

**BLM Timber Mountain OHV Plan  
Stakeholder Comments and BLM Responses**

Below are comments ICM has received from Stakeholders in response to the email and Assessment Report sent on January 3, 2012. All issues will be finalized at the first Work Group meeting on January 28, 2012.

#	Comments	Responses
1	<p>The area (with its “inconsequential” boundaries) is inappropriate for a designation creating a dedicated use and that OHV use should be severely limited to negate continually increasing impacts to residents.</p> <p>We believe that BLM has failed to consider other, more appropriate areas for OHV use and that a discussion of other areas should be part of the process.</p>	<p>There is a planning boundary and the Alternatives in the DEIS exist within it. Any other Alternatives developed would also likely be in the planning boundary. Once a plan is adopted, off-trail OHV use within the designated boundary, but outside the designated trails would be illegal.</p> <p>Allocations of land uses are tasks associated with land management planning. BLM has recently completed such a planning effort in 2008 (Western Oregon Plan Revision (WOPR)). The plan identified 69,182 acres of Off-Highway vehicle designation emphasis that included 15,144 acres at Timber Mountain. The accompanying Environmental Impact Statement (EIS) supported the OHV and all other land use decisions in the WOPR. The Secretary has withdrawn the WOPR, but a legal challenge over that action has not been resolved. Hence, the BLM is managing projects to be consistent with both the 2008 (WOPR) and 1995 Resource Management Plans. Any remedies over disagreement with BLM’s OHV emphasis designation is legally tied to administrative protests, appeals and litigation over its Resource Management Plan, and thus, outside of the scope of the Timber Mountain OHV Plan.</p>
2	<p>This is neither a democratic nor legal process.</p>	<p>The previous NEPA process is on hold pending the conclusion of this Appropriate Dispute Resolution (ADR) process.</p>
3	<p>“Citizen.” We are, as was listed in the original communications with us, “Affected Landowners.”</p>	<p>Propose “Residential Landowners,” as contrasted to “Industrial Landowners.”</p>
4	<p>Suggest the Jackson County Sheriff be represented with a non-voting member.</p>	<p>Law enforcement, along with other subject matter experts, will be invited to meetings, as needed, per the agenda and workplan.</p>
5	<p>Allowed to caucus</p>	<p>Yes.</p>
6	<p>Will they append the existing DEIS? Will they issue a final EIS? Will they begin a new EIS process?</p>	<p>Unknown at this time. BLM will select the appropriate NEPA process depending upon the outcome of this ADR process. (See draft Collaboration Principals, section II, and page 7 of the Independent Process Assessment and Recommendation Report.)</p>

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7	Will the proceedings be recorded?	The meetings will not be formally recorded. ICM will provide meeting summaries and submit them for Work Group approval prior to posting on the BLM website. (See section VII.B. of the Draft Collaboration Principles.)
8	A statement to the signing document that clearly states that none of the participants are abrogating any past, current or future legal rights through their participation.	This will be added to the final collaboration Principles: "Nothing in the Independent Process Assessment and Recommendation Report, draft Collaboration Principals, or this process abrogates the legal rights of any participant."
9	While the language talks about past "process errors" we are concerned that this statement may involve what amounts to amnesty for user-created trails which were not part of the 1995 Resource Management Plan. Could you clarify this point please?	There will be no amnesty for any trail.
10	Unless the BLM is saying that the proposed John's Peak/Timber Mountain OHV area is for motorized users exclusively, it seems that the non-motorized trail users should be represented. We believe that this was a significant oversight which should be fixed.	Propose adding the Applegate Trails Association (ATA) and the International Mountain Biking Association (IMBA), subject to ICM contacting them to assess interest and availability.
11	[This is clearly a public lands issue and needs to get resolved at that level with the locals first.] Once those hurdles are cleared and there was any movement toward a very small, all BLM property experiment for start up of Phase I that included a funded and complete commitment toward active management with civil penalties included for infraction of the rules [ i.e. the Oregon Dunes example ] would we need to be involved, because at that point the BLM would be considering expansion onto private lands.	The BLM hopes that Industrial Landowners will participate, at a minimum, in an observation/ consulting capacity as the ADR process progresses
12	Concerns about BLM's position that "this process will not consider eliminating OHV from Timber Mountain/John's Peak." BLM proscribes the process in such a way that all options are <u>not</u> on the table.	See above responses.  Taken literally, "eliminating" OHV, means no OHV use will be allowed in the area. That is not realistic given the ownership nature of lands, etc. Participants can argue that the OHV use in the area should be limited to something acceptable.

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13	<p>There is also considerable concern and confusion about the selection of citizen representatives. While all of the other participants are organizationally based, allowing for simple appointment to the committee, such is not the case with the citizen representatives. No process for selecting those representatives is included in the Report.</p> <p>Many people feel that two people can not fully represent the very geographically diverse population impacted by OHV use in the Timber Mountain/John's Peak area.</p> <p>Others feel that such limited representation will fail to fully present the variety of issues confronted by the citizen (i.e., affected residents) population. As noted in an earlier email, unaffiliated citizens will be hard-pressed to select two representatives by the first meeting on January 28.</p>	<p>If people cannot agree, ICM will help them, and if not successful, BLM might select from a list of citizen nominations submitted to them.</p> <p>Each interest actually only "needs" one person at the table because we are using a "consensus" process. Thus, <u>one</u> person can block something. Two members representative from similarly situated interests can/will be present to have another supportive voice present. Any more than that creates too large a table to be an effective work group. Even if the work group goes to a majority-minority report, it is ultimately the BLM considering the merits of the differing perspectives – not BLM counting the results of a popular vote. Additionally, people can observe and there will be a public comment period.</p> <p>Finally, this is not the formal EIS process. That would come after the work group completes its work.</p>
14	<p>Numerous people have expressed concern to me about exactly how BLM will use the results of this process. On the one hand the BLM refers to a "final EIS," while later they say "a subsequent environmental impact statement." The timeline for dealing with this issue has already been extended beyond all reason, leaving us with an unacceptable status quo. Those of us involved deserve a more clear indication of what comes next.</p>	<p>Step One: Convene Work Group</p> <p>Step Two: WG makes a set of recommendations, either by Consensus or Majority-Minority</p> <p>Step Three: BLM responds per, Section II A. of the Collaboration Principles, which states:</p> <p style="padding-left: 40px;">The Work Group will make recommendations to the BLM regarding elements of the proposed plan. While the BLM has ultimate responsibility for decision-making as to which recommendations to implement, it is committed to supporting consensus recommendations from this collaborative (ADR) process. <u>As a result, it will move forward with such a recommendation as the Proposed OHV Management Plan Alternative in the final EIS. If there is consensus on specific aspects of the project, but not on a complete plan, BLM will move forward with the consensus aspects, creating a separate alternative, or incorporating them into the BLM's Proposed Alternative.</u> (Emphasis Added.)</p> <p>Step Four: Formal EIS process begins</p> <p>Step Five: BLM makes a decision</p> <p>Step Six: Folks can respond as they deem</p>

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		<p>appropriate</p> <p>Additionally, see above responses.</p>
15	<p>I'm interested in the definition of your stakeholders list between "Citizen" and "Environmental Group." During our first round of discussions, many of the people that participated could be categorized under either heading. As such, the environmental/anti-OHV perspective could be greatly overrepresented, which would likely derail a positive outcome.</p>	<p>See number 3, above. "Citizen" = non-business, homeowner/neighbor.</p> <p>See number 13, above.</p>
16	<p>Who can/cannot participate and what about retaliation?</p>	<p>These processes work better when constituent groups select their own representatives. Restated, non-Group A members should not be able to dictate what Group A members should be included or excluded.</p> <p>Additionally, please read the Collaboration Principles, specifically, but not limited to, section, V, F (4) concerning "reprisals."</p>

**Comments received after 1-15-12**

17	<p>I can not participate in this process until the heat generated by the anti-citizenry that is engaged here starts to move off center and I see some of that negative energy turned to positive outcomes where they are working with the BLM and finding some common ground. When there is something tangible in place and on the ground on BLM lands then it would be appropriate to talk about expansion onto more private lands around them....if at that time it includes FCP lands then that would make sense for us to be engaged. The BLM comment of wanting timber management landowners to be involved as observers and consultants is unnecessary and has no added value to the process. If some other larger timberland management companies want to be involved then I would say great but at this point FCP is not available.</p>	<p>See #11 above.</p>
18	<p>1) I think this process should not be confined to John's Peak, but address all Off Highway Vehicle activity on the Medford BLM. This project is not occurring in a vacuum. Rather, there are very significant questions about the location, cumulative effects, magnitude and impacts of OHVs across the Medford District. We can't separate this issues from the rest of those interrelated questions.</p> <p>2) The baseline for the negotiations should not be as described in your document - that BLM lands will indeed be an OHV play area. Rather, we should first discuss whether or not this is an appropriate area and then what size, scale and manner such OHV play activities should be conducted on these public lands.</p>	<p>The topic of Off-Highway Vehicles across the Medford District was the subject most recently of the Western Oregon Plan Revision (WOPR) process that resulted in the 2008 Resource Management Plan (see answer to #1 for more details). This ADR process is about site-specific issues for Timber Mountain/Johns Peak, and not general issues about OHVs.</p> <p>See #1 above.</p>
19	<p>Here's an idea for you to mull over; why doesn't the BLM (or one of your surrogates) put this "conundrum" on the ballot - an up or down vote and stop wasting all this time and public money!!</p>	<p>The BLM is tasked with managing resources on the public lands of the Medford District under specific federal regulations and laws. The Field Managers of each of the Resource areas, the District Manager, and/or the State Director have been granted authority to make decisions affecting these lands. There are no regulations that allow land management decisions via voting. The potential impacts from implementing an OHV area are</p>

		outlined in the Draft Timber Mountain Recreation Management Plan EIS that was published in February 2009.
20	<p>I was quite surprised that you are not allowing the city a vote on the process or outcome, but are just observers and commentators. The recommendations coming out of this process will greatly affect the operation of the city's park.</p> <p>I request that you change the non-voting status of the city of Jacksonville.</p>	The Work Group is intended to be an informal process that will make recommendations to the BLM. The non-voting status of the City of Jacksonville is typical of these types of processes. The City Council's representative is in full agreement with this construct.