**PETITION/APPLICATION FOR WITHDRAWAL MODIFICATION**

**AND TRANSFER OF ADMINISTRATIVE JURISDICTION**

**FORT HOWES FIRE STATION**

**POWDER RIVER COUNTY, MONTANA**

**Serial Number: MTM-102716**

**Items required by 43 CFR 2310.1-2(c) and 43 CFR 2310.1-3 for a Withdrawal Modification Petition/Application:**

1. **APPLICANT**

Bureau of Land Management

Eastern Montana/ Dakotas District

111 Garryowen Road.

Miles City, Montana 59301

1. **NON-INTERIOR DELEGATION OF AUTHORITY**

Not applicable.

1. **CONSENT OF HEAD OF NON-INTERIOR AGENCY**

The Bureau of Land Management (BLM) Montana State Director received a letter of consent to administer National Forest System (NFS) land from the Regional Forester for the Northern Region of the U.S. Forest Service (USFS) on May 10, 2011. A modification of Public Land Order (PLO) No. 1843 would allow for the transfer of administrative jurisdiction over approximately 5.16 acres of land withdrawn for the Fort Howes Administrative Site from the USFS to the BLM.

Regional Foresters have been delegated authority by the Secretary of Agriculture and the Chief of the USFS for requesting withdrawal actions on NFS lands. The applicant is empowered to act on the behalf of the USFS pursuant to 7 CFR 2.7 and delegations of authority in 7 CFR 2.60, USFS Manuals 1236.11 and 2761.04.

1. **TYPE OF WITHDRAWAL ACTION**

This petition/application is a request to modify a USFS withdrawal created by PLO No. 1843 to transfer administrative jurisdiction to the BLM for construction and use as a fire facility. The land is currently withdrawn from all forms of appropriation under the public land laws, including the United States mining laws, but not from leasing under the mineral leasing laws, or the Act of July 31, 1947 (61 Stat. 681).

1. **LEGAL DESCRIPTION**

The proposed withdrawal modification boundary at the Fort Howes Work Center lying in section 24, T. 6 S., R. 45 E., and section 19, T. 6 S., R. 46 E., Principal Meridian, Montana, being more particularly described as follows:

Commencing at the E 1/4 section corner of section 24, T. 6 S., R. 45 E., Principal Meridian, Montana, thence S. 18°50'00" E, 317.36 feet to a 5/8 in. rebar with a plastic cap at the point of beginning, thence N. 76°54'06" W., 405.51 feet to a 5/8 in. rebar with a plastic cap; thence N. 41°06'39" W., 128.12 feet to a 5/8 in. rebar with a plastic cap; thence N. 6°31'31" E., 56.77 feet to a 5/8 in. rebar with a plastic cap; thence N. 28°24'35" E., 138.99 feet to a 5/8 in. rebar with a plastic cap; thence N. 48°56'30" E., 326.99 feet to a 5/8 in. rebar with a plastic cap; thence S. 76°44'47" E., 263.17 feet to a 5/8 in. rebar with a plastic cap; thence S. 10°26'26" W., 530.30 feet to the point of beginning, containing 5.16 acres, more or less, in Powder River County.

The basis of bearing for this survey is the line between the east 1/4 section corner of section 24, and the corner of sections 18 and 19, T. 6 S., R. 45 and 46 East., Principal Meridian, Montana, as shown on certificate of survey #128183 filed on April 25, 2003, at the Powder River County Courthouse.

1. **OVERLAPPING WITHDRAWALS**

The land is within the Custer National Forest.

1. **PURPOSE OF WITHDRAWAL**

The purpose of the proposed withdrawal modification is to transfer administrative jurisdiction from the USFS to the BLM for construction and use as a fire facility. The BLM would be the primary agency with responsibility and liability for the uses and activities on the land.

The fire facility will provide office space for the Wildland Fire Suppression Staff consisting of a permanent full time fire operations supervisor, 6 long-term career seasonal engine captains and their assistants, and 10 temporary employees for a total of 17 personnel.

The fire staff conducts fire suppression and fuels management on approximately 596,000 acres of forest and rangelands (158,000 acres BLM and 438,000 acres USFS lands) within Rosebud and Powder River Counties.

The BLM has received appropriations to construct a new fire facility and needs to protect the Federal investment. The appropriations will be received in two phases with Phase 1 funding coming in Fiscal Year (FY) 2012 for the amount of $386,000. The remaining Phase 2 amount of $2,554,000 will be received in FY 2013. The total funding for the fire facility is $2,940,000.

1. **EXTENT OF SEGREGATION**

The land is currently withdrawn by PLO No. 1843 from all forms of appropriation under the public land laws, including the United States mining laws, but not from leasing under the mineral leasing laws, or the Act of July 31, 1947.

1. **TEMPORARY LAND USES PERMITTED**

During the application processing period, licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature may be allowed, but only upon approval by the authorized officers of the BLM and the USFS.

1. **ANALYSIS OF ALTERNATIVES**

Other alternative authorities would not transfer full jurisdiction of the construction, operation, and maintenance of the new facility from the USFS to the BLM.

1. **DURATION OF WITHDRAWAL**

The duration of the withdrawal requested is 20 years. Prior to the end of this period, an evaluation will be made concerning the desirability and justification of extending the withdrawal or allowing it to expire.

1. **ALTERNATIVE SITES**

The current Fort Howes Administrative Site has already been developed with three residential houses, three bunkhouses, a hanger, and some additional out buildings. The total appropriations will allow the BLM to construct a new fire facility, but there will not be enough funding left over to construct the housing needed for the fire crew. There is an agreement in place between the BLM Eastern Montana/Dakotas District and the USFS Ashland Ranger District to rent the three bunkhouses for 6 months out of the year.

1. **WATER REQUIREMENTS**

No water rights will be needed to fulfill the purpose of this withdrawal modification and transfer of administrative jurisdiction.

1. **LOCATION OF RECORDS**

Records relating to this application may be examined by interested parties at the following locations:

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| --- | --- |
| Bureau of Land Management  Montana/Dakotas State Office  5001Southgate Drive  Billings, Montana 59101 | Bureau of Land Management  Eastern Montana/Dakotas District  111 Garryowen Road  Miles City, Montana 59301 |

1. **MINERAL POTENTIAL REPORT**

Based upon available geologic information and a field examination, which was conducted on September 8, 2011, the salable, locatable, and leasable mineral potential of the subject parcel is as follows: Salable Minerals - Sand and gravel deposits were not present on the subject parcel or in the immediate area; Locatable Minerals - The only locatable mineral that is likely to be present on the subject parcel is bentonite. There was no evidence of the presence of bentonite on the parcel or in the immediate area; Leasable Minerals ‑ Low potential for the occurrence of conventional oil and gas resources on the subject parcel; high potential for the occurrence and potential economic development of coal bed methane resources; and prospectively valuable for the occurrence of coal resources. However, the potential economic development of this resource through mining is low due to excessive depth to potentially mineable seams.