

1—Introduction

The U.S. Fish and Wildlife Service (Service) has developed this draft comprehensive conservation plan (CCP) and environmental impact statement (EIS) to provide alternatives and identify consequences for the management and use of Charles M. Russell National Wildlife Refuge and UL Bend National Wildlife Refuge, located in north-central Montana. Located within the boundary of the Charles M. Russell refuge, UL Bend 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.

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 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.

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.

This draft CCP and EIS discusses program levels that are sometimes substantially above current budget allocations and, as such, are primarily for Service strategic planning purposes. Once finalized, the CCP will specify the necessary actions to achieve the vision and goals of the refuge. The plan will guide the management, programs, and actions for 15 years after CCP approval.

The Service has formulated four draft alternatives that are the result of extensive public input and working closely with agencies and local governments that have close ties to the refuge. The core planning team of representatives from several Service programs prepared this draft CCP and EIS (refer to Appendix A—Preparers and Contributors). In addition, the following cooperating agencies participated on the planning team:

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



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

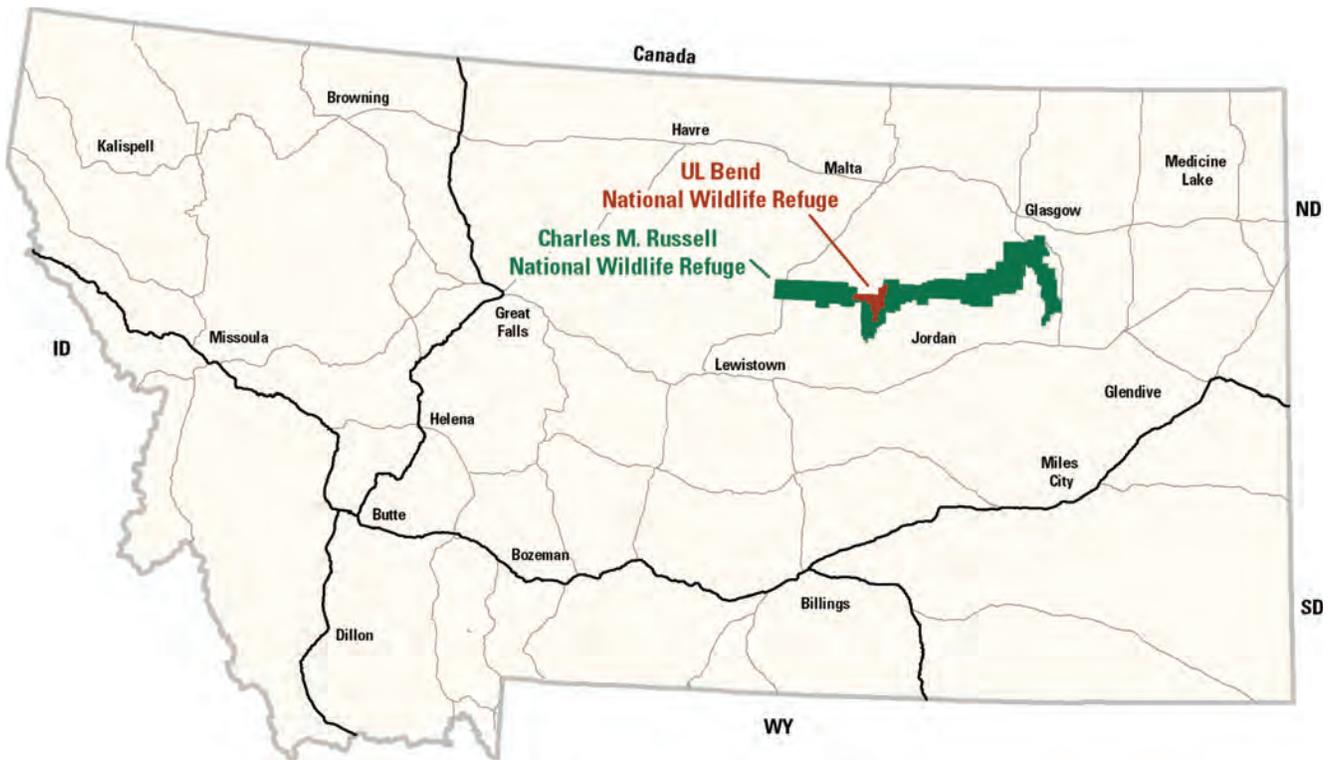


Figure 1. Vicinity map for the Charles M. Russell and UL Bend refuges.

Public involvement in the planning process is discussed in 1.6–The Planning Process (below) and in detail in Appendix B–Public Involvement.

After reviewing a wide range of management needs and public comments during two public comment periods (scoping and draft alternatives), the planning team developed four sets of alternatives, objectives, and strategies for management of the refuge. Details on the no-action alternative and three action alternatives and are in Chapter 3–Alternatives, and the predicted effects of the alternatives are described in Chapter 5–Environmental Consequences. The Service has identified one alternative as the proposed action.

1.1 Purpose and Need for Action

The purpose of this draft CCP and EIS 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.

DECISION to BE MADE

The regional director of region 6 of the Service will make the final decision on the selection of a preferred alternative for the CCP. The regional director’s decision will be based on the legal responsibility of the Service including the mission of the Service and the Refuge System, other legal and policy mandates, the purposes of Charles M. Russell and UL Bend refuges, and the vision and goals in this draft CCP. In addition, the regional director will consider public

input from the cooperating agencies, Native American tribes, and the public about the draft CCP and EIS. Other considerations are land uses in the surrounding area and other parts of the ecosystem, the environmental effects of the alternatives, and future budget projections.

The Service's final decision will be documented in a record of decision that is published in the Federal Register, no sooner than 30 days after filing the final CCP and EIS with the U.S. Environmental Protection Agency and distributing it to the public. The Service will begin to carry out the final CCP immediately on publication of the decision in the Federal Register.

1.2 The U.S. Fish and Wildlife Service and the 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.

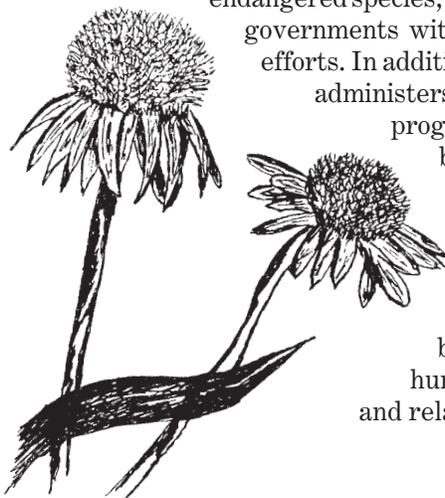


U.S. FISH and WILDLIFE SERVICE

The Service was established in the Department of the Interior 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. 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:

- Manages 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 2009a)
- Manages 23 national wildlife refuges encompassing 1,214,890 acres (1.29 percent of the State) (FWS 2008a)
- Manages five wetland management districts (FWS 2008a)
- Manages 184,462 acres of fee-title waterfowl production areas (FWS 2008a)
- Manages 235,219 acres under lease or easement (FWS 2008a)
- In 2008, provided almost \$9.5 million to MFWP for sport fish restoration and \$8.24 million for wildlife restoration and hunter education (FWS 2009h)
- For more than 20 years, the Service's Partners for Fish and Wildlife program has helped private landowners restore about 30,000 wetland acres on 2,167 sites; 343,314 upland acres on 321 sites, and 1,220 miles of river and stream channel habitat (FWS 2008b)
- In 2008, paid Montana counties \$488,543 under the Refuge Revenue Sharing Act for use in schools and roads (FWS 2009d)

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.

In 1997, the Improvement Act established a clear mission 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 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 bird watching, 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.

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 determines the use to be appropriate and compatible (FWS 2000a). 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.

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 step-down 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.

The draft compatibility determinations for the refuge are in appendix C and are available for public review and comment as part of the draft CCP and EIS.

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 D—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)—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.



Yellow-headed blackbirds nest on the refuge.

Phil Norton/USFWS

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 bird life 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 2009).

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 2). The refuge lies within Bird Conservation Region 17—Badlands and Prairies (North American Bird Conservation Initiative 2009). Region 17 is a semi-arid 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 mountain plover, McCown’s longspur, and long-billed curlew. As discussed in chapter 4, (section 4.3 under Birds), many of these 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 (DOI and Environment Canada 1986) 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 Canadian 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.

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 2009a).

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

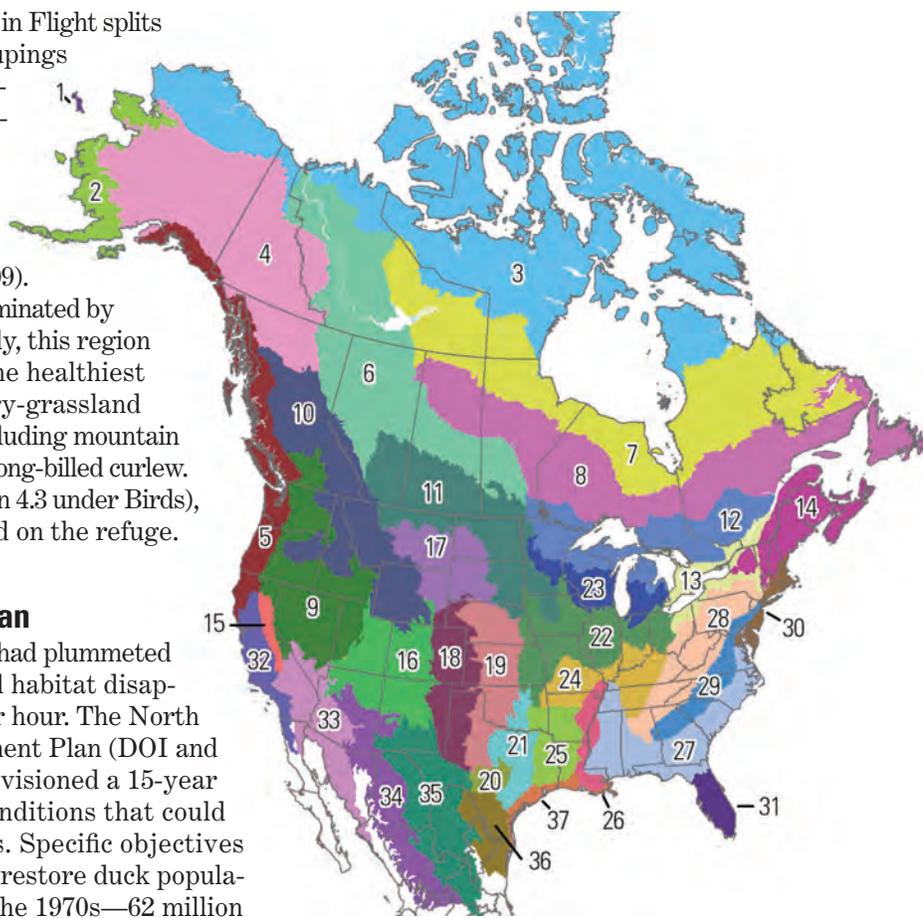


Figure 2. Map of the bird conservation regions in North America.

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 4—Affected Environment).

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 funding.

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. The 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 2005b).

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 draft CCP and EIS (MFWP 2005). Implementation of the draft CCP's habitat goals and objectives would support the goals and objectives of the State conservation strategy.

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, making strategic decisions about the work needed, and 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 2). The Charles M. Russell and UL Bend refuges lie in the Plains and Prairie Potholes Geographic Area (figure 3). 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 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 2009, the Service drafted a strategic plan to address climate change for the next 50 years. The draft strategic plan employs three key strategies: 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 2009f). This draft strategic plan is an integral part of the Department of the Interior's strategy for addressing climate change as expressed in Secretarial Order 3289 (DOI 2009).

The Service will use the following guiding principles from the draft strategic plan (FWS 2009f) in responding to climate change:

- *Priority Setting*—Continually evaluate priorities and approaches, make difficult choices, take calculated risks, and adapt to climate change.

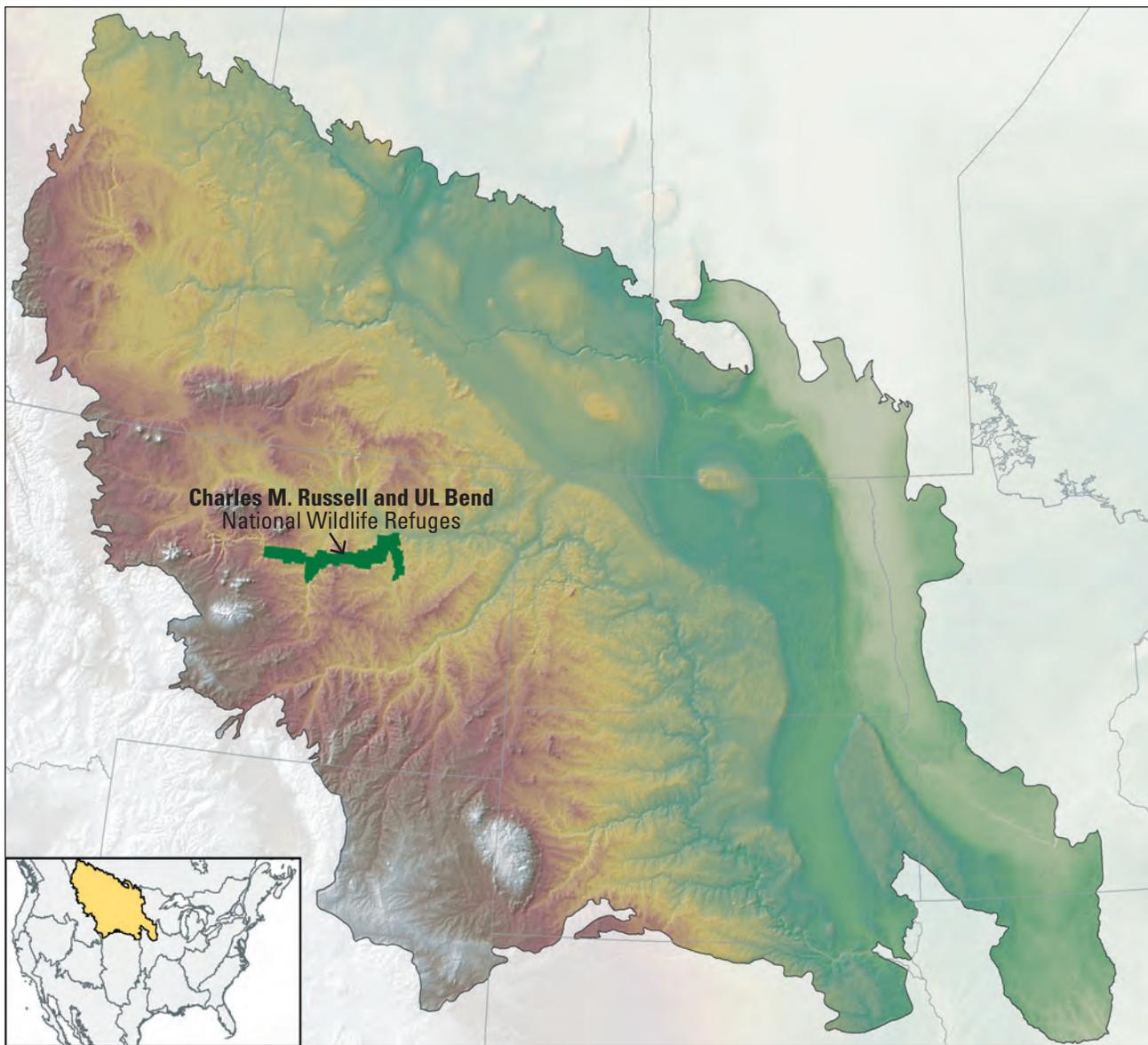


Figure 3. Map of the Plains and Prairie Potholes Geographic Area.

- *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 step-down 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 4).

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

The core team is 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 1.7—Public Involvement) are part of the larger planning team, which has met throughout the process to develop and review the alternatives and to review drafts of the CCP and EIS.

While developing the draft CCP and EIS, the planning team collected available information about the resources of the refuge and surrounding area. This information is summarized in Chapter 4—Affected Environment and served as baseline information for analyzing the predicted effects of alternatives documented in Chapter 5—Environmental Consequences. Table 1 lists these and many other planning activities that have occurred to date.

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 the draft CCP and EIS in the Federal Register on Decem-

ber 4, 2007. Since then, the Service has conducted 14 public meetings during scoping and development of the draft alternatives, mailed four planning updates, posted information on the CCP web page, 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 B—Public Involvement, the Service has consulted with Native American tribes and actively involved Federal and State agencies, local governments, organizations, and private citizens throughout the planning 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).



Figure 4. The process for comprehensive conservation planning and environmental analysis.

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.

Table 1. Planning process summary for the CCP for the Charles M. Russell and UL Bend refuges.

| <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 the 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 about the 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 | Workshop for biological objectives and strategies | Development of biological objectives and strategies for each alternative. |

Table 1. Planning process summary for the CCP for the Charles M. Russell and UL Bend refuges.

| <i>Date</i> | <i>Planning Activity</i> | <i>Outcome</i> |
|-----------------------|---|--|
| February 24–26, 2009 | Workshop for public use objectives and strategies | 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. |
| July 2009 | Tribal consultation | 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 | Review meeting | Met with cooperating agencies to review comments on the internal review document. |

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 formally consulted with the Fort Belknap Tribes and Fort Peck Tribes in July 2009.

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 to Address

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

- 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 subtopics 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, that 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, shrub land plains), and mixed-grass prairie in north-central Montana. This draft CCP and EIS addresses the following aspects of the habitat and wildlife issue:

- The use and role of wildfire, 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
- 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: 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
- 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 stream flow, fish, and riparian areas conditions. The draft CCP and EIS addresses these important aspects of the water resources issue:

- Water quality and quantity
- Water development
- Missouri River riparian ecosystem
- Water rights

PUBLIC USE and ACCESS

The refuge is one of the most visited refuges in the Refuge System, with 233,081 recreational visits in 2006 (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 participate 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 draft CCP and EIS 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

WILDERNESS

There is one federally designated wilderness within the refuge boundaries—UL Bend Wilderness is about 20,819 acres. In addition, there are 15 units 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 and EIS process, the Service is conducting a wilderness review (refer to Appendix E—Wilderness Review and Summary) and will make final recommendations in the final EIS. This draft CCP and EIS addresses the following aspects of the wilderness issue:

- Existing proposed wilderness units—consolidation, addition, or reduction
- Identification of potential for any 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 draft CCP and EIS 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 agen-



cies, 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 adjacent to the refuge. Changes in the ownership of private lands adjacent 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 draft CCP and EIS 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 refuge 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—Refuge History and Vision). 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 draft CCP and EIS 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

1.9 Issues Not Addressed

The Service considered several issues that were identified by the public during scoping and alternatives development and did not select them for detailed analysis in this draft CCP and EIS. In accordance with requirements of the National Environmental Policy Act, the Service has identified and eliminated from detailed study the topics or issues that are not significant or are 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. 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 draft CCP and EIS does not address the rights of private property owners to exercise their rights to extract minerals on State or private lands within or adjacent 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, hydropower,

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

Grazing Fee Rates

Service guidance on grazing including the process for determining rates of charge is provided 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. For region 6, grazing fee rates are based on the U.S. Department of Agriculture (USDA) Statistics Board publication, *Grazing Fee Rates for Cattle by Selected States and Regions* (USDA 2008). The USDA fee structure is adjusted each year based on 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 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 draft CCP and EIS.

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 draft CCP and EIS does not address this topic further.

Increase Animal Unit Months

The 1986 record of decision for the final EIS for resource management for the refuge (FWS 1986) called for a substantial decrease in the number of AUMs of livestock grazing. This decision was subsequently implemented and is the basis of the no-action alternative described in chapter 3. This draft CCP and EIS will not readdress the 1986 record of decision regarding the maximum number of AUMs that could be grazed (refer to Chapter 2—Refuge History and Vision for more information including past litigation). Instead, this draft CCP and EIS addresses how livestock grazing would be used as a manage-

ment tool to meet specific goals and objectives for managing habitat and wildlife, which are described in the Improvement Act and the Service's planning policy.

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 Department of the Interior agencies such as 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 this draft CCP and EIS.

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 because the Service has no control over determining the legal validity of roads.

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 never more than a two-track trail, 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 draft CCP and EIS.

MILITARY OVERFLIGHTS

The refuge is located beneath the Hays Military Operations Area. This airspace operations area overlies a large portion 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.

1.10 Scope of the Document

This planning process considers different geographic designations—the decision area and primary analysis area—as depicted in figure 5.

DECISION AREA

The decision area is the area within the designated boundaries for the Charles M. Russell and UL Bend National Wildlife Refuges (figure 5; refer to chapter 2 for a complete description of the refuge). Where USACE holds primary jurisdiction and the refuge has secondary jurisdiction (refer to chapters 2 and 3), a memorandum of understanding provides guidance on how habitat and wildlife resources are managed.

ANALYSIS AREA

The analysis area (figure 5) includes the decision area and areas outside of the decision area where most of the direct, indirect, or cumulative effects could occur as a result of implementing the alternatives. The analysis area includes the area used in the socioeconomic analysis (section 4.8 in chapter 4; section 5.10 in chapter 5). Additionally, the foreseeable activities in this area that could result in cumulative impacts are described in detail in chapter 3 under section 3.9.

INSERT FIG. 5

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FIG. 5
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