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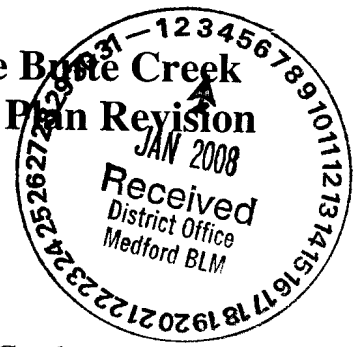
Comments on proposed OHV sites in the Little Butte Creek Watershed as proposed in the Western Oregon Plan Revision



January 2, 2008

Dear Madams and Sirs:

Responsibly locating an OHV site in the greater Little Butte Creek watershed (including Antelope Creek) will be very difficult if not impossible. This watershed's climate, geography, geology and hydrology, combined with its limited access, history and politics, make an intense land use, such as an OHV site, problematic. The issues are fire, land erosion/stream siltation, private property damage, and emergency service availability.

• FIRE

I was a volunteer fireman for the Lake Creek Fire Department for several years. During that time I helped contain four wild fires in the Little Butte Creek watershed – one in the Lost Creek watershed, one in the Dear Creek watershed, one in the Soda Creek watershed and one in Wasson Canyon. Because of the high daytime temperatures, steep terrain and limited access, these fires were hard to reach and difficult to put out. I have also witnessed the intense and extensive fires that went out of control in the Deer Creek and North Fork Little Butte Creek watersheds. I have cleared land and trimmed up trees around the buildings on my ranch because of the probability that a fire may sweep through the area.

An OHV site is every bit as fire prone as a logging operation and probably more so, since those involved in the activity are not professionals trained in keeping their activities fire safe. In order to be reasonably fire safe, an OHV site would need to be located on flat land and at a high elevation. It would also need to be maintained as a fire defensible area and have **easy**, **fast** access for fire equipment. The area would also have to be closed throughout the fire season – usually from June through September.

Since much of the watershed is O&C land, a fire started at an OHV site would quickly reach private timberlands. This would expose the BLM to large damage payments resulting from lost timber.

• EROSION/SILTATION

Much of the watershed is very steep, and the soil in virtually the entire Little Butte Creek watershed is made up of fine particles of clay or ash. These soils are very prone to erosion and the subsequent surface water siltation. This is seen as mud in the surface streams when there are hard rains. This siltation is second only to warm water temperatures as a major deterrent to the recovery of the extensive and important anadromous fish runs in the watershed.

I was a member of the Little Butte Creek Watershed Council for several years and served as its president for two years. I have also volunteered to do fish counts and monitor the water temperature and chemical makeup in the South Fork Little Butte

Creek. At my own expense, I have fenced my livestock away from the creek and off steep hillsides, replaced the ranch's flood irrigation system with a more efficient sprinkler system and planted over two hundred trees to prevent erosion. I am only one among many landowners who have worked hard alongside state and federal agencies to help improve the stream's water quality.

As an indication of how fragile the soil is in the area, I must move my sheep feeding stations daily during the rainy season to prevent erosion. Large livestock like cattle and horses must be pastured in large areas and moved frequently. Livestock and human activity must definitely be avoided on hilly ground during the rainy season.

For those of us who live in the watershed, water quality is not only about fish but also about drinking water. Deep wells yield high arsenic levels in the water, and so we must depend on near surface water for our domestic use. Siltation is also a problem for us when we irrigate.

It is evident to anyone traveling along highway 140 in White City, Oregon, that OHV sites quickly turn to mud in the winter and dust in the summer. A responsible OHV site would not cause surface water siltation. As a minimum, it would meet the same standards as a construction site. This means that the site could not be used during the rainy season (November through April) unless extensive work was done to ensure silted water did not escape the site.

•PRIVATE PROPERTY DAMAGE

Because much of the public land in the watershed is closely associated with O&C land, it seems impossible for an OHV site to not abut private property. Assuming that all OHV users of the site are very law abiding and are concerned that they do not accidentally straying onto private land, they will need to know when they have reached the edge of the site. A well-maintained fence around the site would be necessary because ATV vehicles could approach the boundary from any point along the boundary.

Unfortunately, I have had numerous experiences with ATV users that indicate to me that a mere fence will not be enough. There will need to be armed, professional personnel available to patrol the area on a regular basis in order to protect nearby personal property.

My wife and I own the Evergreen Ballroom on Crater Lake Avenue. We have literally hundreds of people a week (including many children) who must walk across a section of private road in order to enter the ballroom. They often do this after dark. The speed limit in the area is posted at ten miles per hour. We, and most other businesses along the road, have complained repeatedly to the various owners of two cycle and OHV shops in the area about their patrons, mechanics and even the owners themselves using this private road (not theirs) as a place to drive at high speeds (20 to 30 MPH) doing wheelies, making donuts and driving after dark with no lights.

In one case, an owner and his friend or potential client, shot onto our private marked parking lot, jumped a berm and then at about 30 MPH passed within eight feet of doors to other businesses. When approached about the event, I was told that the road was a private road and he could drive however he wanted. It seemed to make no difference to him that the private land was mine and that the road he was using was not his.

When I approached the county sheriff, I was told that the event happened on private land and therefore he could do nothing about it. We could, of course, collect

evidence, and sue the person at our expense. And so maybe the ATV driver was right – he could do what ever he wanted.

It is difficult to approach such a person while he is sitting on a potentially lethal vehicle. I cannot fathom how a private landowner could confront such a situation in a remote area. It is our understanding that the BLM is having difficulty with this issue having limited manpower to oversee the already established OHV site at John's Peak near Jacksonville, Oregon. Is there going to be available, timely and effective law enforcement assigned for off road situations?

•EMERGENCY SERVICES

High speeds in close proximity, gasoline, hot engines, dry grass and shrubs, hilly landscapes. Add in untrained and inexperienced riders, some of who are hot headed, and emergency services will be needed and needed in a hurry. Will the OHV site be equipped with communications services? Will roads be built for high speed, timely access by ambulances? Will ambulance services be equipped to rescue persons from rough terrain? Are law enforcement services both off road and on road available and will they have timely access to the site? Who is going to pay for all of this? And if the site does not have timely access to these services who will pay for the law suits that will result from the site having been created without reasonable access, training and personnel?

• CONCLUSION

Unless BLM can locate and develop an OHV site: A) that has good, timely access to emergency services, B) where they can strongly, consistently and forcibly confine users to the designated OHV site, and C) that does not contribute to surface water contamination and does not represent a wild fire hazard, then BLM is not being a good neighbor. They may also be facing large expenses from both the users of the site and from neighbors and others concerned with the environment. Can such a site be found within the Little Butte Creek Watershed? Maybe. But as I have spelled out in this letter, its climate, geography, geology and hydrology, combined with its limited access, history and politics make an intense land use such as an OHV site within the watershed problematic.

Sincerely,

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