



**US BUREAU OF LAND MANAGEMENT  
MEDFORD, OREGON**

**TIMBER MOUNTAIN/JOHN'S PEAK  
OHV RECREATION MANAGEMENT PLAN  
WORK GROUP ADR PROCESS**

**Facilitator's Report**

**January 25, 2013**



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## I. Summary of the ADR Process

The Bureau of Land Management (BLM) was interested in achieving a broadly supported plan for Off Highway Vehicle (OHV) recreation in the Timber Mountain/John's Peak (TM/JP) area, while minimizing negative impacts to landowners and the environment. It contracted the Institute for Conflict Management, Inc. to facilitate a Work Group (WG) Process. The goal was to provide an opportunity for stakeholder input, dialogue, problem solving, and to make recommendations to guide the BLM's future Environmental Impact Statement (EIS) process.

This report provides a brief summary of the process and includes the recommendations from the Work Group. Nothing in this process or report waives the legal rights or responsibilities of any participant.

### A. Work Group Charge and Scope of Work

After ICM conducted Phase One interviews, assessment, and process recommendation, the Work Group began in January 2012 and concluded in September 2012. The Scope of Work and Timeline for this process were developed collaboratively by the Work Group and evolved over time. They engaged in an almost year-long process, including a series of six meetings and did extensive "homework" and other in-between meeting tasks.

While the BLM has ultimate responsibility for decision-making which recommendations to bring forward in an EIS, it is committed to supporting consensus recommendations from this collaborative (ADR) process. The BLM will assess the recommendations, found on page six and decide how to move forward.

### B. Work Group Membership and Purpose

Members and interests were selected to bring together the spectrum of views and explore the creation of a consensus.

<b>INTEREST REPRESENTED</b>	<b>MEMBERS</b>
Residential Landowner	Jack Duggan (Olena Black, alternate)
Residential Landowner	Shayne Maxwell (Laurie LeDoux, alternate)
Environmental Group	Chris Bratt
Environmental Group	Joseph Vaile, KS Wild
Industrial Landowner	Randy Brown, Spalding
Industrial Landowner	Eric Hippler, Plum Creek
OHV Proponent	Steve McIntyre, MRA (Chuck Steahly, alternate)
OHV Proponent	Jack LeRoy, MRA (Chuck Steahly, alternate)
Non-Motorized Recreation	Mike Bronze, Rogue Valley Mt Bike Association (Joe Davis, alternate)
Non-Motorized Recreation	Ken Chapman, Applegate Trails Association (Michele LaFave, alternate)
BLM <i>Ex Officio (Non-Voting)</i>	John Gerritsma
City of Jacksonville <i>Ex Officio (Non-Voting)</i>	Jim Lewis
Oregon Parks and Recreation <i>Ex Officio (Non-Voting)</i>	Ron Price

### C. Work Group Meetings

Below is a list of the Work Group meetings and the main topics on the agendas. It concisely represents the process. They began by identifying issues and data needs, then, they reviewed educational presentations, and shared of perspectives through member discussion and regular public comment at every meeting.

<b>WG MEETINGS</b>	<b>AGENDA HIGHLIGHTS</b>
<p><b>#1</b> Saturday, January 28, 2012 12:30–4:30 pm Jacksonville Library</p>	<ul style="list-style-type: none"> <li>A) Introductions</li> <li>B) Collaboration 101 Presentation</li> <li>C) Background Information and Timeline</li> <li>D) Explore Advantages and Disadvantages of a Managed OHV Area vs. Status Quo</li> <li>E) Collaboration Principles Discussion</li> <li>F) Create Work Plan               <ul style="list-style-type: none"> <li>1) Create and Triage Topic/Issue List</li> <li>2) Identify Data Needs</li> <li>3) Create Action List</li> <li>4) Homework for WG members</li> </ul> </li> </ul>
<p><b>#2</b> Saturday, February 25, 2012 12:00–4:30 pm Jacksonville Library</p>	<ul style="list-style-type: none"> <li>A) Industrial Landowners: Comments Regarding Participation in ADR Process</li> <li>B) Review Process Approach and Data Requests</li> <li>C) Background Materials:               <ul style="list-style-type: none"> <li>1) 2003 Base Map of John’s Peak/Timber Mt. Area</li> <li>2) Current Conditions Map</li> <li>3) Comparison of the Alternatives, Table S-1 from DEIS</li> <li>4) Discussion Map from 2009 Informal ADR Meetings</li> <li>5) State of Oregon ATV Grants Program Presentation</li> </ul> </li> </ul>
<p><b>#3</b> Friday, April 6, 2012 12:00–4:30 pm Rogue Valley Fire District Training Room</p>	<ul style="list-style-type: none"> <li>A) Review Process Approach and Data Requests and Follow up on Background Materials from Meeting 2               <ul style="list-style-type: none"> <li>1) March 2012 Work Group Discussion Map</li> <li>2) 1995 Resource Management Plan Map of Medford District Emphasis Areas</li> <li>3) 1995 Resource Management Plan Map of Recreation Opportunities around Medford Area</li> <li>4) Applegate Trails Association Proposed Non-motorized Trail Map</li> </ul> </li> <li>B) Presentation/Q&amp;A: Fire Risk and Contributors to Fire</li> <li>C) Presentation/Q&amp;A: Law Enforcement</li> <li>D) Discussion of Homework Results: Take Pulse of WG on Emerging Proposals</li> </ul>
<p><b>#4</b> Friday, April 27, 2012 11:00 am–5:00 pm Rogue Valley Fire District Training Room</p>	<ul style="list-style-type: none"> <li>A) Approve Additional Ground Rules</li> <li>B) Background Materials – Updates and Q&amp;A               <ul style="list-style-type: none"> <li>1) Work Group Discussion Map April 2012</li> <li>2) Noise Studies (to be discussed below)</li> <li>3) Fire Information (to be discussed below)</li> </ul> </li> <li>C) Discussion of Homework Results: Emerging Agreements</li> </ul>

<p><b>#5</b> Saturday, June 2, 2012 11:00–5:00 pm Rogue Valley Fire District Training Room</p>	<p>A) Map Exercise 1) Overview of Exercise 2) “Major Themes” Document 3) Map and Overview of GIS Layers B) Explore Map Options C) Discuss Emerging Agreements</p>
<p><b>Sound Demonstration</b> Friday, September 14, 2012 10:30 am–1:00 pm Various locations on TM/JP</p>	<p>The intent was for interested persons to simply listen and understand the kind of noise generated by OHV activity and the difference between various machines.</p> <p>Dennis Byrd, BLM, worked with the MRA to get a representation of machines (both quads and motorcycles) for folks to see and hear up close. The group gathered at Bunny Meadows and had a demonstration of the OHVs. The sequence of machines was controlled during the demonstration so folks could understand the differences between the types of OHVs. The group relocated to several places to observe the sound at various topographies.</p>
<p><b>#6</b> Saturday, September 15, 2012 10:00 am–3:00 pm Jacksonville Library</p>	<p>A) Debrief 9-14 Sound Demonstration B) Proposal Maps Review and Discussion 1) Overview of Maps 2) WG Discussion: Three Areas for Further Discussion and Remaining Areas C) Explore “Straw Poll” Document D) Finalize Recommendations E) Timeline and Next Steps Between Now and EIS</p>

Work Group members individually spent hours meeting with their constituencies and completing “homework.” ICM took extensive notes, reviewed “homework” assignments, framed the issues, grouped them into logical subsets, and created a large “Data Needs” chart. This chart was used to help the BLM understand what information members needed to understand and have meaningful conversations about the issues.

The Data Needs chart evolved into the Issues and Proposed Resolutions chart that members, again, spent significant time and energy providing ideas, editing text, and casting votes. The final draft version of Emerging Agreements was developed by ICM. These documents, along with other meeting documents, can be found on the BLM website:

<http://www.blm.gov/or/districts/medford/recreation/timbermountain/index.php>

## II. Conclusions

Given the dramatically differing viewpoints of stakeholders, this Work Group succeeded in developing a broad range of conceptual recommendations for the BLM’s consideration. Despite this, some members still strongly prefer the OHV riding area be moved off TM/JP. However, members acknowledged that as long as there was an OHV riding area on TM/JP, it is best that it be a managed area, in line with the Agreements.

## A. Achieving Consensus

The BLM strived to achieve as much consensus as possible. Consensus decision-making is a process that allows WG members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, *“taken as a whole.”* This means that a member may vote to support a consensus proposal even though they would prefer to have it modified in some manner in order to give it their full support. Consensus is a process of *“give and take,”* of finding common ground, and developing creative solutions in a way that all interests can support. Consensus is reached if all members at the table support an idea or can say, *“I can live with that.”*

## B. “1-2-3” Consensus Voting Method

The facilitator assisted the WG in articulating points of agreement, as well as articulating concerns that required further exploration. He used a “Consensus Voting” procedure for testing the group’s opinion and adjusting proposals. The facilitator articulated the proposal and each WG member voted “one,” “two,” or “three,” reflecting the following:

- “One” indicates full support for the proposal as stated.
- “Two” indicates that the participant agrees with the proposal as stated, but would prefer to have it modified in some manner in order to give it unconditional support. Nevertheless, the member will fully support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal, taken as a whole, is worthy of support, as written.
- “Three” indicates refusal to support the proposal as stated.

The facilitator repeated the consensus voting process, as necessary, to assist the group in achieving consensus regarding a particular recommendation, so that all members were voting “one” or “two.” One member cast a “three” vote, noted below.

## C. The Agreements: Recommendations to the BLM

The chart below contains the edited language as agreed to at the final BLM OHV Work Group meeting for this phase of the process. Every item passed by consensus with all members voting “one” or “two”, except one, as noted below in section K.4, “Relocate the OHV Riding Area” and one deferral in section B, “Consider non-motorized use along the 5.5 miles of trail along the proposed 6000-acre Wellington Wild Lands.”

<b>SIGNIFICANT ISSUES</b>	<b>AGREEMENTS</b> <i>EDITED AT WORK GROUP MEETING 6 ON SEPTEMBER 16, 2012</i>
<b>A. Quality OHV Experience</b>	1) When establishing miles and density, consider sustainability, placement, connectivity, diversity of terrain/trail difficulty, and reduction of impacts. 2) When placing, designing and establishing OHV access points, consider impacts, needs of other users, and public nature of roads. 3) Consider community and environmental impacts when establishing location of higher density trail areas. 4) Consolidate OHV areas while balancing diversity of riding experience with

	<p>impacts.</p> <p>5) Consider environmental impacts when designing range of difficulty levels.</p> <p>6) When considering new regulations, consider best emerging technology to reduce impacts (e.g. noise reduction.)</p> <p>7) Consider fencing or other appropriate barriers that do not inhibit wildlife to protect sensitive areas and address high problem areas.</p> <p>8) Monitor use. Survey visitors and residents for feedback. Consider and implement responsive improvements.</p>
<b>B. Quality Non-Motorized Recreation Experience</b>	1) When closing/opening trails, consider equitable and balanced non-motorized safety and access issues.
	2) Shared uses are not preferred.
	3) Follow Forest Service and BLM closure guidelines.
	4) Consider the ATA trail proposal when establishing the trail system.
	5) Provide available protections consistent with designations.
	a) When closing/opening OHV trails, consider access to the Jacksonville Woodlands and the Applegate Ridge trails.
	b) Shared-use trails need to be marked at regular intervals and at every junction to make them safe for all users.
	c) Balance access and protection of resources.
	6) Encourage the State to emphasize safety, environmental stewardship, and shared use etiquette in the ATV Safety course.
	7) Consider RVBMA proposed trails when establishing trail system.
	Topic moved to the bin list for further discussion: "Consider non-motorized use along the 5 ½ miles of trail along the proposed 6000-acre Wellington Wild Lands." <i>The BLM will meet with stakeholders and Work Group members to discuss this topic and find a consensus solution.</i>
<b>C. Soil Resources</b>	1) The OHV EIS should evaluate resource protection and timber management issues and include a sustainable plan to build, restore, decommission, and maintain all designated roads and trails.
	2) The OHV EIS should evaluate and establish environmental impact thresholds.
	3) The OHV EIS should evaluate soil impacts and implement a sustainable plan to protect soil resources by avoiding, minimizing and mitigating. Consider the following issues when making trail placement, opening, and closure decisions:
	a) Fragile and shallow soils
	b) Steep slopes
	c) Decomposed granite and highly erosive soils
<b>D. Water Resources</b>	1) The OHV EIS should evaluate water resource impacts and implement a sustainable plan to protect water resources by avoiding, minimizing and mitigating. Consider following issues when making trail placement, opening, and closure decisions:
	a) Petrochemical pollution

	b) Appropriate culverts, fords and bridges
	c) Trails hydro connected to a riparian reserve
	d) Stream crossings
	e) 303(d) watersheds and threatened Coho salmon
	f) Watersheds that provide drinking water
	g) CMPs
	h) Seasonal draws
	i) Trail setbacks and drainage structures
	j) Sedimentation into streams
<b>E. 1. Threatened and Endangered</b>	1) The OHV EIS should evaluate threatened and endangered species impacts and implement a sustainable plan to protect those species by avoiding, minimizing and mitigating. Consider following issues when making trail placement, opening, and closure decisions:
	a) Endangered and rare plant species, including plants used for medicinal, food and cultural purposes
	b) Historic resources
	c) Spotted Owls
	d) Predatory animals
	e) Special status species (e.g., FRGE, CYFA, CYMO, CYCA, etc.)
	f) Franklin's bumblebee habitat
<b>E. 2. Pollution</b>	The OHV EIS should evaluate dust, air quality and chemical impacts, and implement a sustainable plan to avoid, minimize and mitigate. Consider following issues when making trail placement, opening, and closure decisions
	a) Dust
	b) Utilize forest canopy
	c) Litter
<b>E. 3. Air Quality impacts and existing conditions</b>	<i>Topics Moved to Pollution</i>
<b>E. 4. Wildlife</b>	1) The OHV EIS should evaluate wildlife impacts and implement a sustainable plan to protect those species by avoiding, minimizing and mitigating. Consider following issues when making trail placement, opening, and closure decisions:
	a) Provide healthy, contiguous forest with good understory with appropriate densities
<b>F. Noise</b>	1) The OHV EIS should evaluate noise impacts and implement a sustainable plan to avoid, minimize and mitigate. Consider following issues when making trail placement, opening, and closure decisions:
	a) Proximity to homes and how sound travels based upon topography, weather, etc.
	b) Limit sound to 96 dbs now, and continue to reduce those levels as technology evolves, with periodic reviews.

<b>G. Nomenclature/Marketing by State/Federal Agencies</b>	1) Explore terminology that balances appropriate promotion with over-utilization of the facility, coordinating with other agencies about appropriate messaging.
<b>H. Economics</b>	<i>Topics moved to Funding</i>
<b>I. Enforcement</b>	1) Create and implement a sustainable plan to enforce all aspects of program, including resource protection and impact reduction. (E.g. Coordinate with Jackson County Sheriff.) 2) Include enforcement for related illegal activities, like guns, fire, trespass, creation of unauthorized trails, and driving non-street legal vehicles on county roads. 3) Respond, investigate, and report in a timely fashion. 4) Monitor and report annual data and manage adaptively. 5) Some specific suggestions to consider include: <ul style="list-style-type: none"> <li>a) Monitor usage and consider permitting to manage over-usage.</li> <li>b) Clearly communicate rules and regulations, including those related to resource protection and fire suppression.</li> <li>c) Dedicated phone line for trail information, complaints and direct contact with law enforcement, posted at the trailheads and along the shared-use trails.</li> <li>d) Respond to complaints thoroughly and in a timely manner.</li> <li>e) Encourage a self-policing ethic.</li> <li>f) Have OHV users work to rehabilitate trails.</li> <li>g) Focus on educating users on potential trespass via information kiosks, and signage that notifies users when encountering private lands where public use is not allowed.</li> <li>h) Install clearly visible signs at the beginning and ends of roads (including both forks ends) located around Johns Peak/Timber Mt. that are not Staging Areas access points and have been used illegally as access points – signs should state: NO OHV Public Access – violators will be prosecuted and to contact the BLM for designated Staging Area access point.</li> <li>i) Provide a large map at the entry point showing where <i>to</i> and <i>not to</i> ride and clearly marked signage on trails. Post cautionary road signs where OHV users are allowed.</li> <li>j) Provide educational programs based on resident/landowner perspective.</li> <li>k) Support a visible ID system to facilitate enforcement activities.</li> <li>l) Provide a voluntary Sign-in &amp; Sign-out board or locked box at BLM Staging Areas in a visible location, which could include the riders name, address, permit number, type of OHV and license plate of the vehicle they came in.</li> <li>m) Determine adequate levels of enforcement for area and trails. Fit area and trails so that available resources are sufficient for industry</li> </ul>

	standard level of patrol services.
	n) Institute a Trail Ranger program (mix of volunteer and BLM to provide education/First Responder Emergency service/voluntary sound checks)/informal user surveys; not an enforcement unit; modeled after successful program such as in Bend.
	o) Provide assistance to residents in prosecuting/pursuing criminal/civil violations/damages.
	p) Meaningful penalties, fines, suspension and or revocation of permit for violations of program elements. Increasing penalties for repeat offenders. Provision for parental responsibility for the children's actions.
	q) Consider the installation of wireless, motion-detected cameras to monitor.
	r) The BLM and MRA need appropriate agreements with adjacent private land owners to manage any connected system of trails or roads across public and private lands.
	s) Monitor program elements, report out, and utilize adaptive management techniques to improve all aspects of the program.
<b>J. Fire</b>	1) When designing and implementing all aspects of the OHV program, consider the fire hazard issue.
<b>K. Additional Issues</b>	
<b>K.1. Categorical exclusions</b>	K.1) CEs that pertain to John's Peak will be made available for public review and comment.
<b>K.2. Traffic Impacts to communities on Access and Staging Area roads</b>	K.2) Require a transportation plan to be part of the EIS.
<b>K.3. Implementation before Decision</b>	<i>Legal issue</i>
<b>K.4 Relocate the OHV Riding Area</b>	K.4.1) Develop and consider the Removal alternative during the EIS as a baseline from which to analyze all other alternatives. ("3" vote – J. Leroy)
<b>K.5 Benefits vs. Impacts: weighing one use against other uses</b>	<i>Explore as part of EIS process.</i>
<b>K.6. Funding</b>	1) When planning, developing, and approving an OHV plan, assess the level of funding necessary to implement these recommendations and secure such funding to avoid, minimize and mitigate direct and indirect impacts.

	2) Actively apply for and secure grant funds.
	3) Consider use fees to bridge any funding gaps.

#### **D. Next Steps**

The above recommendations will be considered by the BLM as they develop their next steps in the EIS process. While there was no consensus agreement on the K.4 "Removal" alternative, which the BLM interprets to mean "No OHV," the BLM has informed the facilitator it will consider that alternative to legitimately meet the need for a true range of alternatives for management's consideration. On balance, this also means that BLM will work with OHV supporters to develop the other end of the alternative range (i.e., the maximum OHV alternative scenario).

To continue the valued relationships that have been formed over the last year, the BLM will offer the creation of the work group to all interested members of the ADR WG for purposes of communicating and soliciting feedback on the NEPA process and project design as the BLM moves toward the goal of a draft or final EIS by December 31, 2013. The work group will communicate through conference calls and occasional meetings. The BLM intends to include appropriate stakeholders into the design and sideboards for the analysis for the "No OHV" and "Maximum OHV" alternatives. BLM will accept, modify or delete the remaining alternatives already presented in the Draft EIS as part of developing the complete range of alternatives for the Final EIS for TMJP.

There will appropriate public notice and outreach in mid-2013 to with a status update.

Respectfully Submitted,

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