

USDI, BUREAU OF LAND MANAGEMENT  
BURNS DISTRICT  
HINES, OREGON 97738

FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD/FINAL DECISION  
FOR  
STEENS MOUNTAIN TRAVEL MANAGEMENT PLAN  
ENVIRONMENTAL ASSESSMENT  
OR-05-027-021

## INTRODUCTION

The Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act) required development of the Steens Mountain Cooperative Management and Protection Area (CMPA) Transportation Plan (TP) to provide guidance on maintenance, improvement, use and accessibility of roads and trails within the CMPA. The TP was developed as part of the CMPA Resource Management Plan (RMP) (August 2005) describing road/route inventory information, management goals, objectives, maintenance levels, route categories, and Best Management Practices (BMPs) for road/route management. The TP (Appendix M of the RMP) also identifies the need to conduct specific on-the-ground route inventories and incorporate this information into the TP. This inventory need led to preparation of the Travel Management Plan (TMP) which augments the CMPA TP and further defines the motor vehicle route/trail network within the CMPA. The TMP also highlights and maps known nonmotorized trails, many of which were identified in the Steens Mountain Wilderness and Wild and Scenic Rivers Plan portion of the RMP (RMP pg RMP-76; Wilderness and Wild and Scenic Rivers Plan pg P-20-22.). Motorized access route inventories were completed with assistance from private landowners, grazing operators, members of the general public, and Harney County Court. Full nonmotorized trail inventories have not yet been completed, and are expected to be completed during development of the Comprehensive Recreation Plan (CRP) (RMP-67). Public scoping of the CRP will begin during late-2007 with completion of this plan expected within 3 years. A major portion of this effort will be soliciting input from recreational users who visit the CMPA during different times of year. The TMP maps include known nonmotorized trails. Within the CMPA, these trails remain open to nonmotorized and nonmechanized uses. The inventory associated with the CRP will provide more detailed mapping of nonmotorized trails (primarily outside of wilderness).

The TMP Environmental Assessment (EA) was completed to analyze potential effects of motorized access through implementing the various alternatives. The EA addresses issues raised by Bureau of Land Management (BLM) specialists as well as issues identified during public scoping. The Steens Mountain Advisory Council (SMAC) has played an integral part in preparation of the TP and TMP.

Copies of the EA and Draft Finding of No Significant Impact (FONSI) were mailed to potentially affected permit holders and interested publics on April 16, 2007. In addition, a news release was issued April 16, 2007, and a notice of EA/FONSI availability was posted in the Burns Times-Herald newspaper on April 18, 2007. Members of the public who sent in e-mail comments to the scoping notice received an e-mail message announcing the EA and Draft FONSI availability on the Burns District Web site.

This document serves as both the Final Decision for grazing matters that affect grazing permits and as the Decision Record for the other decision elements included in the TMP. Information on how to appeal each decision is included near the end of this document.

An initial Decision Record (nongrazing) and Notice of Proposed Decision (grazing) were released to the public on May 31, 2007. On June 8, 2007, BLM received Judge Aiken's Opinion and Order regarding a lawsuit on the RMP including the TP which caused BLM to rescind that Decision Notice/Proposed Decision while the Opinion and Order were considered. The Decision Record, Final Decision for grazing matters, and Proposed Decision (grazing matters) have been reconstructed to more clearly describe the differences in decisions to be made. The Proposed Decision was mailed to affected ranchers and interested publics on August 13, 2007. It was also posted on the Burns District Web site on August 14, 2007, and an e-mail notice was sent to interested publics that the Proposed Decision was available for a 15-day protest period. One protest was received concerning the length of one Permit Route. The protest led to further discussions with grazing permittees which resulted in five Permit Routes being removed from the wilderness. After careful review, the extent of the protested route was not changed. A sentence was added to the Notice of Final Decision clarifying that use of Permit Routes within wilderness is partially dependent on whether or not routes were in use at the time of wilderness designation.

## COMMENTS RECEIVED

The Burns District BLM received approximately 9,872 comments on the EA and unsigned FONSI. Most commenters favored either Alternative C or the proposed action. Comments are summarized and responded to below.

Comment: Many Alternative C supporters want the All-Terrain Vehicle (ATV) designation removed from the Indian Creek Road.

Response: The Indian Creek Road was left open in the Steens Act legislation and in the Steens RMP, therefore, changing these wilderness "cherry stem" routes was not analyzed in the EA. An ATV designation would serve to notify the public that the available motorized route may not be suitable for full-size motor vehicles.

Comment: A few commenters think the TMP should be analyzed under an Environmental Impact Statement (EIS) instead of an EA and some are not satisfied with the range of alternatives in the EA.

Response: The TP was analyzed in the Steens Mountain CMPA Proposed RMP Final EIS. The TMP implementation EA supplements the TP and includes four alternatives with a wide range of travel management options. The TMP itself has no significant effects on the human environment, as noted in the FONSI.

Comment: The EA lacks sufficient cumulative impacts analysis.

Response: The EA describes all expected effects on resources from enacting the alternatives. All effects are considered direct and cumulative; therefore, a distinction between direct and indirect effects is not made and in many cases cumulative effects are only described as effects.

Comment: Section 112 (b) (2) (B) explicitly prohibits motorized or mechanized vehicles (which include helicopters) within wilderness or Wilderness Study Areas (WSAs) "for the construction or maintenance of agricultural facilities."

Response: Section 112 (b) (2) (B) does not prohibit the off road use of motorized or mechanized vehicles in the CMPA if the Secretary determines that such use – "(B) is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976." It is BLM's interpretation that Section 112 refers management of these types of motorized or mechanized activities to sections found later in the Steens Act which provide more specific guidance relative to wilderness (Section 202 – Administration of Wilderness Area) and WSAs (Section 204 – Treatment of Wilderness Study Areas).

Comment: Snowmobile and mountain bike use and hiking trails should be part of the TMP.

Response: The TMP brings forward known nonmotorized trails as shown on the decision map. There has been no evidence of conflicts between motorized and nonmotorized uses within the CMPA. This is due primarily to the infrequent use of most primitive routes by either vehicles or hikers. Accordingly, this decision does not arbitrarily convert motorized routes to nonmotorized trails. The closure of 0.23-mile of the Weston Basin Road was done to protect wilderness characteristics due to documented monitoring providing evidence of unauthorized motor vehicle intrusions into this area of the wilderness, and this action also extends the nonmotorized Dry Creek Trail that is present at this location. The RMP identified the need for a CRP to ascertain the types and amounts of recreation activities for the CMPA (RMP-67.). Snowmobile use and additional hiking trail designation may be part of the CRP as determined through scoping. At the present time, snowmobile use is limited to a portion of the North Loop Road and two spur roads. Like other motorized use, snowmobiles may not leave routes designated for their use. The Steens Mountain Wilderness and Wild and Scenic Rivers Plan identifies 10 maintained hiking trails and states that other trails may be added (P-20-22.).

Roads and trails (motorized and nonmotorized) can be removed from public lands depending on changing policies, resource monitoring, and public interest. Roads may only be constructed in the CMPA for public safety or protection of the environment under the Steens Act (section 112(d)(1)). Further, additional routes may be identified through ongoing monitoring and inventories. Mountain bike use was discussed with the SMAC and they believe designated mountain bike trails are not needed since mountain bikes are allowed on all motor vehicle routes within the CMPA. The BLM agrees with the SMAC's position on mountain bike trails. However, should public scoping for the CRP indicate a high public interest in the development of new nonmotorized mountain biking trails outside of designated wilderness, these proposals would be considered by BLM in consultation with the SMAC.

Comment: The CRP should be combined with the TMP.

Response: There is overlap between the TMP and CRP. The TMP EA focuses on motorized travel routes and discusses the continued availability of existing nonmotorized trails for nonmotorized uses. The decision map also shows many of the trails. One nonmotorized trail was extended in length due to a partial road closure to protect wilderness values. At this time the BLM has no evidence of conflicts between motorized and nonmotorized uses and, therefore, no additional motorized routes were converted to nonmotorized trails. The CRP, which under the RMP (RMP-67) "will evaluate and determine any facilities or actions to accommodate or manage existing or anticipate recreation use," may add to the nonmotorized trail system and could possibly close motorized routes designated under this decision, if the changes are found to be in the public interest. The CRP will also focus on other recreation-related matters such as information kiosks, campground expansion and design, and information signing which are matters typically beyond the scope of TMPs. The CRP may also include distance signing to recreation facilities which is also a potential overlap with TMPs but in this circumstance, will be covered in the CRP. The BLM focused on issues having the most potential for conflict and environmental concerns and addressed them in the time sensitive TP/TMP. The CRP will address the remaining recreation-related topics.

Comment: The use of Historical and Obscure Routes will damage wilderness characteristics.

Response: All Obscure Routes in WSAs were identified as "Ways" as part of the original WSA inventories conducted in the early 1980s. The WSAs were designated with these routes in place. Leaving Obscure Routes in place will not degrade the wilderness values that initially qualified the areas for designation as a WSA. This decision stipulates that Historical Routes may be used as long as their character does not change. In other words, use of Historical Routes cannot make them more obvious than they presently are. Historical Routes are used only in support of permitted livestock grazing activities and constitute use "in the same manner and degree" as occurred when the Federal Land Policy and Management Act (FLPMA) provided for the inventory and designation of WSAs.

Comment: Under the proposed action, livestock permittees are granted too much motorized use. Horses should be used in place of motor vehicles.

Response: Livestock permittee motorized travel in wilderness was analyzed in the Minimum Decision Analyses (MDA). The level of motorized access granted to livestock permittees is consistent with the Steens Act, Wilderness Act, and Appendix A from House Report 101-405.

Comment: The EA ignores future Off-Highway Vehicle (OHV) growth.

Response: Traffic counter data indicates that visitation to the Steens has remained relatively constant over the past 10 years. BLM is not aware of significant user conflicts with OHVs and we have not observed substantial impacts from their use. If monitoring finds an unacceptable level of OHV impacts, BLM will act to mitigate the impacts. The BLM can update and modify travel management plan, transportation plan and/or land use plan decisions if monitoring information indicates a need for change.

Comment: Air access should be strictly controlled. The TMP must address what level of helicopter use, if any, will be allowed as part of grazing operations on Federal wilderness lands.

Response: The proposed action provided for the landing of a helicopter in wilderness in areas where it had occurred prior to designation and in place of other motorized trips for authorized activities associated with salting and checking waterholes. Under this decision, however, the landing of a helicopter in wilderness for the authorized activities as described in the proposed action would not be allowed. This decision also encourages over flight limitations as recommended by the Federal Aviation Administration.

Comment: Ranchers should have the same OHV restrictions as the public.

Response: Congress has made certain provisions to grant grazing permittees motorized access beyond that allowed to the general public. See e.g. Steens Act, section 202(d). BLM policy recognizes grazing as a "grandfathered" use in WSAs which is allowed to continue in the same manner and degree that was occurring at the passage of FLPMA on October 21, 1976. For this reason, Permit Routes and Historical Routes within WSAs can be used to the same manner and degree as occurring at passage of the FLPMA on October 21, 1976. Due to the prohibition on off-road motorized travel in the Steens Act (section 112(b)(1)), the BLM is also providing grazing permittees this same level of access for certain grazing-related activities on other nonwilderness BLM-administered land within the CMPA through use of Permit Routes and Historical Routes. BLM believes it makes sense that, if Congress has provided for limited motorized access to carry out grazing activities in Wilderness and WSAs, then it is reasonable for BLM to allow similar motorized access on non-WSA and nonwilderness BLM-administered land within the CMPA. This access is consistent with Sections 1 (b), 102 (b), 111 (a), 112 (b) and 202 (d) of the Steens Act.

Comment: Landowners should have full and complete access to their property.

Response: Issues related to private land access particularly in designated wilderness areas are generally handled on a case-by-case basis under separate analysis. The BLM recognizes the need to provide reasonable access to private lands within the CMPA. Reasonable access may not include all potential access routes when there may be conflict with WSA or Wilderness management policies.

Comment: Roads are a barrier to wildlife and damage wildlife habitat.

Response: The BLM consulted with the Oregon Department of Fish and Wildlife during preparation on the TMP. Route densities, wildlife habitat fragmentation, and motor vehicle use levels were analyzed and determined not to be significant impacts to wildlife. Please refer to the EA for the wildlife impact analysis.

Comment: TMP maps show routes that never existed as roads.

Response: Approximately 46 miles of new routes were found and mapped during the TMP route inventory. These routes are all outside wilderness and WSAs, are not redundant, and are not causing resource damage. These routes are included in the proposed action and, therefore, added to the CMPA route network. The inventory also discovered about 15 miles of WSA ways that were part of the WSA inventory but not included on public use maps. These are mostly Obscure Routes that were also included in the proposed action and are returned to the route network via this decision.

Comment: Many short spur roads have yet to be identified on the maps.

Response: This decision recognizes changes may need to be made to the route network and these will be made using relevant National Environmental Policy Act (NEPA) analyses.

Comment: We are disturbed that the EA allows more cross-country travel. OHVs cause environmental damage and should not be allowed on the Steens.

Response: Motor vehicles are restricted to designated routes in the CMPA and cross-country travel is not allowed. This decision designates existing routes that can continue to be used by the public. Environmental damage from OHV use is insignificant when restricted to designated routes.

Comment: Motor vehicles impact native vegetation and introduce weeds.

Response: Motor vehicles are restricted to designated routes. Rancher use of Historical Routes is restricted so that route character is not changed. Historical Routes must not become more obvious than they presently are. Noxious weed control will continue to be a priority for the BLM and weed surveys will continue to focus on designated routes.

Comment: The designated wilderness provides enough nonmotorized area for providing solitude, please do not close additional routes. Leaving all existing roads and trails open will allow more opportunities to disperse the visiting public and enhance their recreational experience.

Response: Wilderness designation in the Steens Act closed approximately 104 motorized route miles. Some of these are currently recognized nonmotorized trails. All closed roads are available for hiking and horseback recreation activities. This decision closes 1.23 miles of motorized routes and leaves 555 miles open to motorized travel.

Comment: Grazing Permit and Historical Routes are vital to economical grazing operations. Use of motorized vehicles once a year will greatly increase the efficiency of fence maintenance.

Response: This decision takes into account the importance of limited motor vehicle access to grazing permittees.

#### STATEMENT OF FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental effects discussed in the EA, and all other available information, we have determined that enacting this decision does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared.

#### RATIONALE FOR FINDING OF NO SIGNIFICANT IMPACT

Analysis in the EA showed there would not be significant impacts from enacting the decision on any of the examined resources. These resources and rationales for a conclusion of no significant impact include:

##### Wilderness Study Areas

WSAs would continue to be managed as not to impair their suitability for wilderness designation by Congress. No new motorized access into WSAs would be established. Private Property Access Routes across WSAs would be limited to existing ways which have been documented in the Wilderness Inventory. Route conditions would not change.

##### Wilderness

Steens Mountain Wilderness would continue to be managed for preservation of wilderness values, including opportunities for solitude and primitive and unconfined recreation, and for naturalness. Motorized travel in wilderness provided under this decision would be confined to that of grazing permittees on a limited, BLM-monitored basis. Known hiking trails were previously identified in the Steens Mountain Wilderness and Wild and Scenic Rivers Plan which is a component of the RMP (Appendix P.).

### Wild and Scenic Rivers

No measurable changes to water quality, riparian function or fisheries are anticipated. Therefore, no alteration to the free flowing quality or outstandingly remarkable values of any Wild and Scenic Rivers would occur.

### Wildlife, Special Status Fauna, and Migratory Birds

Because of seasonal road closures to Steens Loop Road, and surrounding primitive and secondary roads, the overall effects on wildlife would not be measurable. Limited traffic on open roads would have no significant effect. Road use and density criteria are well within acceptable levels.

### Wetlands, Riparian Functioning Condition, and Fisheries

BMPs have been established to maintain water quality and quantity. Since effects to fish and fish habitat are a combination of effects to water quality, riparian habitat conditions, and proper functioning condition, effects to fish and fish habitat would not be measurable.

### Noxious Weeds

As the road network in the CMPA would continue to be a high priority for monitoring and treating, enactment of the decision would not increase the possibility of noxious weed establishment.

### Areas of Critical Environmental Concern

These areas have protective measures in place and enactment of the decision would not contribute to degradation of relevant and important values.

### Special Status Flora

Special Status plants are not known to be present on any routes proposed to stay open. There should be no effect on those species.

### Cultural and Paleontological Resources

No motorized/mechanized cross-country travel is allowed in the CMPA, and no new roads or trails are anticipated; there should be no effects on these resources.

### American Indian Traditional Practices

By direction of the Steens Act, traditional practice areas and Tribal member access to them would be conserved and protected. Future changes to the CMPA travel system would involve coordination and consultation with the Burns Paiute Tribe; therefore, there would be no effect on traditional practices.

## Recreation

There would be no significant effect on recreational activities by enactment of the decision as effects would not measurably deviate from current conditions. Ways within WSAs, including Obscure Routes remain available for public motorized and mechanized travel. Existing "cherry-stemmed" routes through wilderness also remain open to motorized and mechanized public travel. Nonmotorized trails remain available for use; hiking or horseback riding off trails is not restricted by this decision. The 0.23-mile Weston Basin Road closure is added to the nonmotorized Dry Creek Trail as shown on the decision map.

## Off-Highway Vehicles

Implementation of the decision would not result in effects measurably different from current conditions. ATV Routes will remain available to full-size OHVs but use with full-size vehicles is not advised. The 0.23-mile closure of the north end of the Weston Basin Road to motorized vehicles is also insignificant in relation to remaining open vehicle routes. Consequently, there would be no significant effect on OHV use.

## Visual Resources

Selection and implementation of the decision could result in more observable Obscure Routes. Resulting evidence of motorized travel (e.g., crushed vegetation) could diminish scenic quality within the immediate vicinity of the routes. However, the resulting potential impacts to visual resources would remain consistent with the designated Visual Resource Management classification.

## Soils

Soil erosion would not be detectably different from the nonsignificant effects occurring under current travel conditions.

## Vegetation

As no cross-country vehicle travel is allowed within the CMPA, motorized/mechanized vehicle use would continue to be limited to previously established routes. Effects to vegetation would remain confined to current nonsignificant conditions.

## Transportation/Roads

Implementation of the decision would not result in an appreciable change from current use of motorized and nonmotorized travel routes, and a significant effect on travel in the CMPA would not occur. Reasonable access to private lands will continue to be provided.

### Grazing Management

Grazing management travel activities outside wilderness would continue as currently conducted. Within wilderness, limits to grazing management travel would be implemented. While limitation of travel in wilderness could be more expensive for some grazing operators, all operations would continue and the hardship should not be significant.

### Fire Management

Adoption of the decision would have no measurable effect on fire management activities as the available route system which could be used for management, including fire fighting, would be substantially the same as currently exists.

### Social and Economic Values

Changes to recreation and tourism and economic and social benefits accruing from them would not appreciably change as a result of implementing the decision since travel patterns would not be appreciably altered. As indicated above, there should be no significant effect on grazing operations. One private landowner will receive less than requested access (motorized access was requested through a WSA but not on a documented way), however, two other existing routes provide motorized road access to the same private parcel so there should be no significant effect to this private landowner by limiting motorized travel to the recognized routes.

### Parcels with Wilderness Characteristics

Motorized use of existing travel routes under the decision is not expected to prevent parcels from retaining wilderness characteristics. There is no current or expected significant effect to wilderness characteristics.

### Biological Soil Crusts

Biological soil crusts within the CMPA are not significantly affected by the existing system of motorized routes. Change to the condition of biological soil crusts is not anticipated since the route system remains essentially unchanged.

For the above reasons we have concluded implementation of this decision would not bring about a significant effect on any element of the human environment.

The decision has been designed to conform to the following laws and guidance.

- NEPA (42 U.S.C. 4321-4347)1970
- FLPMA (43 U.S.C. 1701, 1976)
- Steens Mountain CMPA RMP/Record of Decision (August 2005)
- Steens Act (16 U.S.C. 460nnn-460nnn-122)
- Wilderness Act (16 U.S.C. 1131 et seq.)

## SUMMARY OF DECISION RECORD

Potential effects from implementing the proposed action alternative were analyzed as well as those from three additional alternatives. Of the alternatives considered, this resulting decision is most closely aligned with the proposed action alternative which is the alternative that most closely reflects current travel conditions. Roads specified in the RMP as remaining open to motorized vehicles will remain so. Five hundred fifty-five (555) miles of Base Routes will remain open to public motorized use as Common Use Routes. Most Obscure Routes will continue to be accessible to the public; however, they will not be marked on-the-ground or signed. To carry out grazing permits, authorized permittees may use Permit Routes and Historical Routes within WSAs and on other nonwilderness public lands in the CMPA to the same manner and degree as occurring at passage of the FLPMA on October 21, 1976. Historical Routes can be used as long as their character does not change. Grazing permittees can use Permit and Historical Routes in wilderness for specific activities. Nonmotorized trails remain available for hiking and equestrian uses. Refer to attached TMP Decision Map for route locations.

We made this decision because among all alternatives it best meets the decision factors.

### Decision Factors for Alternative Selection

This decision provides:

- Travel opportunities for primitive camping, hunting, fishing, hiking, and other recreation activities including driving for pleasure.
- Permit Routes adequate to meet grazing operational needs.
- Reasonable access for non-Federal landowners, right-of-way holders, and others with interests in BLM-administered land.
- Administrative access and reasonable commercial activities including Special Recreation Permits.
- Social and economic values.
- Protection from impairment of WSAs.
- Protection and enhancement of Steens Mountain Wilderness.
- Consistency with RMP land management objectives and fiscal responsibilities.
- Continuation of access for Tribal rights.

### Relationship and Consistency with Steens Mountain CMPA RMP

As explained in this document, the TMP Decision is consistent with RMP direction. The additional information that BLM has gathered as part of the TMP process reinforces the RMP direction and does not indicate any need to amend or change RMP direction. BLM finds that implementing the RMP and TMP in an integrated fashion will provide for meeting the mandates of applicable law including the Steens Act.

## DECISION RECORD

### Elements and conditions of the decision are as follows:

The decision is to adopt the proposed action as identified in EA OR-05-027-021 except the requested Private Property Access Route within the Bridge Creek WSA will not be designated. The route will, however, remain a Historical Route available for livestock administration. Consistent with RMP direction, Fish Creek, Steens Loop, Grove Creek, Big Alvord Creek, Three Springs, Newton Cabin, Cold Springs, Indian Creek, and Bone Creek Roads remain open to motor vehicles. The portion of Cold Springs Road through Riddle Brothers Ranch remains available for public use under Special Use Permit. Base Routes (555 miles) will continue as Common Use Routes and, therefore, available for public motorized travel. Most Obscure Routes, with the exception of two short Private Property Access Routes (1-mile total), will remain on maps and available for public motorized travel but not marked on-the-ground. Of the 35 miles of available Obscure Routes, 27 miles are within WSAs. To carry out grazing permits, authorized permittees may use Permit Routes and Historical Routes within WSAs and on other nonwilderness public lands in the CMPA to the same manner and degree as occurring at passage of the FLPMA on October 21, 1976. Historical Routes can be used to the extent their character is not changed. Authorized helicopter use can continue within WSAs and on other nonwilderness public lands as long as there is no impairment to public lands. Landing helicopters in designated wilderness is not allowed; however, helicopter landings may be approved for specific purposes once analyzed under a separate MDA. A 2,000-foot minimum ceiling should be utilized when flying over wilderness as described in Federal Aviation Administration Advisory Circular 91-36C. All potential ATV Routes (8 miles) are reclassified as ATV trails. ATV Routes are not recommended for use by full-size vehicles, however, full-size vehicles are not prohibited. Approximately 0.23-mile of the Weston Basin Road will be closed to the public and become part of the Dry Creek hiking and equestrian trail.

### NOTICE OF FINAL DECISION (Actions affecting grazing permits)

Use of motorized vehicles within Steens Mountain Wilderness will only be authorized when there is no practical alternative for accomplishing the livestock management activities discussed below using nonmotorized or nonmechanized forms of travel. Motorized vehicle use by grazing permittees is allowed on Permit Routes and Historical Routes in wilderness for activities such as distribution of large quantities of salt (200 pounds or more) and checking critical water reservoirs in allotments with very limited live water or springs. Motorized or mechanized travel is only allowed in portions of the wilderness, as shown on CMPA TMP Decision Map, where these activities were occurring at the time of wilderness designation. Stipulations will be added to grazing permits outlining the degree of this access. The proposed action provided for the landing of a helicopter in wilderness in areas where it had occurred prior to designation and in place of other motorized trips for authorized activities associated with salting and checking waterholes.

Under this decision the landing of a helicopter in wilderness for authorized activities as described in the proposed action would not be allowed. A 2,000-foot minimum ceiling should be utilized when flying over the wilderness as described in Federal Aviation Administration Advisory Circular 91-36C. Permit Routes currently utilized in wilderness follow old closed routes (Map TP-6) most of which appear to be two-track roads or historical roads that existed prior to designation of wilderness in 2000. Other unforeseen motorized equipment or vehicle requests in wilderness may arise which will also be subject to a site-specific MDA. Allotment-specific travel criteria are discussed below:

**Alvord, Carlson Creek, Fields, Mann Lake, Serrano Point, and Roaring Springs Fenced Federal Range:** For these grazing allotments permittees will be allowed to distribute large quantities of salt with a motorized vehicle along Permit Routes if it is not practical to do so on horseback, considering weight requirements and number of trips needed. Other activities such as checking cattle, range improvements, or minor range improvement repairs may also take place on these trips. Any other trips needed must be conducted with nonmotorized or nonmechanized forms of travel. Road conditions near to or adjacent to wilderness are adequate for truck and horse trailer access for these allotments.

**Alvord Peak, South Steens, Frazier Field:** For these grazing allotments permittees may distribute large quantities of salt by motorized vehicle along Permit Routes if not practical to do this work on horseback, considering weight requirements and increased number of trips needed. Other activities such as checking cattle, range improvements or minor range improvement repairs may also take place on these trips.

In these three allotments, permittees may continue to utilize motorized vehicles to check water reservoirs as needed. Operations on all three of these allotments rely heavily on water reservoirs, and checking water levels is a critical need that is time sensitive. Frazier Field Allotment relies almost exclusively on water reservoirs and checking them by foot or horseback requires several more trips from the base property which is 75 miles away and most likely would require hiring additional staff. For Alvord Peak and South Steens Allotments, which are administered by the same permittee, horse use would add several weeks of work, with an additional 32 miles round trip for Alvord Peak and 33 miles round trip for South Steens, due to poor road conditions which limit access by horse trailer. Foot access adds weeks of work due to the number of water reservoirs and waterholes to be checked. It is not practical to require foot or horse use for this critical and time sensitive need. Generally this permittee utilizes either a motorcycle or ATV for these trips.

Utilizing motorized vehicles on Permit Routes (Map TP-6) for large quantity salting activities generally involves three trips per allotment during the grazing season. Utilizing motorized vehicles on Permit Routes with water reservoirs (Map TP-6) generally involves 10 to 20 trips per grazing season.

Additional elements and conditions of the decision(s):

Decisions previously made in the CMPA RMP remain in place and are not subject to change in this EA unless recent monitoring or inventory information warrants consideration for change.

Base Routes on public land total approximately 556 miles and remain available to grazing permittees for grazing administration purposes. Base Routes added from the TMP route inventory, outside WSAs (about 55 miles), would assume a Maintenance Level 2.

Historical Routes inside and outside WSAs but excluding designated wilderness, remain available to livestock operators to the same manner and degree that was occurring at the passage of the FLPMA on October 21, 1976.

Changes may need to be made to the transportation system in terms of adding or closing certain routes or changing maintenance levels to meet management objectives. These changes will be documented using relevant NEPA procedures which includes appropriate public notification. While routes are under evaluation, their use can continue to the same manner and degree as when the proposals are accepted for consideration. Persons or organizations can request the BLM to make route status changes based on a variety of criteria including route condition, maintenance needs, resource conditions, existing uses, historical information, changing needs, cultural information, economic information, ecological issues, road density, duplicative uses/displacement, fish and wildlife concerns, wilderness quality, and use levels.

Emergency motorized vehicles or equipment use off authorized routes on BLM-administered lands requires prior notification and approval by the authorized BLM official when practical. Should prior notification not be possible, contact will be made with the authorized BLM official within 72 hours following emergency entry.

BLM administrative functions related to a variety of natural resource management objectives (e.g., wild horse management, fish and wildlife monitoring, noxious weed control, restoration, fence repair, and enhancement) that potentially require motorized vehicle or equipment use off Base Routes or in wilderness will be addressed at the project level on a case-by-case basis, and documented in an MDA if proposed to occur in wilderness.

Maintenance of range improvements in wilderness may continue using the minimum tool necessary under a site-specific MDA. Any repair work needed on Permit Routes will be evaluated on a case-by-case basis and will be the minimum tool necessary as determined by a site-specific MDA, not to exceed conditions in place at the time wilderness was designated.

The BLM periodically needs access across private property owned or controlled by grazing permittees for the orderly management and protection of public lands. This term and condition can be added to grazing permits as provided for under 43 CFR 4130.3-2 (h).

Access to public lands for Tribal members, including Tribal families and individuals practicing Tribal activities shall continue as provided under Section 5 of the Steens Act. The BLM will coordinate and consult with Burns Paiute Tribe, and other Tribes as appropriate, prior to changes to the travel route network, including route upgrades or closures.

### Monitoring:

Monitoring transportation systems includes measuring the amount of use on routes and the associated effects. The BLM will also accept comments or visitor feedback concerning social interactions and monitor the effects to natural resources resulting from motorized and nonmotorized use of routes, or as a result of unauthorized cross-country travel. Monitoring also measures the level and need for route maintenance and effectiveness of route closure efforts.

Monitoring route use and condition is critical to protecting the integrity of the landscape within the CMPA from unwanted effects from route degradation, unauthorized off-road travel, or unauthorized vehicular travel in wilderness and WSAs. Road/route degradation can result in unacceptable effects on vegetation and soils, which affects soil stability, soil movement, and biological soil crusts. This, in turn, can affect wildlife and fisheries habitat, Special Status Species, water quality, wilderness characteristics, visual resources, and the quality of visitor experiences. Monitoring will mostly consist of visual observations by field staff with some photo point monitoring at selected sites. Visitor feedback is also helpful.

A focal point of monitoring for the CMPA is protection of wilderness characteristics within Steens Mountain Wilderness and WSAs. Specific monitoring methodologies are found in the Steens Mountain Wilderness and Wild and Scenic Rivers Management Plan (P-54-61). Stipulations in grazing permits related to travel on Permit Routes, including Historical Routes, will be monitored to measure effects on the landscape. Obscure Routes will be monitored to ensure motorized use is confined to these designated routes. Traffic counters will continue to be used to monitor overall visitation levels for the CMPA. Other evaluation and reporting will be completed as necessary to help meet the purposes and objectives of the Steens Act and provide for public health and safety.

### Rationale:

This decision is based on an analysis of public comments, the recommendation from the SMAC, consultation with State, Tribal and local governments, discussions with private landowners, existing monitoring information, conformance to applicable laws and regulations and meeting the purposes and objectives of the Steens Act.

When Congress passed the Steens Act in October of 2000, it provided guidance for the management of the CMPA. Purposes of the Steens Act include: "To maintain the cultural, economic, ecological, and social health of Steens Mountain ...; To provide for and expand cooperative management activities between public and private landowners ...; To maintain and enhance cooperative and innovative management practices between the public and private land managers ...; To promote viable and sustainable grazing and recreation operations on private and public lands;" and "To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain." Current management is consistent with this direction.

Congress also designated the 172,911-acre Steens Mountain Wilderness Area and directed the BLM to administer the wilderness in accordance with the Steens Act and Wilderness Act (16 U.S.C. 1131 et seq.). Accordingly, 104 miles of motorized routes were closed upon wilderness designation.

After considering information gathered from the SMAC, State, Tribal and local government entities and private landowners, as well as public comments on the TMP scoping document and EA, we decided the decision as stated above best meets the intent of Congressional direction. The wilderness area includes the most picturesque and natural portions of the CMPA and provides ample opportunities for visitors to find solitude and primitive and unconfined recreation. Additionally, visitor use away from the Steens Loop Road is generally light and solitude can be found in many areas of the CMPA most of the year. The BLM recognizes that 104 miles of motorized routes were closed to the public upon wilderness designation and many commenters asked the BLM to preserve the remaining vehicular routes. Comments did not indicate conflicts between users and, in fact, stated that visitors rarely see others while driving or camping along many of the primitive routes.

Additionally, monitoring has not found significant damage to resources from use of the existing route system. Obscure Routes although shown on maps have been difficult to locate for many years and have not suffered off-road travel impacts from visitors searching for the routes. Implementing BMPs from the TP and promptly maintaining routes found to be eroding has minimized adverse impacts. With a small number of documented exceptions, the BLM has been able to enforce the "limited to designated routes" designation for the CMPA and believes visitors tend to stay on designated routes when provided with an adequate route network.

An MDA on grazing operator requests for motor vehicle use within wilderness was completed and attached to the EA. The MDA specifically analyzed the needs of each grazing operator and utilized the Steens Act, Wilderness Act, and Appendix A from House Report 101-405 to determine the appropriate level of motorized use.

Our decision provides for maintenance of facilities and a reasonable level of vehicle-dependant and nonmotorized activities consistent with guidance and direction of the Steens Act and Wilderness Act. The decision is also consistent with the CMPA TP and completes the comprehensive transportation plan requirement as directed by Congress. Monitoring of Permit Routes within wilderness indicates the removal of public motorized travel, coupled with occasional use by the livestock operators, results in the gradual natural revegetation of these routes. The identified level of motor vehicle access will continue to allow recovery of wilderness characteristics while providing reasonable motorized access. Helicopter landings within wilderness are not provided for because of the reasonable availability of nonwilderness landing sites. Annual monitoring of nonmotorized trails indicates that foot and horse traffic has not significantly altered trail conditions from monitoring benchmarks established from 2003-2005.

The BLM has determined the Private Property Access Route request along a Historical Route within Bridge Creek WSA is not consistent with the BLM's *Interim Management Policy for Lands Under Wilderness Review* (IMP). This Private Property Access Route was denied. The Historical Route, however, may be used for administration of the landowners grazing permit because the use is grandfathered under the IMP. Access to the private land is available via at least two other existing roads and these other routes are determined reasonable and adequate for the landowner's reasonable use and enjoyment of his private land. A livestock crossing permit could be issued in the future if necessary to trail livestock across Bridge Creek WSA to access the private land. Although this decision is contrary to a SMAC recommendation, BLM policy for WSA management and the Steens Act proviso for providing reasonable access override the SMAC recommendation to the BLM in this instance.

ATV Routes are designated to alert visitors to potential safety issues if traveling in full-sized OHVs. These routes are recommended for use by ATVs but full-size vehicles are not prohibited. The end (0.23-mile) of the Weston Basin ATV Route is closed to public motorized use due to repeated wilderness intrusions by ATV users.

We did not select the other alternatives for the following reasons:

Alternative A of the EA differs from this decision by advocating closing 36 miles of Obscure Routes to public use even though there are no documented resource concerns associated with their use.

Alternative B differs from this decision by locating and improving the condition of Obscure Routes and ATV Routes. Few commenters asked for routes to be improved. Improving these routes would be costly as would maintenance of proposed ATV Routes for use by full-sized vehicles. Improving these routes would also be a deviation from the SMAC's recommendation.

Alternative C differs from this decision by advocating closing an additional 250 miles of routes to public motorized travel. The EA analysis did not find significant impacts to BLM resources or user conflicts to substantiate the selection of this alternative. Comments generally support the BLM contention that many routes are used infrequently, therefore, user conflict is insignificant. Many commenters asked the BLM to not close more routes in the CMPA (104 miles were closed upon wilderness designation). This alternative would significantly diminish motorized travel opportunities.

#### Appealing Decision Record to the Interior Board of Land Appeals:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be received in the Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738 within 30 days of receipt of the decision but no later than January 5, 2008. The appellant has the burden of showing the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

#### Appealing Final Decision (grazing decision actions):

Any applicant or other person whose interest is adversely affected by the final decision elements related to grazing permits may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3(a) and 4160.4. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, in person, or in writing to the Andrews Field Manager, Andrews Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision, but no later than January 5, 2008. The grazing decision actions subject to appeal under this decision are 1) prohibition of helicopter landings in wilderness, and 2) limiting grazing permittee motor vehicle travel in wilderness.

This appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available at the BLM office.

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

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Karla Bird, Andrews Resource Area Field Manager

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Date

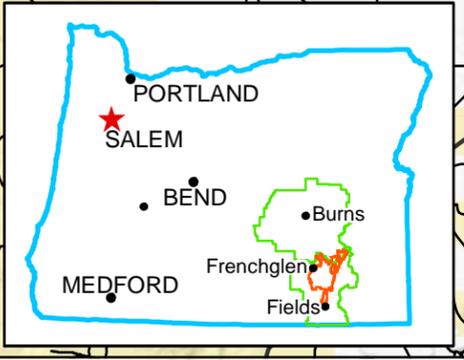
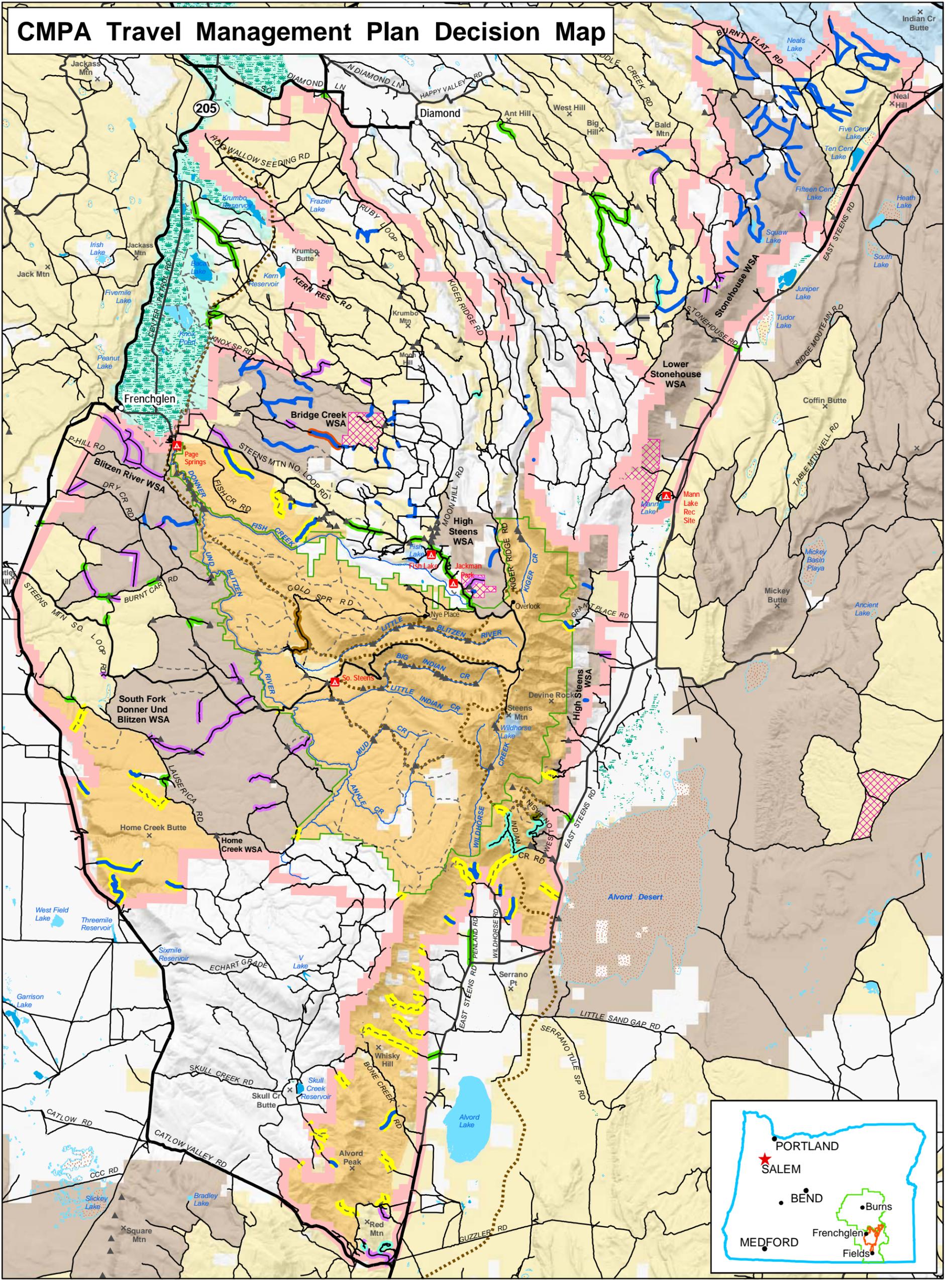
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Joan M. Suther, Three Rivers Resource Area Field Manager

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Date

# CMPA Travel Management Plan Decision Map



- |   |   |                                     |
|---|---|-------------------------------------|
| Obscure Routes                                    | Currently Closed Routes                 | No Livestock Grazing Area Perimeter |
| Historical Routes                                 | <b>Base Routes (Common Use Routes)</b>  | <b>Land Administration</b>          |
| ATV Routes  | Paved Route                             | Bureau of Land Management           |
| Special Use Permit Route                          | Non-Paved Improved Route                | Wilderness Study Area               |
| Grazing Permit Routes                             | Primitive Route                         | Wilderness                          |
| Public Access                                     | Parcels With Wilderness Characteristics | State                               |
| Closed to Public                                  | Dispersed Campsites                     | U.S. Fish and Wildlife              |
| Private Property Access Routes (Closed to Public) | Hiking Trails                           | Private                             |
| Denied Private Property Access Route Request      | Wild and Scenic River                   |                                     |
|   | Coop. Mgmt. & Protection Area           |                                     |

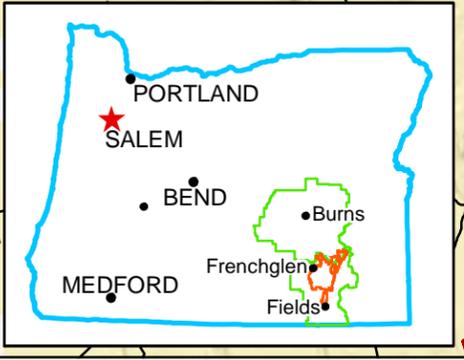
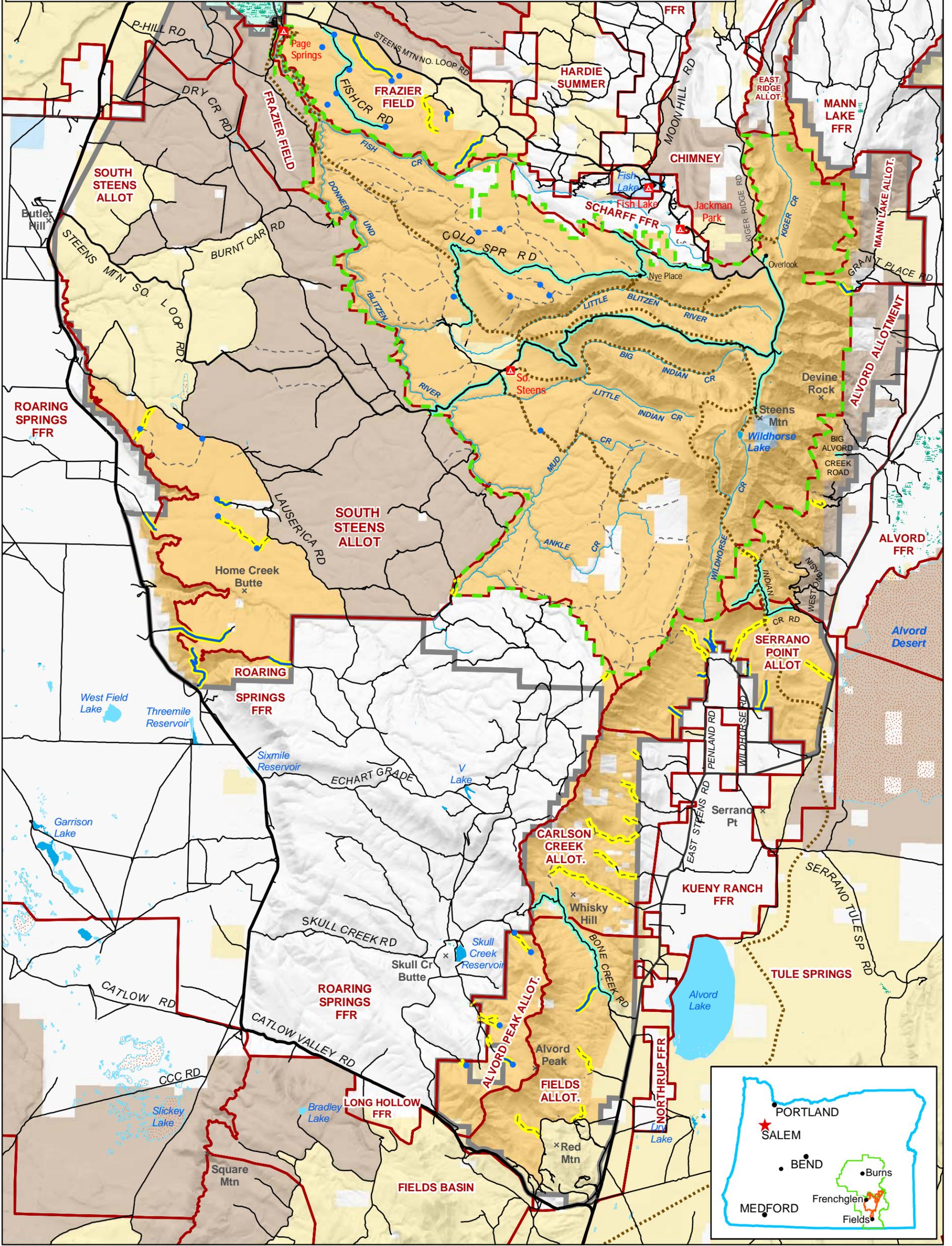
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Bureau of Land Management  
Burns District, Oregon  
EADecisionMapOct.mxd  
October 26, 2007

EA # OR-05-027-021

0 2 4 8 Miles

**CMPA Travel Management Plan Wilderness Minimum Decision Analysis Map TP-6**



- |   |                                 |                           |
|---|---------------------------------|---------------------------|
| Grazing Permit Routes                     | Base Routes (Common Use Routes) | Land Administration       |
| Historical Routes Inside Wilderness       | Paved Route                     | Bureau of Land Management |
| Interior Boundary / Cherry Stemmed Routes | Non-Paved Improved Route        | Wilderness Study Area     |
| Allotments                                | Primitive Route                 | Wilderness                |
| Trails                                    | Reservoirs In Wilderness        | State                     |
| Currently Closed Routes                   | No Livestock Grazing Perimeter  | U.S. Fish and Wildlife    |
|   | Coop. Mgmt. & Protection Area   | Private                   |

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. Ownership boundaries are accurate to within plus or minus 200 feet. Make local inquiry of road conditions in remote areas. Some roads are impassable following severe weather. Roads shown may not be all existing roads. Always seek private landowner permission before using or crossing their lands.

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Burns District, Oregon

EADecisionMDMapOct.mxd  
October 26, 2007

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