

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District Office  
Andrews/Steens Resource Area  
Finding of No Significant Impact**

**Burnt Car Road Rehabilitation  
Environmental Assessment  
DOI-BLM-OR-B060-2010-0006-EA**

## **INTRODUCTION**

Andrews/Steens Resource Area, Burns District, has prepared an Environmental Assessment (EA) to analyze rehabilitation of four roads (Burnt Car, Tombstone-Burnt Car (also referred to as Burnt Car Connector Road), Tombstone Canyon and Lauserica Roads) in the Steens Mountain Cooperative Management and Protection Area (CMPA). The Burns District Bureau of Land Management (BLM) conducted road maintenance work on these roads in the summer of 2009.

The purpose of the action is to rehabilitate the disturbance resulting from maintenance actions on the four roads. The need is to address resource concerns associated with the 2009 road maintenance including uprooted juniper trees, obtrusive rock piles, and road widths. The action would also address the intrusion into Steens Mountain Wilderness.

## **SUMMARY OF THE ACTION ALTERNATIVES**

A summary of all action alternatives follow:

All action alternatives include disposing of downed juniper, dispersing obtrusive boulder piles, reseeding disturbed areas, narrowing of roads with crowning and drainage ditches at appropriate locations, seasonal road closures, and reclamation of approximately 540 feet of road within Steens Mountain Wilderness, piling and burning of juniper, narrowing the last 2 miles of Lauserica Road to 20 to 30 feet and monitoring.

**Alternative B** would narrow Burnt Car Road from T. 33 S., R. 32 E., Section 21 (Burnt Car Road and Steens Loop Road Junction) to T. 33 S., R. 32.5 E., Section 7 (Burnt Car Road and Tombstone – Burnt Car Road Junction) to 12 to 15 feet travel-way width with turnouts (6 feet by 30 feet) within line of site distance. Then at T. 33 S., R. 32.5 E., Section 7 to the wilderness boundary the travel-way width would be narrowed to 10 to 12 feet.

**Alternative C** includes closing approximately 1.7 miles of Burnt Car Road to motorized public access. The entire (open and closed portions) Burnt Car Road and Tombstone-Burnt Car and Tombstone Canyon Road would be narrowed to 12 to 15 feet travel-way width.

**Alternative D** would close 7.5 miles of road to motorized public access. All of Burnt Car Road, Tombstone-Burnt Car Road, Tombstone Canyon Roads would be narrowed to 6 to 8 feet travel-way width. Burnt Car Road starting at the wilderness boundary at T. 33 S., R. 32.5 E., Section 9 and going west 900 feet, would be obliterated by using heavy machinery.

## **FINDING OF NO SIGNIFICANT IMPACT**

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

### Context

The action would occur on Burnt Car, Tombstone Canyon, Tombstone-Burnt Car, and Lauserica Roads and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Steens Mountain CMPA Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS). There would be no substantial broad societal or regional impacts not previously considered in the PRMP/FEIS.

### Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

1. *Impacts that may be both beneficial and adverse.* The EA considered potential beneficial and adverse effects. Project Design Features were incorporated to reduce impacts. None of the effects are beyond the range of effects analyzed in the Steens Mountain CMPA PRMP/FEIS, to which the EA is tiered.

### Noxious Weeds

#### Alternative A – No Action

Opportunities for new weed introductions are higher than prior to the 2009 maintenance activities; however, even without maintenance, roads attract noxious weeds and need to be monitored and treated regularly. The newly maintained roads make it easier to access and treat new and existing weed infestations.

#### Alternative B

Rehabilitation would involve further disturbance increasing opportunities to stir up seedbeds for noxious weeds. Seeding the road shoulders may provide competition for future weed infestations. The roads would still be subject to continued disturbance and would require regular monitoring and treatment.

## Alternatives C and D

Rehabilitation would involve further disturbance, increasing opportunities to stir up seedbeds for noxious weeds. Seeding the road shoulders may provide competition for future weed infestations. The closed roads would still be "transportation routes," utilized frequently by wildlife, livestock, hikers, and sometimes motorized vehicles and equipment. These roads would be continually subjected to new weed introductions.

## Recreation

### Alternative A – No Action

The 2009 road maintenance activities improved access to recreation areas within the Project Area.

### Alternative B

This alternative would not further affect access for recreational uses except during actual rehabilitation activities.

### Alternatives C and D

Closing roads would limit motorized access to popular areas within the Project Area.

## Social and Economic Values

### Alternative A – No Action

Public lands in and around the Project Area would continue to contribute social amenities such as open space, scenic quality, and recreational opportunities (including hunting, hiking, sightseeing, and camping). These amenities enhance local communities and tourism, though the specific contribution of the Project Area is not known.

### Alternative B

Affects to social or economic values are expected to be minimal as no road closures would occur so opportunities for motorized recreationists would continue.

### Alternatives C and D

Reducing or restricting access to popular recreation areas could affect overall quality of life for residents and a "sense of place" for many. However, road closures would create more opportunities for solitude and primitive and unconfined recreation. Affects to economic values based on revenue from tourism are unknown. However, the relative effect of road rehabilitation and closure within the 496,133-acre CMPA would likely be minimal.

No economic effects to the permittee or landowner are expected as access would still be allowed to administer grazing management activities and provide access to private lands.

### Soils and Biological Soil Crusts

#### Alternative A – No Action

Under this alternative, recovery of soils and Biological Soil Crusts (BSCs) would occur only through natural processes. As a result, erosive forces could move more soil and BSCs as natural recovery may take longer than seeding to stabilize affected soils.

#### Alternative B

Under this alternative, recovery of soils and BSCs would still occur only through natural processes and potential effects would be the same as described in the No Action Alternative.

#### Alternatives C and D

Potential impacts to soils and BSCs would be the same as described under Alternative B with the following exception. Areas where roads are closed would allow slower recovery of soils and BSCs in areas previously considered a road surface. Over time (5 to 20 years), BSC cover should be visible in reclaimed areas.

### Vegetation

#### Alternative A – No Action

Under this alternative, recovery of plant communities would occur only through natural processes.

#### Alternative B

Under this alternative, recovery of plant communities would still primarily occur only through natural processes and potential effects would be similar to the No Action Alternative. However, plant community modification would be less than the No Action Alternative as seeding of the roadside would occur. The limited amount (a few piles) of proposed pile burning would be minimal (less than 1-acre total pile area) in impact to plant communities if the prescription is carried out when soils are frozen to minimize impacts from fire.

## Alternatives C and D

Potential impacts to plant communities would be the same as described under Alternative B with the following exception. Areas where roads are closed would allow slower recovery of plant communities in areas previously considered a road surface. Over time, plant communities should be visible in most reclaimed areas.

## Visual Resources

### Alternative A – No Action

The area disturbed initially is noticeable but should return to a condition that meets the form, line and texture of the land within two to five growing seasons.

### Alternatives B, C, and D

Rehabilitation of the area would support the Visual Resource Management designation and would not affect the classification.

## Wilderness

### Alternative A - No Action

Untrammeled - The No Action Alternative does not eliminate man's work (the road blading), although additional human intrusions into the wilderness to conduct rehabilitation work would be avoided.

Undeveloped - The No Action Alternative does not eliminate man's development (blading of the closed road).

Natural – The No Action Alternative does not help in the preservation of the natural conditions in the wilderness area and would still leave Steens Mountain Wilderness in an unnatural state.

Outstanding opportunities for solitude or a primitive and unconfined type of recreation – The unrehabilitated road development mars the primitive setting for wilderness visitors, although additional human activity associated with road rehabilitation would be avoided.

Supplemental Wilderness Values – The unique components of the Project Area are recreation and wildlife (mule deer winter range, Rocky Mountain elk, Pintos (wild horses), and pronghorn antelope). A rehabilitation action is not necessary to protect the wildlife component, but the action may be necessary to protect the recreational component of Steens Mountain Wilderness.

## Alternatives B, C, and D

"Untrammelled" – Using only hand tools and manual labor would lengthen the time period of intense human activity within the wilderness areas, but this alternative is expected to speed up the recovery of the natural processes.

"Undeveloped" – This action would restore the less-developed character of the former roadway.

"Natural" – This alternative would help return Steens Mountain Wilderness to a more natural appearance more quickly than the No Action Alternative.

Supplemental Wilderness Values - The unique wildlife value would be affected during the duration of the rehabilitation work by short-term (days) human disturbance. A visitor in the Project Area may be affected while the rehabilitation work is being completed. However, conducting the rehabilitation work would give the area a more natural appearance and may positively affect the recreational value.

## Wild and Scenic Rivers

### Alternative A

The slight berms and lone juniper tree would not enhance the Outstandingly Remarkable Values (ORVs) of scenic and vegetation. However, this area cannot be seen from the river.

### Alternatives B, C, and D

The rehabilitation actions would restore the scenic and vegetation ORVs in the Wild and Scenic River (WSR) Corridor.

## Wilderness Study Areas

### Alternative A - No Action

The pushed over juniper trees would be left on the ground to decompose. The decomposition of juniper trees would take many years before there would be little evidence of trees. In addition, the bladed, crowned and ditched road widths extending into the Wilderness Study Areas (WSAs) would be left to naturally revegetate.

### Naturalness:

There would be a visual impact to naturalness by leaving the pushed-over juniper trees, as well as the bladed and ditched road widths, including berms with large boulders.

#### Solitude:

The improved accessibility by motorized vehicles, resulting from the road maintenance activities, would serve to limit outstanding opportunities for solitude in Blitzen River WSA.

#### Primitive and Unconfined Recreation:

The improved accessibility by motorized vehicles, resulting from the road maintenance activities, would serve to limit opportunities for primitive and unconfined recreation.

#### Supplemental Values

Scenic and vegetation values impaired by the road work would only be restored through natural rehabilitation, which is expected to be slow.

#### Alternative B

##### Naturalness:

Disposing of the pushed-over juniper trees and scattering of obtrusive boulder/rock piles would help to restore a more natural appearance over the long term (years).

##### Solitude:

Returning roads to a more primitive character would help to restore pre-development levels of solitude.

##### Primitive and Unconfined Recreation:

There are no roads that are proposed to be closed under this alternative. There would be no affect to the outstanding opportunities for primitive unconfined recreation.

##### Supplemental Values

There should be no affect to supplemental values after the rehabilitation.

#### Alternatives C and D

##### Naturalness:

Disposing of pushed-over juniper trees and scattering of obtrusive boulder/rock piles would help return the area to a more natural appearance.

#### Solitude:

Closing roads to public motorized access would provide more outstanding opportunities for solitude limiting encounters with motorized vehicles.

#### Primitive and Unconfined Recreation:

Closing roads to public motorized access would provide more opportunities for primitive and unconfined recreation limiting encounters with motorized vehicles.

#### Supplemental Values

The supplemental values (e.g., wildlife and wild horses) of the Project Area could be displaced during the rehabilitation work. There should be no affect to supplemental values after the rehabilitation.

#### Transportation/Roads

##### Alternative A

There is no rehabilitation or closing of any roads in this alternative; therefore, there would be no impacts to this resource.

##### Alternative B

The seasonal road closure would ensure reduced damage to road surfaces, protect resources and provide for public safety. Narrowing of roads to 12 feet travel-way width with constructed turnouts would not produce user-created turnouts. The section of road narrowed to 10 to 12 feet travel-way width and no constructed turnouts may cause user-created turnouts over time due to the meeting of oncoming traffic. The recommended width of a road is 16 to 18 feet for passing oncoming traffic. The BLM Manual 9113 - Roads recommends turnouts every 1,000 feet on single lane roads. Therefore, in emergency situations (e.g., fire fighting), safety hazards increase for fire engines/personnel as the road narrows and limits fire fighting activities (e.g., engine size).

##### Alternative C

Under this alternative there would be narrowing of roads and closing approximately 1.7 miles of Burnt Car Road to public motorized use. Narrowing roads to a travel-way width of 12 to 15 feet wide may cause user-created turnouts over time due to the meeting of oncoming traffic. Therefore, in emergency situations (e.g., fire fighting), safety hazards increase for fire engines/personnel as the road narrows and limits fire fighting activities (e.g., engine size).

## Alternative D

Under this alternative, approximately 7.5 miles roads would be closed to public motorized use including the elimination of improved ditches, crowning and redistribution of side cast soil and rock. This would eliminate Level 2 roads that were determined through the RMP and Transportation Plan as open roads for public motorized access.

Narrowing the roads to 6 to 8 feet travel-way width could create a safety concern when meeting oncoming traffic. Pulling off the road to allow another vehicle to pass may be impossible given the terrain. A 6 to 8-foot route would also be too narrow for wildland fire engines which have an 8.5-foot wheel base, essentially creating a wider road width. Also maintenance equipment cannot operate at these widths. Therefore, in emergency situations (e.g., fire fighting), safety hazards increase for fire engines/personnel as the road narrows and limits fire fighting activities (e.g., engine size).

This type of road maintenance is not recommended under the Best Management Practices (BMPs) in Appendix M of the Steens Mountain CMPA RMP for crowning and ditching (BMP-8). In addition, BMP-6 provides for outslopes, crowns, grade changes, drain dips, waterbars, and insloping to ditches as appropriate. However, sloping is normally recommended for roads where low-volume traffic and low speeds are anticipated (BMP-7).

The 530-foot intrusion into Steens Mountain Wilderness would not have an effect to the transportation system as this portion of road was already closed with implementation of the Steens Act. The remaining 900 feet would have a minimal effect on the transportation system as 521 miles of routes are currently available to the public.

2. *Degree to which the Proposed Action affects public health and safety.* Narrowing the roads to 6 to 8 feet travel-way width could create a safety concern when meeting oncoming traffic. Pulling off the road to allow another vehicle to pass may be impossible given the terrain. A 6 to 8-foot route would also be too narrow for wildland fire engines which have an 8.5-foot wheel base. Also maintenance equipment cannot operate at these widths.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* Other unique characteristics for the Project Area include Steens Mountain Wilderness, Donner und Blitzen Wild and Scenic River, Blitzen River WSA, South Fork Donner und Blitzen River WSA, and Home Creek WSA. Please refer to Number 1 above for a summary description of the effects to WSAs, WSRs, and Wilderness values.
4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the alternatives on implementing any of the action alternatives.

5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Steens Mountain CMPA PRMP/FEIS to which this proposal is tiered.
6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions. The EA analyzes effects to a specific area including an intrusion into Steens Mountain Wilderness. Road maintenance occurred in Steens Mountain Wilderness unintentionally and the EA analyzes the effects of reclaiming the intrusion under all action alternatives. In addition, the EA analyzes rehabilitating and closure of roads maintained.

Rehabilitation is ongoing and expected action as outlined in the CMPA RMP/Record of Decision (ROD) and as analyzed in other National Environmental Policy Act (NEPA) documents such as the Steens Mountain Cooperative Management and Protection Area Travel Management Plan (2007). Any other closures or rehabilitation work would be covered under separate appropriate NEPA analysis. Finally, no long-term commitment of resources causing significant impacts was noted in the EA or RMP.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the Steens Mountain CMPA PRMP/FEIS which encompasses the Project Area and the North Steens Ecosystem Restoration Project (2007). The EA described the current state of the environment (Affected Environment by Resource, Chapter III) which included the effects of past actions. Continued livestock grazing, weed treatments, road maintenance, recreation activities (including hunting), water developments, and juniper treatments are known Reasonably Foreseeable Future Actions and were also addressed under Chapter III of the EA by resource.
8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are no features within the Project Area listed or eligible for listing in the National Register of Historic Places. However, as part of the Project Design Features identified in the attached EA, prior to treatment implementation, a cultural resource specialist would determine if site inventory needs to be completed. In areas where the District archaeologist determines there is no reasonable expectation of cultural resources, site inventories may not be completed. Heavy equipment would not be utilized within site boundaries. Sites containing artifacts or features susceptible to fire damage or destruction would be protected during treatment through black-lining and appropriate ignition techniques. Cultural resource properties would be protected throughout the life of the project.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no known threatened or endangered species or their habitat affected by implementation of any of the alternatives.
10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* Implementation of the action alternatives does not threaten to violate any law. The proposed alternatives are in compliance with the Steens Mountain CMPA RMP, which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that: 1) Implementation of any one of the alternatives will not have significant environmental impacts beyond those already addressed in the Steens Mountain CMPA PRMP/FEIS (2005); 2) The alternatives are in conformance with the Steens Mountain CMPA RMP/ROD; 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and 4) The environmental effects, together with the proposed Project Design Features, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment. Therefore, an EIS is not necessary and will not be prepared.

*/signature on file/*  
Joan M. Suther  
Andrews/Steens Resource Area Field Manager

*July 14, 2010*  
Date

**USDI, Bureau of Land Management  
Andrews Resource Area, Burns District**

**DECISION RECORD**

**Burnt Car Road Rehabilitation  
Environmental Assessment  
DOI-BLM-OR-B060-2010-0006-EA**

**BACKGROUND**

The Burnt Car Road Rehabilitation Environmental Assessment (EA) analyzed the rehabilitation of four roads (Burnt Car, Tombstone-Burnt Car (as named by Burns District data base, also referred to as Burnt Car Connector Road), Tombstone Canyon, and Lauserica Roads in the Steens Mountain Cooperative Management and Protection Area (CMPA) (Maps A and B). Burns District conducted road maintenance work on these roads in the summer of 2009. Soon thereafter, the Bureau of Land Management (BLM) was challenged in Federal District Court for the District of Oregon (09-CV-862-PK) for a number of alleged legal violations relating to road maintenance. Upon review, the BLM has revised the EA for clarification, by adding paragraphs on Pages 14 and 31.

**COMPLIANCE**

The attached Burnt Car Road Rehabilitation DOI-BLM-OR-B060-2010-0006-EA is tiered to the Andrews Management Unit/Steens Mountain CMPA Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS) and relevant information contained therein is incorporated by reference. The action alternatives were designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- Steens Mountain CMPA RMP/Record of Decision (ROD) (August 2005)
- National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347), 1970
- Federal Land Policy and Management Act (FLPMA) (1976)
- 1998 Burns District Noxious Weed Management Program EA (OR-020-98-05)
- Greater Sage-Grouse and Sagebrush-Steppe Ecosystems Management Guidelines (USDI-2000)
- BLM National Sage-Grouse Habitat Conservation Strategy (2004)
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (Hagen 2005)
- 2007 Steens Mountain Travel Management Plan (TMP) (EA OR-05-027-021)
- 2007 North Steens Ecosystem Restoration Project ROD
- Steens Mountain Wilderness and Wild and Scenic Rivers (WSRs) Plan (August 2005)
- State, local, and Tribal land use plans and regulations
- Steens Act of 2000. The Steens Act is the directing legislation for the CMPA and also refers to other laws including the FLPMA, Wilderness Act, and WSR Act.

## **DECISION**

A Finding of No Significant Impact (FONSI) found the Action Alternatives analyzed in DOI-BLM-OR-B060-2010-0006-EA did not constitute a major Federal action that will significantly impact the quality of the human environment. Therefore, an EIS was unnecessary and will not be prepared.

Having considered the action alternatives and No Action Alternative and associated impacts and based on analysis in DOI-BLM-OR-B060-2010-0006-EA, it is my decision to implement the following actions to the Burnt Car, Burnt Car-Tombstone Connector, Tombstone Canyon, and Lauserica Roads:

### A. Road Closures and Rehabilitation to Closed Roads:

The following road closures amend the Steens Mountain TMP November 28, 2007 Decision Record for the EA OR-05-027-021.

1. The Tombstone Canyon Road (see road segment C of Map C) and section of road east of the private lands located in T. 33 S., R. 32.5 E., Section 21 (see road segment D of Map C) will be closed to motorized public access, but will remain open to administrative, permittee, landowner, and contractor access. The Tombstone Canyon Road will be narrowed to 8 to 10 feet travel-way width by using heavy machinery. Gates will be placed at both ends of the Tombstone Canyon Road.

The designation of Tombstone Canyon Road and the section of road east of the private land located in T. 33 S., R. 32.5 E., Section 21 will be changed from a primitive road to a trail. In the Washington Office Instruction Memorandum 2009-132 Implementation of Roads and Trails Terminology Report – Classification of Primitive Roads, a trail is defined as a "linear route managed for human-powered, stock, or off-highway vehicle forms of transportation or for historical or heritage values. Trails are not generally managed for use by four-wheel drive or high-clearance vehicles."

2. The portion of Burnt Car Road from wilderness boundary west to just past the junction between Burnt Car Road and the Wilderness Study Area (WSA) way leading to Burnt Car Spring (T. 33 S., R. 32.5 E., Section 9) approximately 300 feet (see road segment A2 of Map C) will be closed to motorized access and will be changed from a primitive road to a trail.

This portion of Burnt Car Road will be narrowed to 8 to 10 feet travel-way width by using heavy machinery. Gates will be placed on the west side of the closed way.

B. Seasonal Road Closures:

1. Burnt Car Road will be closed to motorized public access from approximately mid-November to mid-May depending on weather conditions to coincide with the lower gate closure of Steens Loop Road, as described in the Steens Mountain TMP EA OR-05-027-021. The road will be closed by placing a gate at T. 33 S., R. 32 E., Section 21. During the seasonal closure, subject to prior authorization by the authorized officer, the road will be open to administrative, permittee, landowner, and contractor access. The seasonal road closure of Burnt Car Road will also seasonally close Tombstone-Burnt Car Road. Public access will be seasonally closed to motorized vehicles on approximately 13 miles.

C. Road Rehabilitation:

The following rehabilitation work will occur on Burnt Car, Burnt Car-Tombstone Connector, Tombstone Canyon, and Lauserica Roads:

1. Burnt Car Road from T. 33 S., R. 32 E., Section 21 (Burnt Car Road and Steens Loop Road Junction) to T. 33 S., R. 32.5 E., Section 7 (see road segment A of Map C) and Tombstone-Burnt Car Road from the junction at T. 33 S., R. 32.5 E., Section 7 to T. 33 S., R. 32.5 E., Section 20 (see segment B of Map C) will be narrowed to 12 feet travel-way width using a bulldozer or other heavy equipment with turnouts (6 feet by 30 feet with approaches). Locations with turnouts will occur through a field visit with BLM specialist.
2. Burnt Car Road from T. 33 S., R. 32.5 E., Section 7 to the gate west of the way, will be narrowed to 10 to 12 feet travel-way width using a bulldozer or other heavy equipment (see road segment A1 of Map C).
3. Lauserica Road – The last 2 miles of Lauserica Road will be narrowed to its original disturbance (20 to 30 feet wide) using a bulldozer or other heavy equipment. This section of road is located at approximately T. 35 S., R. 32.5 E., Section 9 ending at the junction of T. 35 S., R. 32.5 E., Section 11.
4. Wilderness Rehabilitation Portion of the Burnt Car Road

The BLM will reclaim approximately 530 feet of road improved within Steens Mountain Wilderness to a 3-foot wide trail (see road segment A3 of Map C). Reclamation will include removal of crowning and drainage ditches, dispersing of rocks and side cast material. During winter or early spring the Project Area will be seeded with native seed (Appendix 2 – Seed Mix) using a hand seeder. The work will be completed using shovels, rakes, and other hand tools.

There is one uprooted juniper tree in Steens Mountain Wilderness which will be cut using hand saws and axes and hauled away. Signing Steens Mountain Wilderness boundary will be done with carsonite signs and the road closed with boulders.

5. All rehabilitated roads will have crowning and drainage ditches at appropriate locations as needed and as described in Appendix 4 – Best Management Practices (excerpt from CMPA Transportation Plan (TP) (2005)). Location of crowning and drainage ditches will occur through a field visit with BLM specialists.
6. Disposing of downed juniper trees by removing the trees or piling (using a backhoe or other similar equipment) and burning will occur as necessary. Piling and burning could occur within existing WSAs. All backhoe work will be completed with the backhoe staying on existing roads.
7. Obtrusive boulder piles will be disposed of or dispersed using a backhoe or other similar piece of equipment.
8. Other side cast material will be dispersed.
9. Disturbed areas will be reseeded with a native seed mix (in WSA). Seeding will occur by driving a pickup or All-Terrain Vehicle (ATV) on existing roads and scattering the seed with a hand seeder. This seeding activity will be coordinated with the concurrent North Steens Ecosystem Restoration Project treatments.
10. Rehabilitation of Old Existing Routes

Where relocation and realignment of roads occurred during maintenance activities to address resource concerns, such as wet areas or duplicative routes, roads will not be rerouted back to their pre-maintenance locations. Placing of boulders, seeding, and/or shrub plantings may occur in the original roads to prevent motorized equipment from using these old existing routes.

#### 11. Monitoring

The BLM will conduct effectiveness monitoring to ensure the desired vegetation response is achieved and will monitor reclamation, rehabilitation and restoration-related soil erosion.

Criteria for seedling establishment were based upon an example in the BLM Handbook H-1742-1 Burned Area Emergency Stabilization and Rehabilitation and are:

- Grasses of 5 plants per square meter
- Forbs of 1 plant per square meter

It should be noted although Handbook H-1742-1 was used as a reference, this handbook was written for rehabilitation of burned areas. Seedling establishment may be more difficult on road berms than on burned sites, because the A soil horizon (topsoil) has been mixed with less productive soil profiles. Effects from fire to soils and subsequent seedling establishment differ from effects of road rehabilitation; therefore, factors for determining success of seedling establishment under this proposal also include soil type/presence, slope, aspect, and annual precipitation levels. Photo points will be established after seeding is completed and read after 3 years.

Criteria for determining soil erosion:

- Field observations, using the Indicators of Rangeland Health Technical Reference 1734-6 (2005) for the rangeland health indicators that apply, of roads and road sides will include: rills, water flow patterns, gullies, soil surface loss or degradation, and plant community composition and distribution relative to infiltration and runoff.

In conjunction with the North Steen Ecosystem Restoration Project the reclamation, rehabilitation and restoration efforts will be monitored for environmental and safety concerns. If monitoring indicates that seedling establishment objectives have not been met, resource protection actions will be taken following appropriate NEPA analysis. Actions may include, but are not limited to, further resting of Tombstone Pasture following implementation of the North Steens Project, fencing, reseeding, salting, and herding.

### ***Design Features of the Proposed Action***

#### **1. Pile Burning**

Mechanical piling or hand piling of juniper trees creating piles 12 feet tall by 16 to 22 feet wide could occur on Public Domain land or within WSA. Piling will take place when the ground is frozen or during dry soil conditions. All backhoe work will be completed with the backhoe staying on existing roads. Piles will be burned within 2 years of construction during late fall, winter or spring, preferably when the ground is frozen or wet. A mixture of native grass and forb species will be seeded at these piles using a hand seeder following burning.

2. Cultural Resources

Prior to treatment implementation, a cultural resource specialist will determine if site inventory needs to be completed. In areas where the District archaeologist determines there is no reasonable expectation of cultural resources, site inventories may not be completed. Heavy equipment will not be utilized within site boundaries. Sites containing artifacts or features susceptible to fire damage or destruction will be protected during treatment through black-lining and appropriate ignition techniques. Cultural resource properties will be protected throughout the life of the project.

3. Noxious Weeds

Prior to implementation of rehabilitation activities, noxious weed populations in the area will be inventoried. Weed populations identified in or adjacent to the areas will be treated.

Following rehabilitation activities, the areas will be monitored for noxious weed invasions.

All vehicles and equipment used during implementation will be cleaned before and following rehabilitation activities to guard against spreading noxious weeds. Vehicles may also be cleaned again prior to re-entry into the Project Area if they have been utilized for any additional activities following post treatment cleaning.

4. Temporary Grazing Closure

As part of the North Steens Ecosystem Restoration Project EIS, the Tombstone Pasture will be closed to grazing use from the end of the 2010 grazing season (reseeding will occur after the end of the 2010 grazing season) until at least the end of the 2013 growing season. Weather conditions may prevent completion of the rehabilitation work in 2010; if the rehabilitation work is not completed until 2011, the grazing closure will last until at least the end of the 2014 growing season. Under the effectiveness monitoring under Section 3.K. above, if after three growing seasons revegetation does not meet the perennial grasses and forbs criteria, BLM will take additional measures, following appropriate NEPA analysis, to ensure that reseeding meets these criteria. Such measures may include, but are not limited to, extending the closure period, herding, temporary fencing, and salt location. As called for in the North Steens Ecosystem Restoration Project EIS a pasture scheduled for prescribed burning will be closed to grazing for one growing season prior to and two growing seasons after, respectively.

## **COMMENTS RECEIVED**

A copy of the original EA and unsigned FONSI were mailed to interested parties. In addition, a notice was posted in the *Burns Times-Herald* newspaper on June 2, 2010. The BLM Burns District received five comment letters. A summary and response to comments follows:

**Comment 1:** "BLM's EA violates NEPA by failing to accurately establish the baseline condition...." "Simply undertaking an incremental analysis, as BLM has done in its EA, without a detailed and quantified presentation of the environmental effects on the baseline conditions, does not satisfy NEPA's environmental baseline and cumulative effects analysis requirements." "...BLM must use the conditions that existed prior to the activity that caused the damage requiring rehabilitation as the environmental baseline for its environmental analysis."

Response: Baseline conditions are described in the Affected Environment section of NEPA documents. The Affected Environment section is intended to succinctly describe the existing condition and trend of issue-related elements of the human environment that may be affected by implementing the Proposed Action or an alternative (BLM NEPA Handbook, Page 53). The affected environment is comprised of relevant past and ongoing actions that contribute to existing conditions and would be helpful for the cumulative effects analysis.

The Burnt Car EA succinctly described the existing condition that may be affected by implementing an alternative (Affected Environment by resource, Chapter III). This description of the existing condition is comprised of the effects of ongoing and past actions including the road work completed in the summer 2009 (Noxious Weeds – Page 14; Recreation – Page 16; Social and Economic Values – Page 18; Soils and Biological Soil Crusts – Page 20; Vegetation – Pages 23 and 24; Visuals – Page 26; Wilderness – Pages 27 and 28; Wild and Scenic Rivers – Page 30; Wilderness Study Areas – Page 31; and Transportation/Roads – Page 37).

In addition, Chapter I, specifically the Purpose and Need for Action, identified the past action of road maintenance activities creating the current situation.

**Comment 2:** BLM did not consider restoring routes to their pre-existing state.

Response: Road rehabilitation to restore the roads to their natural, pre-existing state would not be practically achievable. However, the EA provided a reasonable range of alternatives for the restoration of routes. The Fact Finding Report (Appendix 1 of the EA) indicates Burnt Car Road's past disturbance (outer edges of wheel tracks) ranged from 12 to 15 feet prior to maintenance. Alternative C in the EA (Page 9) analyzed a 12 to 15-foot travel-way width. Tombstone-Burnt Car Road and Tombstone Canyon Road "is estimated that the pre-maintenance width of roads was about 12 to 15 feet." Alternative B (Page 8 of the EA) analyzed a 12-foot travel-way width for Tombstone Canyon Road and Alternatives B and C analyzed a 12 to 15-foot travel-way width for both roads. Therefore, the EA does consider restoring all roads to a width in which they existed prior to the 2009 maintenance. In addition, downed juniper trees and obtrusive boulder piles would be removed or dispersed, and disturbed areas would be reseeded. Further recovery of plant communities would also occur through natural processes (EA at Page 25).

**Comment 3:** "...eliminate newly-constructed ditches and redistribute side cast soil and rocks..." and reclaim realigned routes to their original, pre-project locations.

Response: Eliminating drainage ditches was analyzed under Alternative D (Page 10 of the EA). The EA also analyzed disposing of or dispersing obtrusive boulder piles as Elements Common to All Action Alternatives (Pages 5 and 6 of the EA).

Relocation and realignment of roads occurred during maintenance activities to address resource concerns (e.g., wet areas or duplicative roads). These realignments would not be rerouted (Page 6 of the EA). The purpose of realigning these roads was to avoid future resource damage such as ruts, erosion, and multiple roads created by drivers avoiding deep muddy holes.

The original roads may be barricaded and seeded to stop their use. Effects of rerouting these roads to their original location would be similar to the effects described for road closures under Alternatives C and D. The EA states on Pages 23 and 25, plant communities, soils and biological soil crusts in areas previously considered a road surface would be slow to recover.

**Comment 4:** "BLM must ensure that no grazing occurs in this area, including during and after the reclamation work."

Response: Tombstone Pasture will be closed to grazing use from the end of the 2010 grazing season (reseeding will occur after the end of the 2010 grazing season) until at least the end of the 2013 growing season in conjunction with the North Steens Ecosystem Recreation Project. Weather conditions may prevent completion of the rehabilitation work in 2010; if the rehabilitation work is not completed until 2011, the grazing closure will last until at least the end of the 2014 growing season. Under the effectiveness monitoring under Section 3.K. above, if after three growing seasons revegetation does not meet the perennial grasses and forbs criteria, BLM will take additional measures, following appropriate NEPA analysis, to ensure that reseeding meets these criteria. Such measures may include, but are not limited to, extending the closure period, herding, temporary fencing, and salt location.

In addition, on Page 5 of the EA under Issues Considered, the North Steens Ecosystem Restoration Project (ROD, Pages 24, 41, and 42) provides for rest from livestock use prior to and following prescribed fire treatment. The criterion for determining success of the rehabilitation seeding has been addressed under the Monitoring Section of the EA (Page 5).

**Comment 5:** "BLM fails in the EA to consider impacts to sage grouse and other wildlife dependent on sagebrush habitat."

Response: Table 2 of the EA on Page 13 under Wildlife/BLM Special Status Species (SSS) and Habitat states, "...there are no affects to SSS fauna or other wildlife or their habitat." Therefore, impacts to sage-grouse or other wildlife dependent on sagebrush habitat is not an issue for analysis in this EA.

**Comment 6:** "One of the ways sage grouse habitat can be irrevocably fragmented is through the construction or expansion of motorized route networks through sagebrush habitat." "...the impact is far greater if one considers...fragmentation of habitat for species such as sage grouse..."

Response: Table 2 of the EA on Page 13 under Wildlife/BLM SSS and Habitat states, "Less than 0.001 percent of habitat available, in South Steens Allotment (approximately 20 acres), for Special Status Species (SSS) of fauna or other wildlife was removed during road maintenance work on Burnt Car Road." In addition, the CMPA RMP, TP and TMP all identified these roads as existing and available for use and maintenance and addressed the associated cumulative effects. The presence of a road does not mean that sage-grouse habitat is fragmented as discussed in the TMP. The amount of use and timing of use that a road receives is what disturbs wildlife and causes them to not use an area. Seasonal closure of these roads due to snow cover or wet conditions keep these roads unusable for a portion of the year when sage-grouse and mule deer are more susceptible to disturbance. While increased traffic on these roads in the summer and fall will affect wildlife use of the area, wildlife will use the area when traffic decreases during the late fall, winter, and early spring months.

**Comment 7:** "...please include maps that show sage grouse lek locations and sage grouse habitat..."

Response: In the interest of minimizing potential disturbance from the general public and at the request of Oregon Department of Fish and Wildlife, exact locations of sensitive wildlife habitat (e.g., nests, leks) are not presented on BLM public maps.

**Comment 8:** "The scientific literature indicates there should be no manipulation of sagebrush habitats within at least three miles of active leks."

Response: Scientific literature (Connelly et al. 2000) refers to vegetation manipulation within 3 miles of a lek in the form of sagebrush control activities that would remove large acreages of sagebrush. This project did not remove any large acreages of sagebrush that would affect how sage-grouse use the area. The CMPA RMP, TP, and TMP show these roads as existing linear features. Therefore, the habitat was altered by past management actions. In addition, documented evidence of road existence goes back until at least the 1930s (public comment). These roads were also documented again in the 1991 Wilderness Study Report.

The EA analyzed alternatives to consider rehabilitation of roads to allow for recovery of plant communities in large linear areas previously considered a road surface. Over time, plant cover should be visible in most reclaimed areas (Page 25 of EA).

**Comment 9:** "...concerned with the potential impact of BLM's completed and proposed actions with respect to the establishment and spread of weeds."

Response: Please see Project Design Features Common to All Action Alternatives on Page 8 of the EA and Pages 14, 15, and 16 for a discussion regarding weeds.

**Comment 10:** "The EA does not address this issue [cultural resources]."

Response: Please see Project Design Features Common to All Action Alternatives on Page 8 of the EA and Table 2 on Page 12 under Cultural Resources stating, the one cultural resource site located near Burnt Car Road was not affected by the 2009 road maintenance activities.

**Comment 11:** "The EA fails to provide any concrete analysis of cumulative impacts..."

Response: The EA addressed cumulative effects by resource throughout the EA [see EA Page 15 (Noxious Weeds), Page 16 (Recreation), Page 19 (Social and Economic Values), Pages 20-22 (Soils and Biological Soil Crusts), Pages 23-24 (Vegetation), Page 26 (Visual Resources), Page 28 (Wilderness), Page 30 (Wild and Scenic Rivers), Page 34 (Wilderness Study Areas), Page 37 (Transportation and Roads), and Pages 40 and 41 (Cumulative Impacts – general discussion)]. Direct and indirect effects plus past actions become part of the cumulative effects analysis; therefore, use of these words may not appear. And for past actions, the Council on Environmental Quality (CEQ) states "[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." This is because a description of the current state of the environment (Affected Environment by resource) inherently includes the effects of past actions. The EA described the current state of the environment (Affected Environment by resource, Chapter III) which included the effects of past actions. In addition, Chapter 1 states BLM's road maintenance activities (past action) created the current situation.

The Burnt Car Road Rehabilitation EA is tiered to the Steens Mountain CMPA RMP EIS/ROD and North Steens Ecosystem Restoration Project EIS, and incorporates cumulative effects by reference.

Reasonably Foreseeable Future Actions (RFFAs), also relevant to cumulative effects, include those Federal and non-Federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These Federal and non-Federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. These RFFAs must fall within the geographic scope and timeframe of the analysis being prepared. The RFFAs within the Project Area include South Steens Allotment Management Plan (AMP)/EA; North Steens Project, and Roaring Butte Mineral Material Site (see Page 40 of the EA) addressed throughout Chapter III by resource if applicable.

Finally, there is no requirement to have a separate cumulative impacts section. Regulations require agencies to describe and analyze the impacts but not to labor over which category to place them under. Both direct and indirect impacts accrue and interact in addition RFFAs to cause cumulative impacts. As a result, the affected environment provides the current conditions resulting from past actions and the analysis of direct, indirect and RFFAs, when added together, provide a complete cumulative effects analysis as described in Chapter III.

**Comment 12:** "BLM must prepare an environmental impact statement for this proposal."

Response: The BLM analyzed beneficial and adverse impacts in the EA and the analysis (including comments received from the public) did not reveal any significant effects on the human environment that would warrant preparation of an EIS\ nor did the public comments or information available to BLM raise any substantial questions as to whether any of the proposed alternatives may have a significant effect on the human environment. The FONSI considered the CEQ's criteria for significance (40 Code of Federal Regulations (CFR) 1508.27), together with Project Design Elements, and found the Proposed Action and all alternatives did not constitute a major Federal action having a significant effect on the human environment. Therefore, an EIS will not be prepared.

**Comment 13:** "The EA does not explain whether there are current ecological concerns related to livestock grazing or wild horse use on the allotment."

Response: This issue is outside the scope of this analysis. The only known ecological concerns related to livestock grazing or wild horse use were identified in the South Steens AMP/EA. Rangeland Health Standards 2 (Watershed Function-Riparian/Wetland Areas) and 4 (Water Quality) and only in Steens Pasture were not achieved. Water Quality and Wetland/Riparian Zones were not affected by the Proposed Action or alternatives (Page 13 of the EA); therefore, no cumulative effects to water quality or wetland/riparian zones would occur.

**Comment 14:** The TMP was not intended to rebuild roads beyond their existing condition and the IMP requires that such lands be managed to maintain their wilderness character. The IMP states, "The BLM's goal is to immediately reclaim the impacts caused by any unauthorized action to a level as close as possible to the original condition..."

Response: Prior decision documents (CMPA RMP, TP, and TMP) permit BLM to maintain these designated primitive roads at a Maintenance Level 2. The existence of these primitive roads was also documented in the 1991 Wilderness Study Report. The EA analyzed rehabilitation of these primitive roads including removal of downed juniper and obtrusive boulders, reseeding, and road narrowing. Please see response to Comment 2 regarding restoring roads to their pre-existing condition.

**Comment 15:** "Taking a two track on the boundary of a WSA and widening it ... may seem to only have a small impact...but the overall impact is far greater if one considers the impact of increased traffic..."

Response: The EA on Pages 16 and 17 of the Recreation section outlines the effects of improved accessibility by motorized vehicles. The EA under WSAs, Alternative A (Pages 34 and 35 of the EA) states solitude and primitive and unconfined recreation would be limited by the improved accessibility by motorized vehicles. However, Alternative B, states returning roads to a more primitive character would help to restore pre-development levels of solitude, but would have no affect to outstanding opportunities for primitive unconfined recreation (EA at Page 35).

Whereas, effects under Alternatives C and D would provide more outstanding opportunities for solitude and primitive and unconfined recreation by limiting encounters with motorized vehicles (Page 36).

**Comment 16:** "...there should be other kinds of mitigation proposed such as closing additional routes in the immediate vicinity entirely..."

Response: The 2007 TMP analyzed additional road closures within the entire CMPA for a more cumulative approach.

**Comment 17:** The BLM conducted maintenance in 2009 and then closed the routes to public access.

Response: BLM closed Burnt Car, Tombstone-Burnt Car, and Tombstone Canyon Roads in September 2009 until the start of the seasonal closure. The BLM continued the closure in conjunction with the Steens Loop Road seasonal closure from approximately mid-November to mid-May (Steens Mountain TMP EA). The roads were opened later than usual, in June 2010 due to heavy spring precipitation. These roads were closed for resource protection.

**Comment 18:** "Why can't the Burnt Car Road be grandfathered into the Steens Mountain Cooperative Management and Protection Area?"

Response: The majority of this road was left open in the Steens Act except for several hundred feet at the end of Burnt Car Road. This specific section of road was closed to motorized vehicles through the Steens Act (Steens Mountain Boundary Map 91800). The portion of the road in the Steens Mountain Wilderness had not physically been closed on the ground. The CMPA RMP, TP, and TMP left the remainder of this road open to motorized use.

The following comments were received July 6, 2010, after the comment period closed on June 28, 2010.

**Comment 19:** "Juniper within the entire area is scheduled to be treated with prescribed fire and cutting of juniper, therefore it is redundant and a waste of money to pile and burn the trees that were pushed over during maintenance."

Response: In general, piling and burning of pushed over juniper trees will occur during implementation of the North Steens Project.

**Comment 20:** "The SMAC has not recommended any road closure in this area and must do so before roads are closed."

Response: Section 112 of the Steens Act states, "(c) ROAD CLOSURES. - Any determination to permanently close an existing road in the Cooperative Management and Protection Area or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public." However, the Steens Mountain Advisory Council (SMAC) has not had a quorum since September 2009. At the September 2009 meeting the SMAC was fully apprised of the 2009 maintenance activities and provided a copy of the U.S. District Court Case No. 09-CV-862-PK stipulated agreement. BLM also conducted a field trip and follow up discussion of Burnt Car Road maintenance on September 3 and 4, 2009. Each SMAC member was provided an opportunity to voice their observations and opinions regarding the road maintenance activities (see excerpt of notes below). At the October 2009 SMAC meeting, the SMAC was provided updated information on the progress of the EA. In May 2010, current SMAC members were provided a copy of Burnt Car Road Rehabilitation EA for the opportunity to comment. Joan Suther also had a short conversation with Pam Hardy, SMAC chair, on June 11, 2010, confirming her receipt of the EA and general impressions. One SMAC member commented in writing, after the comment period ended. Since the SMAC has not had sufficient members for a quorum since September 2009, no opportunities existed for the SMAC to provide a formal recommendation to the Designated Federal Official. BLM has, however, consulted with members, including those whose terms had recently expired.

The following excerpt is from SMAC meeting minutes September 3 and 4, 2009 field trip:

"Due to an upcoming horse gather and juniper cutting project, the BLM felt it was necessary to improve/maintain Burnt Car Road, Lauserica Road, and the Tombstone-Burnt Car connector road. The improvement spans approximately 27 ½ miles (Lauserica Road 14 miles, Burnt Car 7 ½ miles, and Tombstone-Burnt Car connector road approximately 6 miles). The BLM did intrude approximately 542 feet into Steens Mountain Wilderness. Additionally, BLM did widen the road prism from its original size of 15 ft to 30 ft, and re-routed portions of Burnt Car Road. Again, BLM felt this was necessary to provide access for equipment for the upcoming projects scheduled. This was a cooperative agreement with Roaring Springs Ranch. Staff understood this project to be level 2 road maintenance. It has been determined BLM should have completed a survey and NEPA. Kenny felt mistakes were made due to inexperienced staff and if we had an opportunity to discuss it as a team, the road would have looked differently. Due to the condition of a portion of the road, BLM felt it was necessary to close a section of the road for public use. It can be accessed by administrative use only.

In late May early June Oregon Natural Desert Association (ONDA) filed a lawsuit. The solicitor, State Director, and ONDA are working on an interim settlement agreement. Kenny submitted a request to the State Director to form a fact finding committee for an external review of the project and the actions of resource staff and road maintenance crew. A copy of the report was provided to all council members. The report will tell you the Burns District did not follow the process within our own district.

As a result, Joan Suther was asked to provide an action plan to the State Director by September 15. The action plan will reinforce the policies we have in place so everyone will understand all activities allowed in Wilderness Study Areas (WSA). Joan requested comments and/or concerns from council members. Ramifications of the report will be to put together an EA and address rehabilitation of some sections of roads, (e.g., the portion in the wilderness area)."

*"Continued discussion on Burnt Car Road:  
Concerns/Recommendations:*

**Paul Bradley** – First Impression was the job was well done. He felt there needs to be consistency and regular maintenance to the roads. Only concern for the future is utilizing best management practices and following up with seeding.

**Hoyt Wilson** – The crew went in and completely renovated the road which was excessive. Rather than go in and just blade, they should have taken the dump truck to fill in tracks.

**Stacey Davies** – The BLM has always maintained their roads. Not understanding why such a big deal is being made over maintenance of this road. It's consistent with the plans and prior history as to how the BLM maintains their roads. BLM staff and operators are confused. Stacy has spent 10 years inviting "the enemy" to his camp to work through a collaborative effort to come up with the best solution for the environment and long-term sustainability for use of the mountain. For the last 10 years every decision made has ended up in litigation. This particular action, in his opinion, is a much bigger problem. This is bringing a change onto the mountain based on the litigant's actions. Collaborative actions are being held hostage due to the amount of litigation. Landowners, permittees, and locals are being backed into a corner financially and socially. Stacy looked at the settlement: Why was South Steens EA put on hold until the current settlement is resolved? Why was the Burnt Car Spring brought into this settlement? Why is \$10,000 paid for litigation? Why is it ONDA has elite access to that area when the rest of the public was shut out, including private landowners?

**Dick Jenkins** – Felt it was within the existing boundaries and was necessary in helping to manage the wild horse herd. It is extremely costly when going into these remote areas when gathering wild horses. Furthermore, it is hard on horses when you have to load horses into small trailers, move them out, and transfer them to larger trailers. The less handling you can do to the horse, the more humane it is. It's a large horse allotment and you need access to this location. Dick would like BLM to address the reasons for having to reroute a couple of locations.

**David Bilyeu** – There is a disconnect between the level of work done and reasons for doing the work. There is no proof this level of work was justified for the reasons presented. There was no clear understanding as to what defined levels of maintenance. At best, it's a deep confusion. At worst, it was an overdeveloped project without authorization (public review).

**Fred Otley** – Concern that annual watershed-friendly maintenance is not being done to most of the roads. If you regularly maintain them, you will not need to do the aggressive maintenance that was required on this road. Burnt Car Road has been brought back to its original standard. There is a responsibility under FLPMA for the BLM to prevent watershed degradation associated with development and conditions on public lands. Another issue, it's illegal for the BLM to ignore thick juniper encroachments associated with watershed degradation. According to history you will have massive soil losses whenever there is a large amount of rainfall. Recommend the BLM have a harder rock structure to prevent ruts to maintain the purpose and function of the road.

**Richard Angstrom** – The road was almost naturalized to the point it was unusable. There was a potential for the environmental interest to claim it as a WSA. BLM is concerned there is a tremendous amount of work. Anytime you go in to touch a road naturalized for a period of time, it's going to be disturbing and you're going to see bare dirt. The practice is you have to make it less intrusive and make it blend back into its natural state as readily as possible. Did it have to be that intrusive? Richard thought it could have been a little more thoughtful with disbursing the windrows. On the positive side, the maintenance crew did push things back to where it was a little more watershed friendly by avoiding puddling on the road itself. There has to be an expectation that when you do road building/road maintenance that when you touch a blade to the road, you are removing vegetation. He has significant concerns as to how the BLM is handling the problem and how they are going to resolve it.

**Daniel Haak** – Upon first visiting the road his first impression was it was a bit excessive. BLM has placed themselves into a defensive position. There is now a trust and mitigation (visual impact) issue. He thinks at some level everyone is overacting. Seems as though everyone involved has different expectations and understandings as to what a level 2 road is and this may be a learning curve.

**William Renwick** – Concerned about not being told regarding the issues surrounding the road. A friend from Prineville called and asked Bill if he had an opportunity to inspect the project. Bill was surprised he had not been informed of the situation earlier. Furthermore, Bill was surprised about the amount of traffic now on the road. The level of maintenance has definitely increased accessibility, which is a major concern. There are high valued Wildland resources he fears are going to be severely demeaning.

**Mike Beagle** – Initially it was an eye opener. Need to repair the wildness boundary issue before winter. Mike suggested looking at a possible gate closure to only allow access for mountain bike, hikers or equine use only. Mike is also concerned about the potential for fishing pressure in a pristine location. This also makes it easier for ATV intrusions, which will now require policing. With that said, after a year of rain, snow, freezing, thawing, and seeding the road will look much different than the previous day.

**Pam Hardy** – The biggest concern is it changes the dynamic of the trust relationship. This project went beyond the scope of necessary maintenance. There was confusion about the definition of what a level 2 road is. Pam read the definition, if assuming the project was legal, what this indicates is that a level 2 road is just above a road closure. Pam admits the definition of levels of maintenance 1 through 5 is unclear (specific statements). After being on an advisory council for years, we should have a clear and concise understanding. We are building history and relationships to operate at a much higher level. We need to have enough trust in each other and to be able to operate on a handshake level.

**Summary** (Burnt Car) the group was fairly divided as to whether the project was well done to it was grossly overdone. The process was upsetting and the lack of trust that was at risk, not only from the perspective of the Burnt Car issues, but how do we go forward. The core of the frustrations for many members comes from the South Steens EA. Members have invested a year and a half of time and energy on trying to find ways to hold wilderness values as well as supporting/sustaining a business and came up with a conclusion everyone felt was balanced. The South Steens EA is now threatened and put on the back burner which raises trust issues with the SMAC, BLM, and ONDA. The SMAC felt distrust with the BLM and ONDA without including them in the decision to place the South Steens EA on hold.

All members with the exception of Fred Otley and Paul Bradley were in agreement to have Brent Fenty, ONDA, sit at the table for continued discussion regarding Burnt Car Road."

**Comment 21:** "I disagree with the language subjecting private property access to permission..."

Response: This requirement is during the seasonal road closure only and is to protect natural resources when roads are snow covered or wet and muddy.

**Comment 22:** "Road closures would limit private property access... and over all public access to private lands."

Response: Implementation of any of the alternatives would not limit access to private property by the owner/permittee. Access to private lands in the case of the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 21, T. 22 S., R. 32.5 E., would be via a primitive road at the southern end of the parcel or Tombstone Canyon Road. No other restrictions by BLM would affect public access to private property.

#### Literature Cited

Connelly, J.W. et al., "Guidelines to Manage Sage-Grouse Populations and Their Habitats," Wildlife Society Bulletin 28 (2000): 967-985.

## **RATIONALE**

I have selected a combination of the alternatives based on the following:

### A. Road Closures and Rehabilitation to Closed Roads:

1. Tombstone Canyon Road will be narrowed to 8 to 10 feet and closed to motorized public access, but the road closure will not close access to the Tombstone Canyon area nor will it close access to fishing and other recreational opportunities in Steens Mountain Wilderness. Closing the Tombstone Canyon Road provides for primitive recreation opportunities adjacent and within Blitzen River WSA and limits motorized intrusion into the WSA.

Closing the small segment of way east of the private land located in T. 33 S., R. 32.5 E., in the WSA prohibits motorized public access.

The area will remain open for administrative, permittee, landowner, and contractors. Therefore, past activities and access will not be hindered for these individuals by the road closure.

The newly designated Tombstone Canyon Trail will be managed for human-powered or stock forms of transportation.

2. Closing the Burnt Car Road at the junction between Burnt Car Road and the WSA way leading to Burnt Car Spring to the wilderness boundary prohibits public motorized activity and limits any possible intrusions into Steens Mountain Wilderness. The closure also prohibits motorized public access down the way to Burnt Car Spring. By closing the additional 300 feet and the way, one's wilderness experience is enhanced and further enhances the Blitzen River WSA's naturalness. In addition, the closure is planned in this particular location because of the relatively flat topographic features providing an opportunity for the public to turn around safely and without intruding into the wilderness.

### B. Seasonal Closure

1. There is little gravel on this road system and the roads consist mostly of soil; therefore, seasonally closing roads during the wet seasons should lessen resource damage and reduce the need for road maintenance to ensure proper drainage. The road closure from approximately mid-November through mid-May will generally coincide with the lower gate closure of Steens Loop Road, as described in the Steens Mountain TMP EA. The area will remain open for administrative, permittee, landowner, and contractors, when authorized.

## C. Road Rehabilitation

All four roads are defined as "Base Roads" in the CMPA TMP and are designated as "Primitive." A Primitive Road is defined as a linear route managed for use by four-wheel drive or high-clearance vehicles. These routes do not normally meet any BLM road design standards. Based on the CMPA RMP, TP, and the TMP, these roads are to be maintained at maintenance level 2; routes where minimum (low intensity) maintenance is required to protect adjacent lands and resource values. These roads may be impassable for extended periods of time. According to the Report of Fact-Finding it appears the width of past disturbance (outer edges of wheel tracks) before the 2009 maintenance work occurred ranged from 12 to 15 feet. The width after maintenance now ranges from 20 to 35 feet wide (side cast to side cast) and also intrudes into portions of designated WSA.

1. Burnt Car and Burnt Car-Tombstone Burnt Car Roads will be narrowed to a 12 feet travel-way width. These roads require a width necessary to allow engine and other fire-related traffic during burning operations planned within the next 5 years. As the recommended minimum design width to allow another vehicle to pass is actually 16 to 18 feet, turnouts alleviate safety concerns and also encourage vehicles to stay on the road when meeting oncoming traffic. A 12-foot travel-way width aligns with the preexisting width of the road and will still allow for fire and other administrative activities to occur.
2. The "cherry stem" primitive road into the WSA will be narrowed to travel-way width of 10 to 12 feet. This will continue to provide for recreational access to within 300 feet of the wilderness boundary for public motorized access. Impairment of the WSAs as a result of the 2009 maintenance activities will be reduced and the width will be similar to the preexisting travel-way width.
3. Narrowing the last 2 miles of the Lauserica Road will return the road to its original disturbance.
4. Rehabilitating the unintentionally maintained road into the wilderness area is expected to speed up the recovery of the natural processes and appearance. This action will restore the less-developed character of the former roadway.
5. Crowning and drainage ditches will provide for resource protection such as soil erosion including rills, water flow patterns, gullies soil surface loss or degradation and plant community composition and distribution relative to infiltration and runoff further eliminating unduly maintenance of roads.
6. Disposing of downed trees will improve the area visually.
7. Disposing and dispersing obtrusive boulder piles will visually improve the area.
8. Disposing of side cast material will improve the area visually.

9. Reseeding the area will help ensure the disturbed area recovers more rapidly and erosive forces will be limited as plants establish and stabilize the site.
10. The realignment of the primitive roads to their original routes will not occur because relocation and realignment of roads occurred during maintenance activities to address resource concerns (e.g., wet areas or duplicative roads). The original roads may be barricaded and seeded to prevent further use.
11. Monitoring will occur to ensure the success of the road rehabilitation.

### **Decision Factors**

How well do the alternatives provide for:

- Preventing further impairment of WSAs?

The above actions will rehabilitate the roads by narrowing travel-way widths to their pre-existing widths or narrower, removing downed trees and obtrusive boulder piles, and reseeded. Rehabilitation of roads will aid in returning roads to a more primitive road type character, as designated by the TP, helping to restore pre-development levels of solitude. The closure of Tombstone Canyon Road will provide more outstanding opportunities for solitude and primitive and unconfined recreation along the western boundary of Biltzen River WSA by limiting encounters with motorized vehicles.

- Travel opportunities for primitive camping, hunting, fishing, hiking, and other recreation activities including driving for pleasure?

Even with closure of Tombstone Canyon Road there are still motorized travel opportunities for camping, hunting, fishing, hiking, and driving pleasure within the general project area. In addition, closing Tombstone Canyon Road will increase primitive camping opportunities. Access to Tombstone Canyon Area is still available via Tombstone-Burnt Car Road off Burnt Car Road or Steens Loop Road.

- Meeting grazing operational needs?

Motorized access for the purpose of administration, permittee, landowner, and contractor activities is allowable on all roads including Tombstone Canyon Trail and the way into Burnt Car Spring.

- Public safety?

The Burnt Car Road and the Tombstone-Burnt Car Road will have turnouts alleviating safety concerns and also encouraging vehicles to stay on the road when meeting oncoming traffic. The safety concern of vehicles being stranded will be prevented by the seasonal road closure.

- Reasonable access for non-Federal landowners, Special Recreation Permit (SRP) holders and others with interests in BLM-administered land?

All roads will be left open except Tombstone Canyon Road allowing reasonable access for non-Federal landowners, SRP holders and other public land users. Access to Tombstone Canyon Area is still available via Tombstone-Burnt Car Road off Burnt Car Road or Steens Loop Road.

- Administrative access needs?

Motorized access for the purpose of administration, permittee, landowner, and contractor activities is allowable on all roads including Tombstone Canyon Trail. These roads require a width necessary to allow engine and other fire-related traffic during burning operations planned within the next 5 years.

- Social and economic values?

No economic effects to the permittee or landowner are expected as access will still be allowed to conduct grazing management activities and provide access to private lands. Closing of Tombstone Canyon Road will create inconvenience to some public land users, especially those who drove this road in the past, but will provide more opportunities for solitude and primitive and unconfined recreation.

- Tribal rights as described under the Steens Act of 2000, Sections 5 and 102?

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.

- RFFAs implementation (e.g., North Steens Project)?

Motorized access for the purpose of administration, landowner, permittee, and contractor activities in association with the North Steens Project, South Steens AMP, and future horse gathers is allowable on all roads including Tombstone Canyon Trail.

- Restoring wilderness values at the end of Burnt Car Road?

The decision is to complete rehabilitation of Burnt Car Road inadvertently maintained within Steens Mountain Wilderness. Rehabilitation will help restore wilderness values of naturalness, solitude and primitive and unconfined recreational opportunities.

I did not select the No Action Alternative, because as stated in the Fact Finding Report, an unintended intrusion occurred into Steens Mountain Wilderness and road segments were bladed beyond their original disturbance. Therefore, if no action is taken, the purpose and need of addressing resource concerns by rehabilitating disturbance caused by maintenance activities would not be met. Rehabilitation of the intrusion into Steens Mountain Wilderness is needed to ensure intrusions do not occur again and to restore wilderness characteristics of the area.

In some areas, roads were bladed beyond original disturbance widths, encroaching upon WSAs. By selecting the No Action Alternative, this encroachment would not be addressed. If the No Action alternative was selected, wilderness characteristics such as naturalness would not be met for the short term (5 years), especially where obtrusive rock piles or numerous juniper occur. To further enhance wilderness values and visual resources the obtrusive rocks and pushed over juniper trees need to be removed and seeding is necessary to help control the spread of invasive plant species and stabilize soils. Therefore, the No Action Alternative was not selected.

### **APPEAL PROCEDURES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Andrews/Steens Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error. A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to:

Regional Solicitor, Pacific Northwest Region  
U.S. Department of the Interior  
805 SW Broadway, Suite 600  
Portland, Oregon 97205

If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
801 North Quincy Street  
Arlington, Virginia 22203

It is suggested appeals be sent certified mail, return receipt requested.

***Request for Stay***

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

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

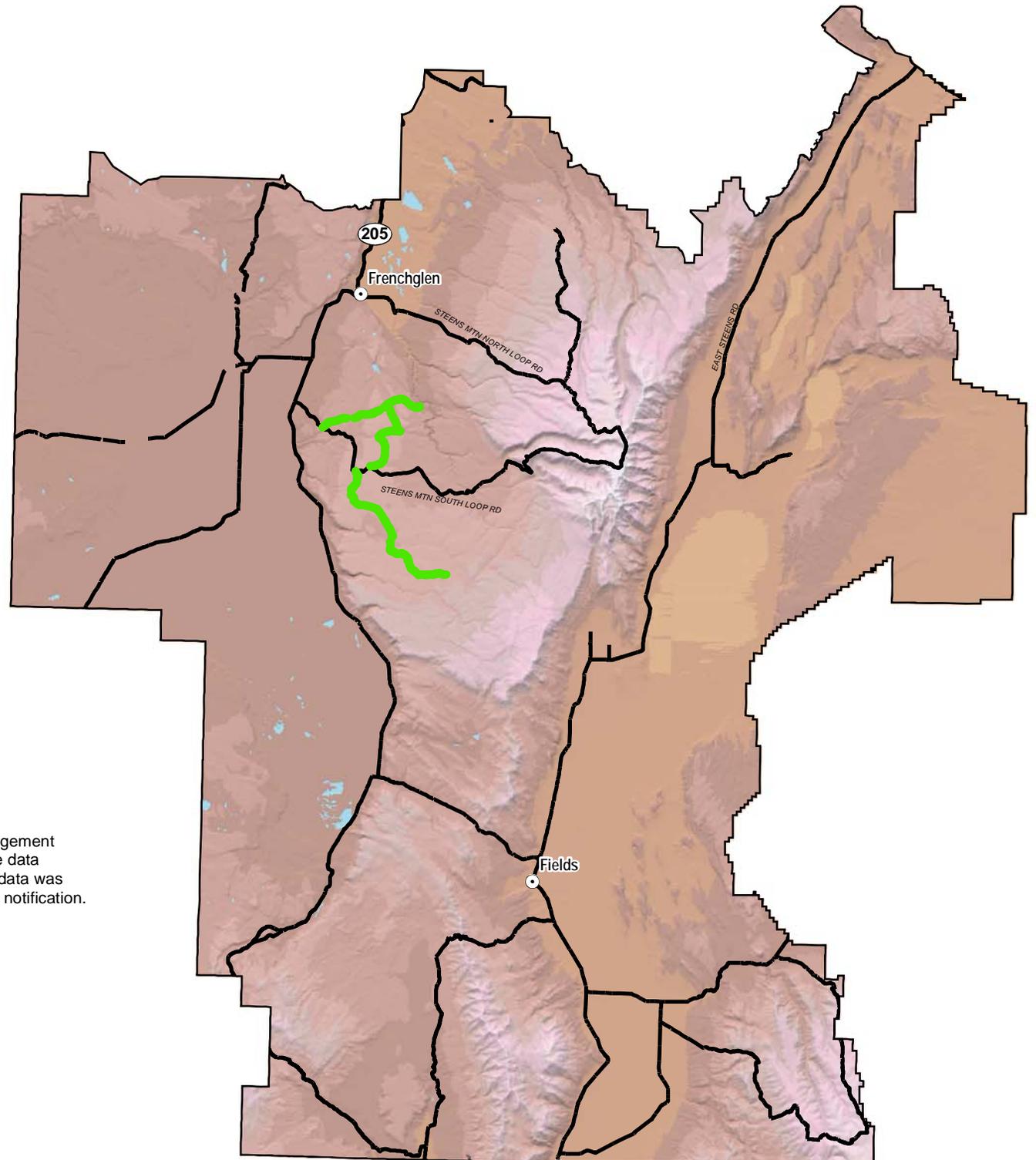
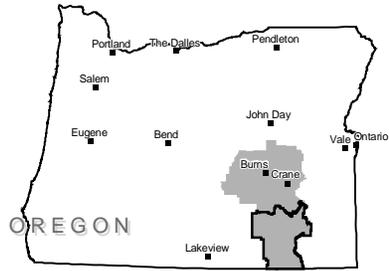
*/signature on file/*  
Joan M. Suther  
Andrews/Steens Resource Area Field Manager

*July 14, 2010*  
Date

# Rehab Roads

## MAP 1 - Vicinity Map

### Andrews Resource Area



### Legend

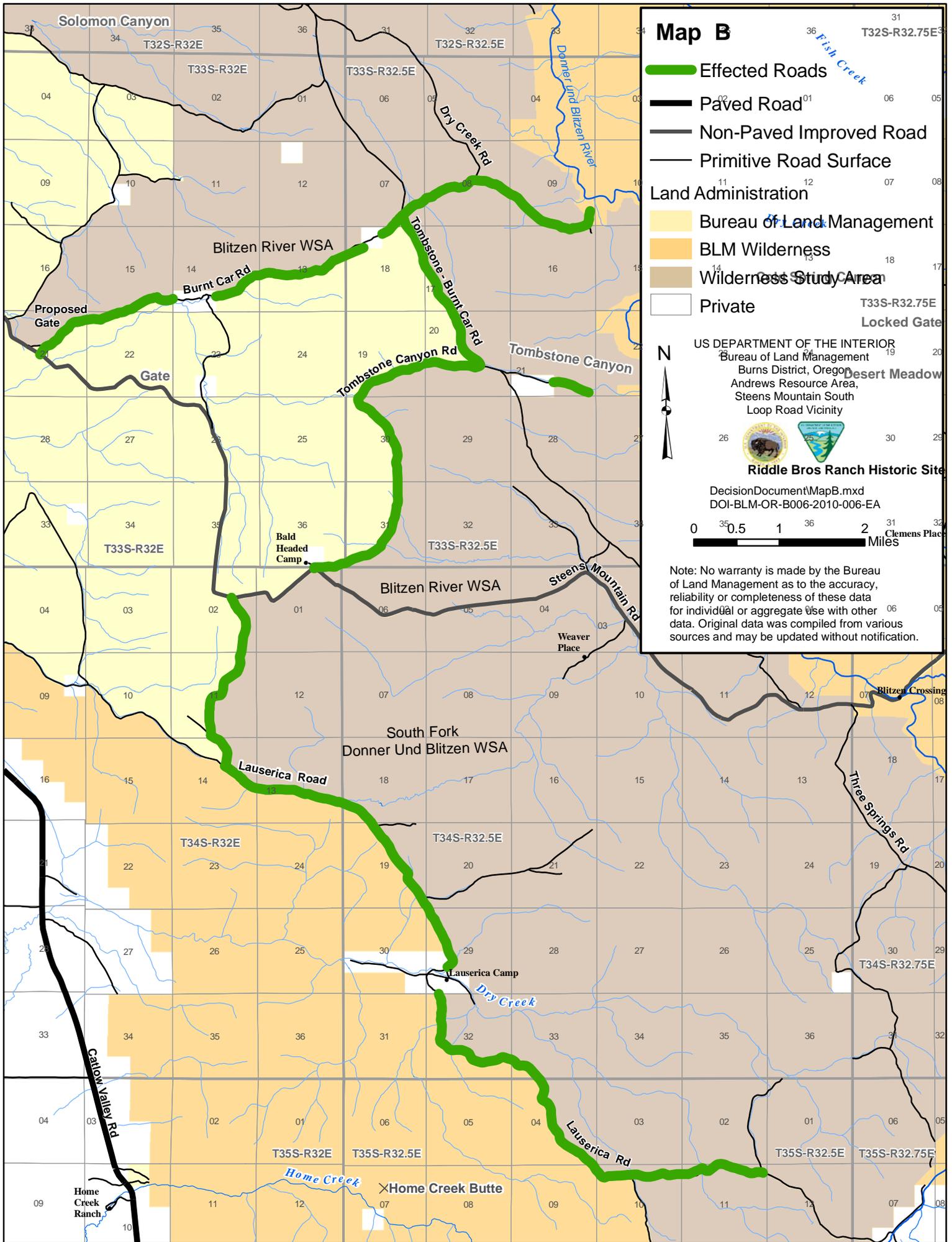
-  Proposed Rehab Roads
-  Resource Area Boundary

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 and may be updated without notification.

US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District, Oregon  
Andrews Resource Area  
Steens Mountain South Loop Road Vicinity

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December 30, 2009





**Map B**

-  Effected Roads
-  Paved Road
-  Non-Paved Improved Road
-  Primitive Road Surface

- Land Administration
-  Bureau of Land Management
  -  BLM Wilderness
  -  Wilderness Study Area
  -  Private



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 Loop Road Vicinity



**Riddle Bros Ranch Historic Site**

DecisionDocumentMapB.mxd  
 DOI-BLM-OR-B006-2010-006-EA



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# Map C

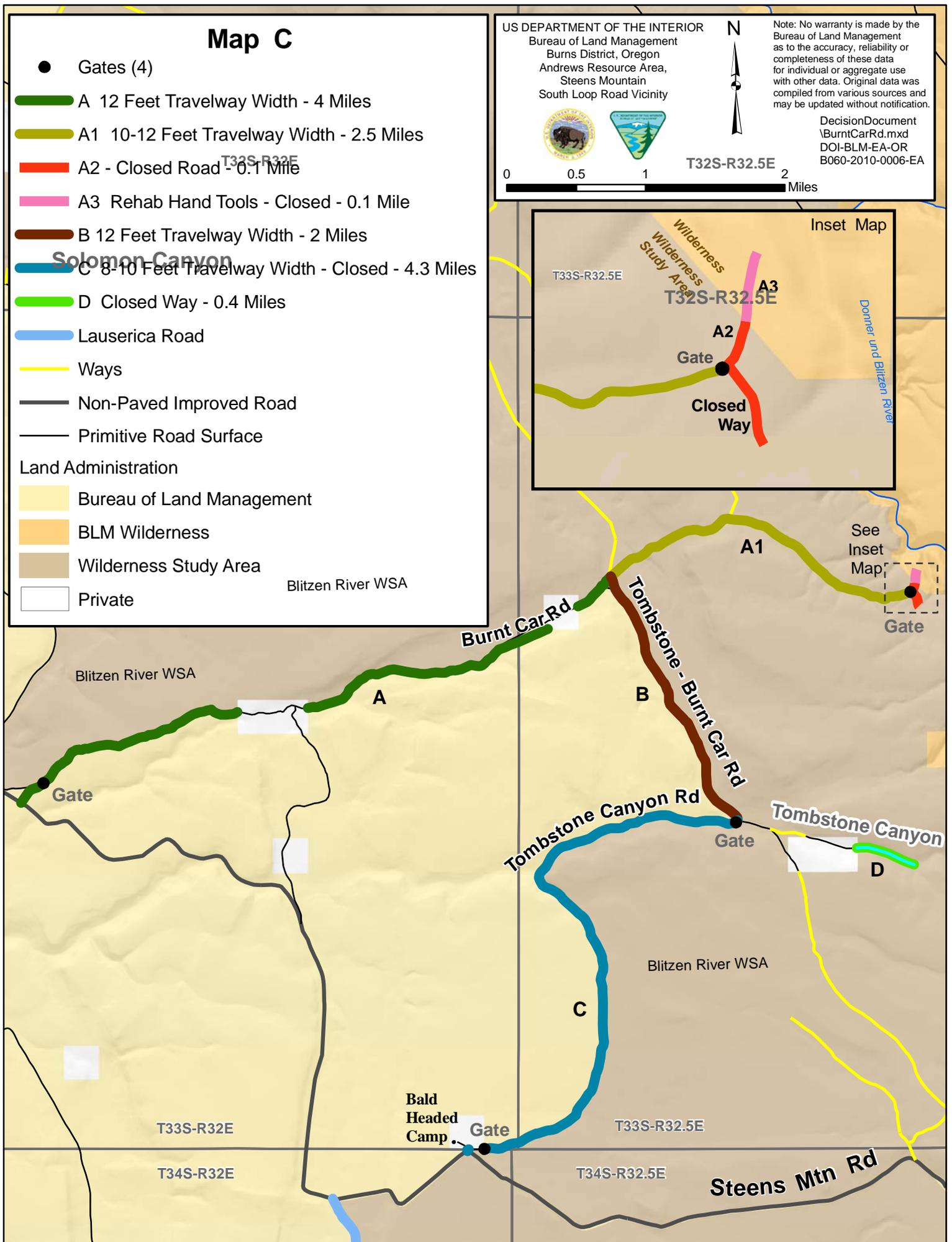
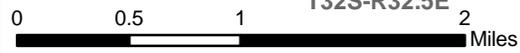
- Gates (4)
  - █ A 12 Feet Travelway Width - 4 Miles
  - █ A1 10-12 Feet Travelway Width - 2.5 Miles
  - █ A2 - Closed Road - 0.1 Mile
  - █ A3 Rehab Hand Tools - Closed - 0.1 Mile
  - █ B 12 Feet Travelway Width - 2 Miles
  - █ C 8-10 Feet Travelway Width - Closed - 4.3 Miles
  - █ D Closed Way - 0.4 Miles
  - █ Lauserica Road
  - █ Ways
  - █ Non-Paved Improved Road
  - █ Primitive Road Surface
- Land Administration
- Bureau of Land Management
  - BLM Wilderness
  - Wilderness Study Area
  - Private

US DEPARTMENT OF THE INTERIOR  
 Bureau of Land Management  
 Burns District, Oregon  
 Andrews Resource Area,  
 Steens Mountain  
 South Loop Road Vicinity



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 DOI-BLM-EA-OR  
 B060-2010-0006-EA



Solomon Canyon

Inset Map

Donner und Blitzen River

See Inset Map

Gate

Blitzen River WSA

Blitzen River WSA

Blitzen River WSA

T33S-R32E

T34S-R32E

T33S-R32E

T34S-R32E

Bald Headed Camp

Steens Mtn Rd

Burnt Car Rd

Tombstone - Burnt Car Rd

Tombstone Canyon Rd

Tombstone Canyon

A

A1

B

C

D

Gate

Gate

Gate

Gate

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 DOI-BLM-OR  
 B060-2010-006-EA



### Map D

-  Lauserica Road
-  20-30 Feet Travelway Width - 2 Miles
-  Ways
-  Non-Paved Improved Road
-  Primitive Road Surface
- Land Administration
  -  Bureau of Land Management
  -  BLM Wilderness
  -  Wilderness Study Area
  -  Private

