

Director 210

Att'n: Protest Coordinator

20 M Street SE, Room 2134LM

Via email (to: [protest@blm.gov](mailto:protest@blm.gov)) and overnight delivery

Washington, DC 20003

Re: Miles City Field Office Proposed Resource Management Plan and Final EIS

Billings and Pompeys Pillar National Monument Proposed Resource Management Plan and Final EIS

HiLine District Proposed Resource Management Plan and Final EIS

Dear Director Kornze:

This is the protest of Montana Attorney General Tim Fox to the proposed approval of each of the above-referenced Proposed Resource Management Plans and Final Environmental Impact Statements.

The Montana Attorney General did participate in the planning process for all three of these proposed resource management plans by filing timely comments on each plan/EIS.

The mailing address and telephone number of the Attorney General are, Montana Dep't of Justice, 215 N. Sanders, P.O. Box 201401, Helena, Montana, 59620-1401, Tel. 406 444-2026.

The Attorney General's interest is that he is the chief legal officer of the State of Montana and accordingly has an interest in assuring that federal agency decisions affecting the land and people of Montana are consonant with applicable law.

The issues being protested are that the proposed plans fail to take proper and legally required cognizance of Montana's interests, including the right to federal deference to the Management Plan and Conservation Strategies For Sage Grouse in Montana, and therefore impose unnecessarily onerous restrictions upon uses of public lands in the planning areas, including mineral development, agricultural operations, recreation and other uses. The Attorney General recognizes that Montana Governor Steve Bullock has been and continues to be diligently involved with the BLM in seeking to ensure that the proposed plans are consistent with state and local plans and authorities in Montana, and that this involvement will include the consistency review provided for by 43 CFR § 1610.3-2. This Protest is filed to ensure that the State of Montana has not failed to exhaust its administrative remedies and is not intended in any way to supplant or interfere with the Governor's ongoing work with the BLM on behalf of the State of Montana.

The Attorney General's issues were set forth in comments filed with BLM on all three of the proposed management plans. The Attorney General's comments were assigned the following numeric designation for the three plans as follows:

HiLine District Plan: 0181-01

Billings and Pompeys Pillar National Monument Plan: DR-MTDK-BL-13-0247

Miles City Field Office Plan: DR-MTDK-MC-13-0122

The State Director's Decision on the three protested plans is believed to be wrong because the plans fail to take proper and legally required cognizance of Montana's interests, including the right to federal deference to the Management Plan and Conservation Strategies For Sage Grouse in Montana, and therefore impose unnecessarily onerous restrictions upon uses of public lands in the planning areas, including mineral development, agricultural and grazing operations, recreation and other uses.

Dated July 26, 2015.

Tim Fox

Attorney General