

Draft Compatibility Determination

Title

Compatibility Determination for NorVal and Nemont Rights-of-Way to Pines
Recreation Area, Charles M. Russell National Wildlife Refuge

Refuge Use Category

Rights-of-way and Rights to Access

Refuge Use Type(s)

Rights-of-way (utility)

Refuge

Charles M. Russell National Wildlife Refuge

Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

- “For the conservation and development of natural wildlife resources and for the protection and improvement of public grazing lands and natural forage resources: Provided, That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: ... Provided, however, that the natural forage resources therein shall be first utilized for the purpose of sustaining in a healthy condition a maximum of four hundred thousand (400,000) sharp-tailed grouse, and one thousand five hundred (1,500) antelope, the primary species, and such nonpredatory secondary species in such numbers as may be necessary to maintain a balanced wildlife population but, in no case, shall the consumption of forage by the combined population of the wildlife species be allowed to increase the burden of the range dedicated to the primary species: Provided further, That all the forage resources within this range or preserve shall be available, except as herein provided with respect to wildlife, for domestic livestock.” (Executive Order 7509, dated December 11, 1936)
- “Shall be administered by him [Secretary of the Interior] directly or in accordance with cooperative agreements ... and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon.” (16 U.S. Code 664, Fish and Wildlife Coordination Act)
- “Suitable for (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species” (16 U.S. Code 460k-1), “the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors.” (16 U.S. Code 460k-2, Refuge Recreation Act [16 U.S. Code 460k-460k-4], as amended)

- “Purposes of a land-conservation and land-utilization program.” (7 U.S. Code 1011, Bankhead–Jones Farm Tenant Act)

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System (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 (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

Yes

What is the use?

NorVal Electric Cooperative (NorVal) is proposing to remove existing overhead power lines and replace them with buried power lines to the Pines Recreation Area (Pines). Nemont Telephone Cooperative (Nemont) is proposing to replace existing copper phone lines with fiber optic cable. The proposals are being combined for analysis since they both propose to replace similar infrastructure along the same route to the Pines.

The Bureau of Land Management (BLM) issued the prior utility right-of-way (ROW) permit for Valley Electric (now NorVal) in 1968 when the Refuge was co-managed by BLM and the US Fish and Wildlife Service (Service). The Service assumed sole management of the Refuge in 1976 with the power and phone lines already in place. The new 20-foot ROW will exist within the footprint of the area disturbed by the prior ROW.

Is the use a priority public use?

No

Where would the use be conducted?

The location of the ROW is approximately 15 miles southwest of Fort Peck, MT, on the north side of the Refuge along road 102 (the Pines Road). The power and fiber optic lines will cross 1.3 miles of fee title land with a 20-foot ROW that will total 3 acres (see figure 1 for a map of the ROW location in relation to land ownership and Refuge infrastructure).

When would the use be conducted?

The utilities installation and removal of the overhead power lines will take place between July 21 and December 1, 2026. A 50-year ROW permit will allow access for

maintenance, periodic inspections and weed control for the life of the permit.

How would the use be conducted?

This proposal is part of a larger project involving the BLM, Montana Sage Grouse Habitat Conservation Program (MSGHCP), NorVal, Nemont, and US Army Corps of Engineers (ACE), to replace approximately 25 miles of existing overhead powerlines with buried powerlines to The Pines cabin community along Willow Creek Road and the Pines Road south of Glasgow, MT. This includes about 20 miles on BLM, 1.3 miles on Charles M. Russell National Wildlife Refuge, 4.6 miles on ACE, and 1 mile on private land.

The BLM prepared an environmental assessment (EA): DOI-BLM-MT-L020-2026-0003-EA, Finding of No Significant Impact, and Administrative Record. They were the lead for developing the proposed action and coordinating National Historic Preservation Act (NHPA) section 106 consultation. The Montana State Historic Preservation Office provided concurrence for the proposed action on June 11, 2026.

NorVal/Nemont, or their contactors will install the power and fiber optic lines in the same trench at the same time, with the fiber optic line installed at a shallower depth than the power line. Installation will involve the use of a direct burial plow adjacent to the existing road and within the footprint of the previous ROW. The plow blade will disturb a narrow strip of soil approximately 6 inches wide. Minimal vegetation clearing is anticipated with the direct burial method. Hand removal or grinding conifers may occur where necessary. Directional bores using horizontal drilling techniques will be used to cross streams and roadways. After installation of the buried infrastructure, NorVal will remove the overhead power lines and associated poles. Equipment and supplies will be staged off the Refuge on BLM lands.

The Refuge may initially issue a Special Use Permit (SUP) to facilitate the short-term construction and disturbance related to the installation of the power and fiber optic lines. The Refuge may also issue SUPs for future repairs, if such work involves access and/or temporary and minor impacts to Refuge areas outside of the ROW.

A 50-year ROW permit will be granted that authorizes the subsurface occupation of the land for power and telecommunications infrastructure. Following the installation, the operation and maintenance of the power and fiber lines will not require any further land disturbance, except unforeseen repairs, as the systems will be fully integrated and functional without ongoing physical interference with the surrounding environment. The permit will also authorize routine inspections, maintenance and weed control within the ROW.

Why is this use being proposed or reevaluated?

This project will improve Greater sage-grouse and grassland bird habitat, reduce wildfire potential from powerline caused ignitions, and improve reliable power

delivery to The Pines.

Nemont will take the opportunity to install fiber optic lines within the same trench as the power lines to provide upgraded, reliable internet to the Pines community.

Availability of Resources

To effectively administer this project, resources such as staff time will be required for reviewing, communicating, and coordinating with NorVal, Nemont, BLM and ACE throughout the planning, installation, and restoration phases. This will ensure that any impacts on Service interests are either avoided or minimized. We anticipate that the preparation of the CD and associated compliance documents, along with coordination with other offices, public involvement, SUP and ROW permit processing, and monitoring, will require approximately 80 hours of Service staff time. Following project completion, no ongoing resource needs are expected. Currently, staff availability and funding are adequate to support this endeavor.

All costs associated with the monitoring and maintenance of the ROW will be the responsibility of the utility companies.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

The effects and impacts of the proposed use to Refuge resources, whether adverse or beneficial, are those that are reasonably foreseeable and have a reasonably close causal relationship to the proposed use. This CD includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could materially interfere or detract from the purpose for which a refuge was established and the mission of the Refuge System. Threatened and Endangered species and other special status species, air quality, floodplains, visitor use and experience, cultural resources, and refuge management and operations will not be more than negligibly impacted by the action and have been dismissed from further analysis.

Short-term impacts

The power and fiber optic lines will be installed in a previously disturbed area adjacent to Refuge Road 102. There will be no adverse impacts to wildlife habitat because such habitat is minimal within the ROW footprint.

Temporary wildlife disturbance may occur in nearby habitat during subsurface line installation and overhead line removal due to the noise levels and human presence during construction. Once activities are completed most wildlife use is expected to return to pre-construction levels (Beale 2007, Berger 2010).

There will be minimal disturbance to soils where the lines are installed. Plowing slices

the soil without extensive excavation (width of approximately 6 inches). Most impacts resulting from construction equipment, overhead line removal, and trampling will recover on their own by the next growing season. If activity results in removal of vegetation, the area will be reseeded by NorVal, Nemont, or their contractors at the earliest opportunity with a seed mix approved by the refuge manager. Reseeded areas typically recover within a growing season or two, depending on moisture and other natural variables.

Long-term impacts

The subsurface installation of the power and fiber optic lines will have no adverse long-term impacts on the Refuge. Once installed, the lines will not hinder management, recreation, or disturb the use of uplands by species for which the Refuge was established. By removing overhead power lines, this project will improve Greater sage-grouse and grassland bird habitat and reduce wildfire potential from powerline caused ignitions.

Public Review and Comment

The draft compatibility determination will be available for public review and comment for 14 days from July 13 to July 26, 2026. The public will be made aware of this comment opportunity through posting on the Refuge's website (<https://www.fws.gov/refuge/charles-m-russell/>). A hard copy of this document will be posted at the Refuge Headquarters in Lewistown, MT and at the Fort Peck Field Station in Fort Peck, MT. Concerns expressed during the public comment period will be addressed in the final determination.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. Permit holder must adhere to the terms and conditions of the ROW permit, any SUP issued associated with the use, other federal, state, county or landowner permits or approvals, and all other applicable laws and regulations.
2. The ROW permit is issued subject to the revocations and appeals procedure contained in Title 50, Part 29 of the Code of Federal Regulations.
3. Construction activities related to the installation of subsurface power and fiber optic lines will be restricted to the previously disturbed area along Refuge Road 102.
4. Any disturbed areas will be leveled, seeded, and restored to pre-work

conditions as specified by the refuge manager.

5. Section 106 consultation under the NHPA, and Section 7 consultation under the Endangered Species Act, if applicable, must be completed before construction commences.
6. Surface disturbing activities should be limited to July 15th to December 1st to reduce impacts to wildlife.
7. Any cultural or paleontological resources identified on Federal land must be immediately reported to the Authorized Officer. NorVal, Nemont or its contractors are required to cease all activities within a 100-foot radius of the discovery and implement appropriate protection measures until the site has been reviewed and written authorization to resume operations is granted. All expenses related to the identification, evaluation, protection, or mitigation of such discoveries shall be incurred by the project proponents.

Justification

The primary purposes of the Refuge are generally for the conservation of habitat and wildlife in furtherance of the mission of the Refuge System. Based on best available science and expert judgment, this proposed will not materially interfere with or detract from these purposes or with the mission of the Refuge System provided the above “Stipulations Necessary to Ensure Compatibility” are in place, which are designed to minimize and avoid wildlife and habitat disturbance.

Temporary construction activities will occur in an existing ROW corridor where habitat and wildlife use are minimal. Additionally, the proposed use will remove overhead power lines and replace them with underground infrastructure that will allow for long-term habitat restoration of the area. Post-construction restoration, including replanting native species and restoring soil structure will improve long-term productivity by replacing degraded, non-native vegetation with native vegetation, supporting biodiversity and ecosystem function. Therefore, the use will not conflict but will enhance the national policy to maintain the biological diversity, integrity, and environmental health of the Refuge System.

Ultimately, while the construction activities may have minor and temporary impacts on habitat and wildlife, they will have long-term benefits. Additionally, authorizing this use will ensure that project proponents can continue providing essential human services to communities without materially interfering with or detracting from the Refuge’s purposes and the mission of the Refuge System.

Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Assistant Regional Director Signature and Date

Mandatory Reevaluation Date

2076

Literature Cited/References

Beale, C., 2007. The Behavioral Ecology of Disturbance Responses. *International Journal of Comparative Psychology*, 20(2). <https://escholarship.org/uc/item/43m7b2d5>

Berger, R.P., 2010. Fur, Feathers, Fins & Transmission Lines: How transmission lines and rights-of-way affect wildlife. Third Edition. Manitoba Hydro. 97 pp.
https://www.hydro.mb.ca/environment/pdf/fur_feathers_fins_and_transmission_lines.pdf

Figure(s)

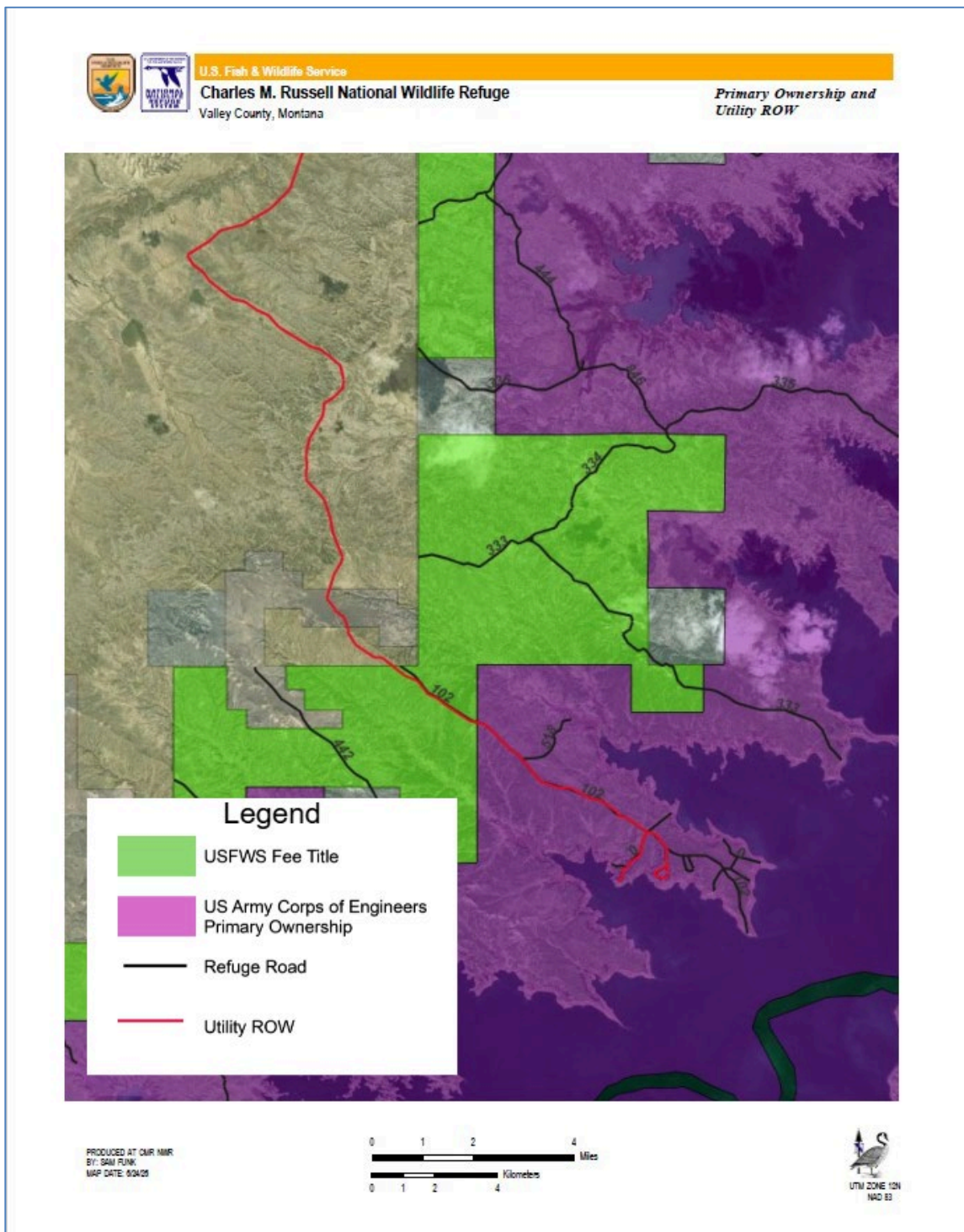


Figure 1: Map of Charles M. Russell National Wildlife Refuge showing the NorVal/Nemont utility ROW location in relation to the Pines Road, Service fee-titled land, and ACE land.