway construction through the large, unsettled western territories. Revised Statute 2477 was repealed on October 21, 1976, by the Federal Land and Policy and Management Act (43 U.S.C. § 932). Because this act did not terminate valid existing rights-of-way, the existence and extent of many Revised Statute 2477 claims remains an issue today. Determining the validity of any Revised Statute 2477 claim is outside the scope of the CCP and EIS process.

Similarly, one or more of the adjacent counties have identified roads within the refuge that they believe were legally petitioned as county roads recorded before refuge establishment. Some of these roads follow near, or on the same alignment, as current refuge roads. Other roads, often not more than two-track trails, were closed long ago. Some of these roads are in the UL Bend Wilderness or are within USACE's primary jurisdiction. Like Revised Statute 2477 claims, determining or recognizing the legal validity of these rights-of-way is outside the scope

of the CCP. These are important issues for the counties, but the CCP is not the tool to resolve many of these issues.

### FEDERAL RESERVED WATER RIGHTS

The United States holds Federal reserved water rights for the Charles M. Russell and UL Bend Refuges. The United States is in the process of quantifying these reserved rights with the Montana Reserved Rights Compact Commission. Issues related to the adjudication process for water rights are outside the scope of the CCP. More information about water rights is in chapter 3, section 3.1, under “Water Resources.”

### MILITARY OVERFLIGHTS

The refuge is located beneath the Hays Military Operations Area. This airspace operations area overlies a large part of north-central Montana at altitudes ranging from 300 feet above ground level, up to 18,000 feet above mean sea level. The Federal Aviation Administration has the responsibility to plan, manage, and control the structure and use of all airspace over the United States including the Hays Military Operations Area. Furthermore, the Improvement Act specifically exempted overflights above a refuge from compatibility requirements (FWS 2000a). Therefore, the Hays Military Operations Area is outside the scope of this planning process.



Brett Billings / USFWS

*The immense, rugged landscape of the refuge offers outstanding opportunities for priority public uses.*

