Decision Record

NEPA Register Number: DOI-BLM-OR-P060-2006-0014-EA
Title of Action: Cline Buttes Recreation Area Plan and Environmental Assessment
BLM Office: Prineville District Office

I. Introduction

In 2005, the BLM issued the Upper Deschutes Record of Decision and Resource Management Plan (UDRMP) for over 400,000 acres of BLM administered lands in Central Oregon. The UDRMP makes land use planning decisions that provide management direction and guide future actions. The UDRMP included overall management direction for the 32,000 acre Cline Buttes Recreation Area (CBRA) and identified designated routes for motorized vehicle use.

In 2006, the BLM began to develop alternatives for transportation and recreation in the CBRA that included access points, motorized use routes and non-motorized use routes that implements the overall management direction in the UDRMP. The Environmental Assessment (OR-P060-2006-0014-EA) analyzed the effects of transportation system designation and development within the 32,000 acre Cline Buttes Recreation Area, in Deschutes County, Oregon. The EA considered a range of transportation (road, trail and access point) alternatives, differing in the location and extent of uses, location of access points, and degree of sharing between different types of road and trail users. The EA and the preliminary Finding of No Significant Impact (FONSI) were made available for a 45-day public review on October 16, 2009. One hundred comments were received.

The EA identified Alternative 2 as the Proposed Action. The decision is to implement the travel management system (Roads, Trails and access management) for the Cline Buttes Recreation Area Plan to meet the Purpose and Need for the EA and provide a system of designated routes to ensure a wide variety of motorized and non-motorized recreation opportunities while protecting important resource values.

II. Decision

A. Rationale for the Decision

The Bureau of Land Management, Prineville District, has analyzed the Proposed Action and alternatives contained in EA number DOI-BLM-OR-P060-2006-0014-EA. The proposed action and alternatives have been reviewed and found consistent with the Upper Deschutes Resource Management Plan (UDRMP). In making this decision, I find that the transportation and recreation management activities in this EA would:

- Meet the Purpose and Need, and respond to existing laws, plans, strategies and direction described on pages 1 – 8 and 79 – 81 of the EA;
- Respond substantively to other agency, governmental, and public advice and requests, as described in the EA and in response to comments as described below;
- Be feasible and can be accomplished.

B. Compliance and Conformance with Land Use Plans

I have evaluated the actions in the EA against the goals and objectives of relevant land use plans. My decision is consistent with the direction in the (UDRMP). The UDRMP is available for review at the Prineville District BLM, 3050 NE 3rd Street, Prineville Oregon or online at:

http://www.blm.gov/or/districts/prineville/plans/deschutesrmp/index.php

UDRMP direction that is relevant to the transportation (road, trail and access point) decisions made in the EA is summarized below:

- The Maston Area is closed to motor vehicles.
- The majority of the planning area is managed with a Multiple Use, Shared facility emphasis, allowing for designation of motorized use trails, with an emphasis on locating this use in the center and northern portions of the planning area.
- Upper elevation areas of the buttes would be managed to emphasize non-motorized trail use.
- In the Tumalo ACEC, consider designation of equestrian and mountain bike trails at the minimum density necessary to provide trail links between BLM lands on the eastern slope of Cline Buttes and east of Cline Falls Highway with BLM lands west of Barr Road. A portion of the Tumalo Canal ACEC is managed for foot traffic only.
- Develop a motorized trail system that provides year round opportunities in a variety of terrain, with a variety of loops and choices to help disperse users, and take advantage of scenic and interpretive opportunities. Locate trails to minimize conflicts with adjacent landowners to the extent feasible.
- Provide designated trails for non-motorized uses such as hiking, mountain biking and horseback riding. Consider ways to minimize conflicts between these uses at a site or area specific level of planning.
- Separate motorized trail use from non-motorized trail use to the extent feasible
- Limit the number of access points to the minimum necessary.
- Designate trailheads for hiking access to the Deschutes River.
- Provide improvements to Fryrear Trailhead or develop a replacement trailhead as needed to accommodate additional vehicles and adequate turning radius for horse trailers.
- Work with ODOT to cooperatively manage the existing material site west of Barr Road as an OHV play area.

- Manage lands designated as Primary Wildlife Emphasis for habitat effectiveness that advances toward 70 percent or greater and where possible, maintain large un-fragmented patches (1,000 to 2,000 acres). Where possible, manage these lands for low densities of open motorized travel routes (approximately < 1.5 mi/mi^2).
- Manage lands designated as Secondary Wildlife Emphasis for habitat effectiveness that advances toward 50 percent or greater and where possible, maintains moderate size un-fragmented patches (400 to 800 acres). Manage these lands to target low to moderate densities of open motorized travel routes (approximately $\leq$ 2.5 mi/mi^2).
- Manage lands designated as General Wildlife Emphasis to consider focused efforts to maintain or improve the condition of important habitat areas (i.e., nest sites or special status species or connectivity corridors of species of local importance) and when opportunities arise, employ management actions that will maintain or improve habitat conditions.

Alternative 2 was selected as the proposed action because it best meets the Purpose and Need described in the EA on pages 1 – 8, and best responds to all the issues identified in the EA on pages 5 – 7. This alternative was developed in response to protecting the important resources of the area (cultural, wildlife, vegetation, soil and water), while at the same time providing a system of designated roads and trails to serve the needs of a wide variety of area users while reducing conflicts.

Alternative 1 was not selected because: Although the No-Action Alternative would provide the most opportunities for motorized uses to travel throughout the CBRA, it would not provide any designated or maintained trails for non-motorized users and the access conditions would not help to minimize conflicts or separate different user types. The high number of dead-end routes and proximity of routes to private property in this alternative maximized conflicts between public land visitors and adjacent property owners. Alternative 1 provides the fewest benefits to resources due to higher levels of fragmentation and use of poorly located and un-designed routes.

Alternative 3 was not selected because: Although Alternative 3 addresses resource concerns through a reduction in route density, trail standards and seasonal closures, it also provides the most dispersed motorized trail system and the lowest degree of separation between motorized and non-motorized trail use. Alternative 3 also restricts mountain bike use to the Maston and Buttes areas only, limiting opportunities for this use in the western and southern portion of the CBRA where most routes can be easily shared.

Alternative 4 was not selected because: Although Alternative 4 addresses resource concerns through a reduction in route density, trail standards and seasonal closures, it also provides the least dispersed motorized trail system while still relying on seasonal closures as a management tool. While Alternative 4 provides the largest amount of equestrian trails, it restricts mountain bike use to the Maston and Buttes areas only, limiting opportunities in the western and southern portion of the CBRA where most routes can be easily shared. Alternative 4 has a higher maintenance burden due to the use of ROW roads as access to developed trailheads or for public access to the middle butte.

C. Proposed or Selected Transportation/Recreation Alternative

It is my decision to implement the **Elements Common to All Action Alternatives** and **Alternative 2,** in section **2.2 Description of Alternatives for Recreation Management,** with minor alterations. The description of **Elements Common to All Action Alternatives** and **Alternative 2** in section **2.2 Description of Alternatives for Recreation Management** is incorporated by reference as if fully set out in this document with the alterations shown below. Mitigation measures in **Effects Common to All Action Alternatives** under section **2.2 Description of Alternatives for Recreation Management** are incorporated by reference as if fully set out in this document.

It is also my decision to implement **Elements Common to All Action Alternatives** and **Alternative 2**, in section **2.3 Description of Alternatives for Transportation Management**, with minor alterations. The description of **Elements Common to All Action Alternatives** and **Alternative 2** in section **2.3 Description of Alternatives for Transportation Management** is incorporated by reference as if fully set out in this document with the alterations shown below.

The transportation and recreation management decisions are shown on the attached Map 6, Cline Buttes Recreation Area Alternative 2 Transportation.

Map changes:

1. Map 6 (Alternative 2) of the proposed action is changed to incorporate the Alternative 3 trailhead location at Holmes Road/McKenzie Canyon Road instead of at Sabrina Road (T 14 S, R 11 E, NE ¼ of Section 33).

2. Map 6 (Alternative 2) of the proposed action is changed to move OHV trails in the southern portion of the OHV system further north (T 15 S, R 11 E, S ½ of Sections 25 and 26). This keeps an existing fence between the OHV and non-motorized trail systems to provide a more manageable separation between motorized and non-motorized trail systems.

3. Map 6 (Alternative 2) of the proposed action is changed to designate a trail in Dry Canyon, in the western portion of the CBRA for motorcycle use vs. motorcycle and quad uses (Dry Canyon south of the CEC powerline at T 15 S, R 11 E, Section 22). This approximately 2 mile section of trail is changed from a Class I and III OHV trail to a Class III OHV trail. As in all action alternatives, this route remains open to pedestrian, equestrian and bicycle use.

4. Map 6 (Alternative 2) of the proposed action is changed to include a short section of loop trail in the Tumalo Canal ACEC, close to the proposed Tumalo Canal ACEC trailhead (T 15 S, R 12 E, SE ¼ Section 31).

5. Map 6 (Alternative 2) of the proposed action is changed to relocate two short sections of trail to utilize existing routes in the Maston Area, at the west and east ends of the Red Cinder Road (T 15 S, R 12 E, Sections 26 and 27).

Text changes:

1. On page 211, paragraph 3, bullet item eight is changed to:

   "As a condition of approval, Barr Road would be fenced on both sides from the intersection of State Highway 126 to a point located 300 feet north of the cinder pit entrance."

2. On page 27, Table 9, the capacity for the Riverview Trailhead is changed from 10 SV (Single Vehicles) to: *"5 SV."*

3. On page 45, under Elements Common to All Action Alternatives, the following is added:

   "All Action Alternatives would manage the FAA road between Cline Falls Highway and the Thornburgh property (T 15 S, R 12 E, S ½ Sec. 28) as a limited use, administrative road not open to public motor vehicle use. BLM will work with the FAA and adjacent property owners to install a gate on this road to control access until such time the road is decomissioned."

4. On page 36, third paragraph, the last sentence is changed to:

   "While a small parking area would be provided off McKenzie Canyon Road to access the same area, the trailhead off the State Highway would be the larger more developed trailhead."

5. On page 37, Table 12, the Trailhead name is changed from "Sabrina" to:

   "McKenzie Canyon."

6. On page 37, Table 14, the mileage of trails south of State Hwy 126 is changed (numbers changed are in bold) to:

Table 14: Alternative 2 Motorized Use Trail Miles by Area

Trail Type	Maston Plateau	Buttes Area	North of Hwy 126	South of Hwy 126	West of Fryrear	Total CBRA
All Motor			13.4	28		41.4
Class I and III			17.6	**17.0**		**34.5**
Class III only			4.2	**10.8**		**15**
Class I total	0	0	31	**45.0**	0	**75.9**
Class II total			13.4	28		41.4
Class III total			35.2	55.8		90.9
CBRA Total			35.2	55.8		90.9
Class I (quads), Class II (full width/jeeps), Class III (motorcycles)						

7. On page 38, Table 15, the mileage of trails in the buttes area is changed from 8.1 miles to: *"8.4 miles."*

8. On page 36, under "Key Recreation Elements" a bullet item is added:

   - *In the Maston area, if site conditions allow for sections of trail to be constructed parallel and adjacent to ROW roads, these may be considered during trail development.*

9. On page 47, the second bullet item on the last paragraph (Alternative 2 description) is changed (revised text shown in bold) to read:

   - Administrative access into the southwest portion of the CBRA would use ***existing public and ROW roads 31 and 32, existing roads retained as non-motorized trail, and an administrative route between ROW 32 and parcels 28 – 32 that would be open to public motor vehicle (street legal vehicle) use. This administrative route between ROW 32 and parcels 28 – 32 is shown on Map 10 as the Alternative 3 ROW.***

10. On page 237 (Appendix 1 – Trail Objectives and Standards), the following sentence is added at the end of the first paragraph:

    Trails are not considered developed recreation sites, which are indentified as discrete sites that have capital improvements for recreation use and receive visitation for the recreation use of the site (e.g., designated campgrounds, visitor centers, and picnic areas).

11. On page 211, the eighth bullet item would be changed to correct the description of fence requirements that are part of the deeded easement for Site N (revised text shown in bold):

    - *As a condition of approval, Barr Road would be fenced on both sides from the intersection of State Highway 126* ***south to a point located 300 feet north of the cinder pit entrance.***

D. Implementation and Monitoring

The measures Common to All Alternatives, common to All Action Alternatives and specific to Alternative 2 with the above alterations will be implemented. Implementation of the trail system will follow the steps and procedures outlined in the EA (Appendix A, pages 237 – 251). This includes an emphasis or priority on developing access controls, implementing area closure allocations made in the 2005 UDRMP, and phasing trail construction together with route decommissioning in areas of Primary and Secondary Wildlife Emphasis. The BLM will consider using short-term closures of areas if it allows

for successful decommissioning and new route development. An initial route system will be identified and posted to manage motorized vehicle while the final route system is developed.

Project activities on a given site will not proceed until such time as botanical, special status wildlife and cultural clearances are completed. Any measures specific in the respective clearance report will be adhered to in the design of transportation and recreation management actions.

III. Alternatives Considered

There were four alternatives analyzed in the EA. Alternative 1 is the No-Action Alternative. Alternatives 2-4 represent a range of recreation and transportation decisions by allowing use of different areas by specific uses and different degrees of access and route sharing. A description of the alternatives can be found on pages 20 – 50 of the EA.

IV. Public Involvement

A. Public Involvement Activities

The BLM held an initial public meeting, followed by several weeks of field tours and a two day design workshop. Public comments were recorded during the design workshop, and a summary of these comments and maps were provided on the Prineville District website. BLM used this input to develop several trail concept plans. An additional roads and trail focus meeting, and several month review period was used to help craft the final alternatives. BLM staff communicated with, and attended meetings as requested with other agencies, trail user groups, property owners and other interested parties during this review period as final alternatives were being developed. These included meetings with the Federal Aviation Administration (FAA), Oregon Division of State Lands (DSL), Deschutes County Bicycle and Pedestrian Advisory Committee, Oregon Equestrian Trails (OET), Central Oregon Trails Alliance (COTA), Central Oregon Motorcycle and ATV Club (COMAC), local residents, Eagle Crest Resort, Oregon Recreation Trails Advisory Council (ORTAC), Thornburgh Resort, Deschutes County Recreation Assets Committee, Redmond Fire, and many others.

The Prineville District received 100 comments for EA number DOI-BLM-OR-P060-2006-0014 from multiple parties, including Oregon Department of Transportation, The Ridge at Eagle Crest Owners Association, Central Oregon Community College, Action Committee Capital Trail Vehicle Association, Oregon Department of State Lands, Deschutes County, Wisconsin Off-Highway Association, Backcountry Hunters and Anglers, Juniper Group Sierra Club, Deschutes Environmental Consulting LLC., Deschutes County 4 Wheelers, Oregon Equestrian Trails, Bend Chapter Oregon Hunters Association, Minerals Division Zimmerlite Products, Oregon Department of Transportation Region 4, Oregon Wild, Central Oregon Trail Alliance, and many private

citizens. A summary of the substantive comments and our responses are summarized below. Opinions and comments unrelated to the decision at hand were not responded to and are not included below.

B. Coordination with Other Agencies

Coordination occurred with various other agencies throughout the planning process, including the Confederated Tribes of Warm Springs Reservation, Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service, Deschutes Provincial Advisory Committee (PAC), Federal Aviation Administration, Oregon Division of State Lands, Oregon Department of Transportation, Deschutes County Transportation Department, State Historic Preservation Office and others.

C. Comments and Responses

The complete list of substantive comments and responses related to rights of way are included in Attachment 1. Comments that were not substantive, but that the BLM thought provided an opportunity to clarify the CBRA plan or existing setting are included on the Prineville District BLM website (http://www.blm.gov/or/districts/prineville). There were several substantive comments received that resulted in a change in the proposed action. Comments were received that:

- Expressed desire for greater physical separation between motorized trail uses and non-motorized trail uses, or the use of easily defined boundaries to better divide these uses. The proposed action was changed by adjusting the OHV trails slightly so that an existing grazing allotment fence formed the boundary between the shared use, motorized trails and the non-motorized use routes in the southern portion of the CBRA.
- Indicated a preference and rationale for one trailhead location used in Alternative 3 versus the location selected for the Proposed Action. The Proposed Action was changed to use the McKenzie Canyon trailhead location instead of the Sabrina Avenue location.
- Expressed uncertainty in how the first 400 feet of the FAA road at Cline Falls Highway would be managed. The proposed action was changed to clarify the road was an administrative route only and is proposed to be gated until such time the road is decommissioned.
- Expressed concern regarding trail sharing and safety in the canyons at the western portion of the CBRA. The proposed action was changed to eliminate Class I (quad) use in one portion of Dry Canyon, to allow better trail sharing.
- Indicated a desire for a shorter trail loop in the Tumalo Canal ACEC. An additional trail loop was added based on this comment.
- Expressed the desire for singletrack trails within a 200 foot corridor along the utility roads in the Maston Area. The proposed action was changed to allow

consideration of these routes adjacent to utility roads during final trail implementation.

- Expressed a desire to maintain motor vehicle access from the southwestern corner of the CBRA to parcels 28 – 32 via Harter Road. The proposed action was changed to allow public motor vehicle use of this route.
- Requested clarification of fencing requirements as part of the Site N stipulations. The EA was changed to clarify this requirement.

V. FONSI Reference

The FONSI indicating that the EA DOI-BLM-OR-P060-2006-0014-EA, for a proposed action to designate a transportation system, grant ROWs, and conduct vegetation management actions in the CBRA has been analyzed and found to have no significant impacts, thus an Environmental Impact Statement (EIS) is not required.

VI. Appeal Procedures

This decision constitutes my final decision which may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must also be filed in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. Notice of appeal must be sent certified mail. The appellant has the burden of showing that the decision appealed from is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal.

Molly Brown

Molly Brown
Deschutes Field Manager
Prineville District, Bureau of Land Management
Prineville, OR 97754

8/26/10
Date

Attachments:
1. Response to Comments
2. Finding of No Significant Impact for DOI-BLM-OR-P060-2006-0014-EA
3. Map 5 – Cline Buttes Recreation Area Taxlots and Rights of Way
4. Map 6 – Cline Buttes Recreation Area Alternative 2 Transportation
5. Map 9 – Cline Buttes Recreation Area Rights of Way Grants, Corridors and Amendments
6. Map 10 - Cline Buttes Rights of Way, Parcels 28 – 32
7. Form 1842-1

Attachment 1 – Response to Comments

The following list provides a summary of substantive comments received by the BLM and the responses to each. In addition to these substantive comments, there were many comments that requested clarification or asked questions regarding the plan or the existing management setting of the area. Those that provide additional information or help to clarify important issues are listed on the BLM website for the Cline Buttes Recreation Area Plan:

http://www.blm.gov/or/districts/prineville/plans/clinebuttes/index.php

I. Comments on Recreation and Transportation

Plan does not adequately analyze wildlife impacts
Commenter provides the opinion that the proposed fencing in all action alternatives would possibly restrict wildlife movement.
Response: Proposed fencing in the plan was not identified as an issue by the public or BLM staff during the scoping period. A commenter raises this issue and the BLM considered this issue, but did not analyze in detail because there would be negligible effects due to standard fencing designs that minimize effects to wildlife. Structural developments such as fences were described in the Proposed Brothers/LaPine Resource Management Plan and Final Environmental Impact Statement (1988) and provided for design to mitigate wildlife movement problems. The BLM has standard fencing guidelines (BLM Manual Handbook H-1741-1 - Fencing) that provides fence design/construction standards to allow for deer and elk to navigate through, under and over fences. Not all fences are problem fences. By tailoring your fence design and placement, you can prevent injury to wild animals and lessen wildlife damage to your fence (Montana Department of Fish, Wildlife and Parks, 2008). Fencing proposed in the plan area would not be located in any migration corridor and would not stop any wildlife from moving across the project area.

Commenter raises issue of whether the analysis of wildlife impacts is in error, due to the characterization of the area as "critical winter range," when it is identified on Deschutes County Wildlife maps as "historic winter range", not critical. Commenter suggests that the distinction between "winter range" and areas that are used by some animals in the winter be clearly made.
Response: The UDRMP/EIS and EA recognizes deer winter range in the planning area, but does not identify it as "critical" or "historic" as the commenter states.

Deschutes County is a local government agency with different roles and responsibilities than the BLM. Counties may establish restrictions on land use actions for portions of winter ranges and provide maps reflecting where the restrictions are located, but not where all of the winter range is located. Therefore one could look at county maps and see different winter ranges than what BLM or ODFW has mapped.

The Deschutes County land use decisions reflect their goals, not BLM's. The BLM went through a planning process based on the Federal Land Policy and Management Act and BLM planning regulations to develop the Upper Deschutes Resource Management Plan and associated Final Environmental Impact Statement. During this process the BLM coordinated with ODFW and Deschutes County among others in the vicinity of the planning area. The UDRMP/EIS reflects this coordination with ODFW and Deschutes County as the plan recognized where deer winter range is located. The BLM through direction in the UDRMP/EIS emphasized some of the winter range for deer while emphasizing some for recreation. Therefore in the CBRA you will see some recreation activities emphasized in deer winter range.

Deschutes County establishes rules and regulations for private lands while BLM administers only BLM-administered public lands. The difference in elk and deer winter range mapping and management decisions reflects the two agencies different responsibilities and management decisions. When effects of a proposed project are an issue for elk and deer winter range, the BLM should analyze the effects to existing winter range as outlined in the UDRMP.

Also, critical winter range is not some permanent place and condition that can be reliably located on the ground. The environment is often changing (e.g., wildfires) and animals change their activities (e.g., to find food) in response to environmental changes. Therefore, an area with high deer values one year may not provide those same values in subsequent years. The effort to delineate "critical" winter ranges is often done to prioritize habitats when social pressures conflict with wildlife habitat use and humans do not want to protect an entire resource, such as all winter range. This allocation is completed at the land use planning level.

Commenter suggest the wildlife effects analysis is flawed, since it is counting the entire 105 acres being considered for the Site N mineral quarry when the area to be actively mined would likely only be 10 acres. Also, the commenter believes that mining 10 acres would be a small percentage of the CBRA project and seems unlikely would have a direct negative impact on deer or elk and any impact could be easily avoided by animals simply moving a few yards away from the activity.
Response: When describing the potential effects for a proposed project, the BLM is required to consider all past, present and reasonably foreseeable future actions that cause an effect related to an issue/concern. The legal allocation of public resources would allow for a total of 105 acres being impacted (pages 186 and 192 of the CBRA Plan and EA). While the activity might occur on 10 acres, the legal allocation of 105 acres disturbance is reasonably foreseeable for purposes of this effects analysis. Removing all vegetation on one or more acres the Site N mineral quarry would make those vegetative resources unavailable for other uses (wildlife), and these effects need to be counted. Even though wildlife has the ability to move to another area, the loss of the habitat components on the affected public lands need to be accounted for because the animal can no longer use those resources.

Commenter states that the wildlife effects in the EA incorrectly includes trucks travelling to and from Site N transporting mineral materials when there would be a seasonal closure not allowing truck travel from Site N during the winter period.
Response: This comment is correct. This would be a minor change for the wildlife effects description and would not affect the overall outcome of the analysis.

Commenter stated that there is no discussion related to any potential benefits that could be gained through rehabilitation efforts completed at Site N.
Response: A rehabilitation plan has not yet been completed for Site N. Therefore, it is speculative whether there would be future benefits associated with rehabilitation efforts and not reasonably foreseeable.

Commenter provides the opinion that the overall description of the Wildlife impacts on deer and elk winter range appear to be in conflict with the rest of the document, and the impacts appear to be generally overstated based on direct and cumulative impact information on habitat contained elsewhere in the document.
Response: Commenter provides no specific information to support the case that the analysis is overstated. The analysis was based on issues identified through internal and external scoping and guidance provided in the UDRMP to compare the potential effects of the different alternatives.

Commenter provided the opinion that there is inadequate analysis of impacts on nesting bird species and other wildlife. The commenter states the Cline Buttes Recreation Area plan does not show migration routes for deer and elk and does not provide migration corridors necessary for the wildlife to reach the primary wildlife emphasis area. The commenter states that BLM does not discuss Executive Order 13186.
Response: The commenter did not specify which bird species or other wildlife was of concern. However, the EA analysis focused on issues identified during the scoping period. Internal and external scoping identified mule deer, elk, golden eagles and prairie falcons as the specific species of concern and analyzed in the EA (pages 173-205). The analysis also addressed source habitats that associated habitats to 121 bird species and 78 species of mammals, reptiles and amphibians potentially occurring in the project area (pages 173-205). This approach was presented at public meetings and was also used in development of the UDRMP/EIS.

The EA does not analyze effects to migration routes for deer and elk because there are no migration routes in this area.

BLM discussed Executive Order13186 in the EA (page 173).

Commenter is concerned because the EA states that the area (adjacent to their property) is not considered winter range for mule deer, and the EA uses the following assumption in the environmental consequences section: "The effects of the proposed plan decisions for deer and elk are only assessed for the winter season (on winter range) when human disturbances have the potential to be most detrimental" (EA page 175). Commenter

provides the opinion that the EA did not consider impacts to deer on the parcel/area near their property.
Response: The area of concern for the commenter is not identified as mule deer winter range (UDRMP Maps S-9 and S-10) and was not considered in detail because this area does not provide suitable conditions for wintering deer. Oregon Department of Fish and Wildlife is the primary agency responsible for managing mule deer populations. Oregon Department of Fish and Wildlife surveys and monitors mule deer annually on winter ranges and determines where mule deer winter range is located and this area was not identified by ODFW as winter range. The BLM works closely with ODFW on proposed projects to identify where suitable winter is located.

The area referred to by the commenter is located on the edge of the private lands that are dominated by irrigated agricultural lands that provides higher quality forage and acts as an artificial attraction for mule deer all year long. In the winter period, this area may also receive higher visitation by mule deer. This is a managed setting on private lands that could be temporary and change based on the interest of the landowners. For example, in the future this area could be managed for crops unsuitable for mule deer consumption or be developed for human residences and mule deer would change their behavior to visit other areas with suitable forage conditions.

Additionally, the BLM lands located in the area of the public concern is small in size (approximately 100 acres) and is not large enough to manage for mule deer populations. This area currently has a small parking area used by people to access the river canyon. The larger Maston allotment is a primary wildlife emphasis area (UDRMP page 57) and all action alternatives would maintain some desirable conditions for mule deer (e.g., low density of motorized routes and suitable un-fragmented habitat patches).

Plan alternatives do not do enough to protect wildlife
Commenter expresses a preference for a particular alternative, and raises concerns about motorized traffic in and around the canyons and cliffs in the Cline Buttes area because of the negative impacts on breeding grounds and effects to animals from motor sounds and fuel odors and residues on breeding grounds.
Response: There are no specific breeding grounds in existence in the plan area. There are several raptor nest sites in the area which were analyzed in detail (see EA pages 193 – 200). In addition, all action alternatives in the EA were designed to protect wildlife resources of concern regardless of whether the use was motorized or non-motorized travel. For example, methods to protect wildlife in the action alternatives included, but are not limited to, locating trails away from sensitive sites/areas, seasonally closing trails, seasonally closing entire areas to human activities and increasing the sizes of habitat patches by reducing fragmentation (see Maps 6, 7 and 8 for seasonal closures and Tables 67, 68 and 69 on pages 176, 177 and 178 of the EA for fragmentation).

Commenter expresses a preference for a particular alternative and provides the opinion that the mule deer population is suffering all over the western states, and that everything must be considered too not negatively further impact them.

Response: This is a very broad statement: "everything must be considered to not negatively further impact them (mule deer)." It is not the purpose and need of this project.

The potential negative effects to mule deer was identified as an issue during the scoping period and were analyzed and disclosed in the EA. This comment addresses the geographic scope of analysis and for this project BLM used deer winter range in the project area. Also, for cumulative effects the BLM looked at winter range within one mile of the planning area in order to account for effects to areas immediately adjacent to the project area. The commenter wants the analysis to include the entire Western U.S., which is not appropriate for purposes of analysis. The BLM may choose the geographic and temporal scopes of analysis.

Effects of all alternatives were made in comparison to management guidelines identified in the UDRMP (2005). All action alternatives would improve the situation for mule deer in the project area. Additionally, all action alternatives would move closer to or exceed the management guidelines identified in the UDRMP (see Tables 70, 72 and 73 on pages 178, 182 and 183 of the EA).

Oregon Department of Fish and Wildlife, who are the primary managers for mule-deer populations in Oregon, participated in the development of the UDRMP (2005) that outlined the direction for the Cline Buttes area. Similarly, an ODFW biologist participated in the Cline Buttes workshops and field trips.

Commenter's provide the opinion that the proposed action (Alternative 2) does not adequately protect winter range for deer and elk. The commenter believes the Proposed Action proposes several motorized routes that should be removed to more fully protect the winter range, as well as to benefit non-motorized recreation. The comments recommended the following actions:

- Close motorized route in the north end of Dry Canyon
- Close motorized routes in the Deep Canyon area, south of Highway 20
- Close motorized routes in the actual canyon portion of Buckhorn Canyon
- Close the motorized route in a small canyon in Sections 4, 5, and 33 north of Highway 20
- Close motorized routes south of the east-west running powerline corridor in the center of the Recreational Area

Response: The EA analyzed potential impacts to deer winter range associated for all of the alternatives. The proposed motorized trail system meets all of the applicable guidelines (e.g., motorized route density) in the UDRMP (page 56) and in some areas exceeds guideline thresholds. Tables 72 (deer) and 77 (elk) shows the proposed action would meet the UDRMP motorized route density guideline in the secondary wildlife emphasis area and reduces the density in other areas (e.g., Deep Canyon). Also, Tables 67 through 70 shows a consistent trend of decreasing fragmentation and increasing suitable habitat patches. Table 78 (Elk Habitat Effectiveness) show that all action alternatives would increase habitat effectiveness, especially when considering only BLM

administered travel routes. However, when all routes are included, the habitat effectiveness increases are less, but are nonetheless an improvement over the current situation. The EA, which tiers to the UDRMP (page 56, Objective W-4d), described how there are some situations where BLM has jurisdictional limitations under conditions caused by fragmented land ownership patterns, which reduces BLM's ability to meet certain guidelines (e.g., low road density, un-fragmented habitat patches, habitat effectiveness, etc.

Commenter feels that sound travels through this area for great distances and that rock crushing and high pitched motor bikes will have serious impacts on the wildlife due to the noise that is generated. Commenter expresses a preference for a particular alternative.
Response: BLM agrees with the basic statement that wildlife can be affected by noise and we incorporated this concern in the analysis. The wildlife effects analysis starting on page 173 provides several indicators that measure potential impacts to wildlife related to proposed recreational activities in the CBRA. Wildlife can be negatively impacted by human activities that cause noise/sound disturbances, as well as, by people just being present in the habitat. Wildlife also has the ability to become accustomed to some human activities, especially if they are predictable. For example, if people stay on a designated trails system as required then mule deer are better able to determine where people will travel and which areas would be less traveled and safer for deer to stay. Potential noise disturbances caused by people and the affect on wildlife was part of an issue identified during scoping and was incorporated into the effects analysis (EA pages 173-206).

Commenter raises concerns regarding improvement of trails along the river and feels that it would be highly desirable to leave the entire stretch of riverfront as wild as possible as it is a very remote and unbothered wildlife corridor on the river as it now exists.
Response: The proposed action does not include developing any facilities or creating new trails along the Deschutes River. The proposed action includes improving routes into the canyon to provide a more stable, non-eroding trail alignment (EA page 33). For all action alternatives, these access routes would be for pedestrians only, and most of them would remain as primitive and challenging trails (see EA Alternative 2, 3, 4 Transportation Maps). The proposed action would also seasonally close portions of the river canyon and trails to human travel in order to minimize disturbance to nesting raptors.

A comment concerning the Deschutes River South falcon nest was raised regarding a proposed trail system on both sides of the river and the impacts to these falcons and future nesting by golden eagles.
Response: Currently there are routes located on both sides of the river in this location and people often walk along the canyon rim above the falcon nests. There are three different falcon territories along the Deschutes River in the planning area and each territory has its own challenges in managing for both human interests and wildlife needs. Along the Deschutes River, the proposed action would use several different management techniques to limit human disturbances to nesting raptors, such as: seasonal trail closures; seasonal area closures, locate trails away from nests, and designate and map

trails and educate visitors about wildlife in the area and their needs. The proposed action would take actions to minimize disturbance to all nesting raptors as described on pages 193 through 199 and displayed on Map 6. While the Deschutes River South Territory would allow hikers to travel below the nest, the proposed action would not allow hikers above the nest, which tends to be more disturbing to nesting raptors.

Commenter suggested having a seasonal closure for mule deer that are wintering in the planning area.
Response: Providing suitable size un-fragmented habitat patches is a standard objective (UDRMP pages 55 and 56) to manage for mule deer on their winter ranges in order to limit human disturbance. The EA (Table 72, page 182) shows that all action alternatives meet the UDRMP secondary wildlife emphasis objectives and guidelines for motorized route density and therefore, seasonal closures are not necessary. Additionally, total area closures, as proposed in Alternative 2 for nesting raptors, are often located in mule deer winter range and would benefit wintering mule deer.

Commenter suggested the alternatives be changed to shorten the length of the river trails adjacent to the Riverview Trailhead so that their north end stops approximately halfway between the 2 power line crossings. Commenter provided the opinion that this would provide wildlife benefits for falcons, geese and eagles.
Response: BLM analyzed alternatives and associated effects for this area relative to prairie falcon and golden eagle nesting and adjacent foraging habitats and the current and future human demands for river access. The BLM interdisciplinary team considered the entire stretch of the Deschutes River in the project area, locations of the raptor nests, the existing and limited public river access points, the potential behaviors of both raptors and humans in development of the action alternatives (pages 173 through 206). While all of the action alternatives meet the purpose and need, Alternative 2 would be most effective in managing for both raptors and people in this area. For the raptors, Alternative 2 would seasonally limit all human travel in most of BLM lands in Section 35, a portion of Section 25 to the north and a portion of Section 3 to the south. Additionally, the entire Jaguar Road parcel would be closed seasonally to all human travel, the BLM trails located at the northern part of the Deschutes River area would be closed seasonally and there would not be any trails located above the prairie falcon nest near the powerline crossing (referenced by the commenter). In all action alternatives, trails were not proposed to be located above the raptor nests, as raptors are generally more sensitive to activity occurring above them. While the trails located at the river's edge below the falcon nest by the powerline would be open year round it was felt that by only allowing human activities below the nest the falcons may be able to adapt. The purpose and need also aims at balancing the use of the river corridor and managing human access where there would be the best possibility for success while protecting all nest sites to some degree and most raptor nesting areas entirely pages 193 through 200). The Team considered the option to "close" the entire stretch during the entire nesting season, but did not analyze this in detail because of the high human demand for river access. In addition, if the BLM tried to "close" the public out of every river access location there would be greater impacts to nesting raptors along the entire corridor than if the BLM provided human access at a few designated locations. The public wants access to public lands,

particularly the Deschutes River in proximity to Redmond, and providing managed and limited access receives public support, versus complete closures. The Team decided to direct people where they would have the least impacts on wildlife, and where the BLM has the best opportunity to successfully manage visitors. Therefore the Team proposes to limit public access more where multiple raptor species nest (middle segment) and allow more access, with less restrictions, in the north and southern areas in all action alternatives. Additionally the Team proposes to limit all access, even foot traffic, in the middle segment of the river and above the rim in order to provide raptors with areas free from human disturbances (Map 6).

Concern over trail designation in the canyons

Commenter's expressed the desire to have the canyons on the west side of the CBRA closed to motor vehicles, at least south of the large CEC powerline. Other comments included the desire to close all canyons to motorized use to protect wildlife and create a noise free zone. Commenter's expressed a concern regarding the safety of equestrian users sharing canyon trails with motorized uses, and questioned how BLM would limit motorized vehicle users to the northern portion of the canyon and preclude them from travelling further south.

Response: The EA considered a range of options for trail designations in the various dry canyons in the planning area, including the avoidance of motorized trails in all canyons south of the large CEC powerline (Alternative 4). The EA did not propose a complete closure of all canyons throughout the entire CBRA in any alternative (EA page 60); because this alternative would not be consistent with UDRMP direction to provide OHV trails in a variety of terrain and to take advantage of scenic opportunities (UDRMP, page 116).

The alternatives provide a reasonable range of trail opportunities that include substantial mileage of equestrian trails that are separate from motorized use. For example, the proposed action provides 99 miles of equestrian trail separate from motorized use, half of which are also closed to mechanized use (EA page 38). This provides opportunities for equestrian trail rides absent other types of trail use and addresses safety concerns.

The proposed action includes a short section of trail (approximately 1 mile) in a portion of Dry Canyon that is shared between Class I and III OHV's (motorcycles and quads) and non-motorized trail users. In response to comments regarding trail sharing and safety, this trail has been changed to Class III (motorcycle), with Class I OHVs (quads) excluded. The change in trail use should allow for easier trail sharing in this section of trail. The total mileage of trail changed from Class I and III to Class III is 1.7 miles. This includes trail in the canyon, and trail outside and east of the canyon that connects back to the larger OHV trail system (see Map 6).

The proposed action does not allow motorized use in the southern portion of dry canyon located north of Fryrear Ranch Road. As additional measures, a variety of education, engineering and law enforcement tools can be used to educate and inform users of appropriate trail use on this 1 mile section of trail, including posting of signs, creation of wide spots in the trail to allow bypass, and trail tread design to slow riders down. Signs,

trail location and design, and access controls at the south end of the OHV route can be used to direct OHV east on the designated route, rather than further south on the equestrian trail. Trail standards, signs and implementation strategies are included in all alternatives (EA, Appendix 1). These are management tools that have been used on designated trails in other parts of the Prineville District and USFS lands in Central Oregon.

There should be more motorized trail opportunities

Commenter has provided the opinion that additional OHV miles are desired overall in the CBRA or the need for particular types or locations of trails. Commenter provided opinion that all existing routes are needed as OHV routes due to cumulative effects of other closures and there can be no net loss of motorized recreational opportunities in the CBRA. Commenter provided opinion that a "pro-recreation" alternative needed to be developed which included at least 50% of the total trail miles be provided for OHV use.
Response: The BLM considered a reasonable range of alternatives to meet the purpose and need in this EA. Alternative 1 (No-Action Alternative) includes most of the existing, inventoried routes in the CBRA as being open to OHV use. The CBRA Plan is based on the UDRMP and this EA is tiered to the UDRMP FEIS. The UDRMP identified the majority of the CBRA as "Multiple Use, Shared Facilities" and with a travel management designation of "Limited to Designated Road and Trails". However, the UDRMP also recognized the conflicts regarding trail use in the CBRA and provided guidelines that included an emphasis on other types of trail use in the Tumalo Canal ACEC and on the upper portions of the Buttes (UDRMP pages 115-118). The UDRMP identified the central and northern portions of the CBRA for emphasis on OHV trails. Input received during the public involvement process for the CBRA indicated that options needed to be considered to design the OHV trail system in a way that addressed social conflicts and resource issues.

The BLM agrees that a greater number of OHV trail miles would tend to decrease user density. However, the action alternatives represent the range of issues and concerns brought up during the planning process, which included conflicts between OHV and non-motorized trail use, resource concerns and social conflicts. Many users of the area who commented throughout the environmental analysis process identified separation of uses as a desirable outcome. The action alternatives are a reflection of these concerns and while they do not maximize OHV use over other types of uses, they do represent a reasonable range of OHV opportunities. Alternatives considered included motorized access to the middle butte and varying degrees of motorized access in the canyons.

While BLM agrees that the CBRA is not meeting the regional demand for Class II and III trails, the primary purpose and need of the CBRA does not entail meeting regional demand for Class II and III trails (EA page 4 and 5). The UDRMP identified multiple areas for future OHV trail development, including Millican Valley, Bend-Redmond Recreation Area, Steamboat Rock Recreation Area, and portions of the Cline Buttes Recreation Area (UDRMP pages 105-108 and RMP Map 3). Provision of Class II or III trails can be considered in all of these areas, which are currently open to OHV use. The CBRA proposed action provides for three rock crawling areas, and additional routes (9.7

miles) of advanced/extreme all motor trails, including a routes north of State Highway 126, and south of State Highway 126 along the CEC power line and within or adjacent to Site N. The proposed action also includes some single-track motorcycle (Class III) trails. The trail segment in a portion of Dry Canyon immediately south of the power line has been changed to motorcycle only to provide an additional 1.7 miles of Class III trail.

Commenter expresses the need for travel within 300 feet of all existing routes, to provide for dispersed camping.
Response: The desire for motor vehicle use off designated routes for a 300 foot corridor for camping is not consistent with management direction in the UDRMP which states that motor vehicle use is limited to designated roads and trails (UDRMP pages 107-108). This issue was not identified during the planning process, likely due to the fact that use of the CBRA for dispersed camping is extremely limited.

Commenter expressed opinion that no buffer zones should be created next to private property, since the CBRA is public land.
Response: The CBRA plan identified trail corridors, not buffer zones or closure areas. Land use allocations such as Open, Closed, or Limited are land use planning decisions that were already made in the UDRMP. While locating trails close to private property provides for less habitat fragmentation, locating them further away may lessen social conflicts. There are advantages and issues with each approach. The BLM has attempted to strike a balance in how it has designed the trail system in the various CBRA alternatives.

Commenter expressed the opinion that the planning process was flawed because it started with a proposed action.
Response: The CBRA plan did not begin with a proposed action, but developed alternatives based on public input throughout the planning process.

Concern over trail designation on buttes
Commenter's have expressed a variety of concerns regarding the location and types of trail uses allowed on the buttes, both in favor of, or against motorized use trails.
Response: The EA considered a reasonable range of alternatives that were designed to meet the purpose and need. These comments express a preference of alternatives. Alternatives 4 and 1 would have a motorized use trails on the buttes whereas Alternatives 2 and 3 would not (Tables 5, 14, 17 and 18, CBRA Plan). The CBRA Plan is guided by the UDRMP, which identified that motorized use trails would not be emphasized on the upper elevations of the buttes. The EA considered a reasonable range of alternatives to meet the purpose and need for enhancing the safety and quality of recreation experience for all visitors and users while providing a transportation system that reduces conflicts between recreational users as well as between public land visitors and adjacent landowners.

Commenter's also expressed concern regarding the proximity of trails parallel and adjacent to private property on the buttes, and provides the opinion that the EA should

consider the possibility that the Thornburgh property may be developed as individual lots instead of a destination resort.
Response: Trail corridors on the buttes are influenced mainly by topography, land ownership patterns, and the desire to create functional trail loops. Trail corridors are not dependent on whether adjacent lands are developed as destination resorts or as individual lots. The exact density and nature of private land development on the buttes is speculative, although BLM considered access to the public land trail system based on reasonably foreseeable proposals for development on the buttes.

There should be less motorized trail opportunities
Commenter's express the opinion that there should be less OHV opportunities in the CBRA, either in total, or at specific areas such as canyons or near particular private parcels. Commenter's expressed the opinion that designating the area for motorized use will increase the level of use.
Response: The EA considered a reasonable range of alternatives to meet the purpose and need. The CBRA Plan is based on the UDRMP and this EA is tiered to the UDRMP FEIS, which identified the area for designation of a year-round system of OHV trails and identified a specific route system of approximately 164 miles spread throughout most of the CBRA, except for the Maston Area, which was closed to motorized use in the UDRMP. As such, no alternatives close the entire recreation area to motorized use or exclude motorized uses in all canyons or areas of challenging terrain. All action alternatives would cut the OHV trail mileage almost in half and further restrict the extent of the system both to the south and west and on the buttes (due to UDRMP direction for secondary wildlife emphasis areas and UDRMP direction for future OHV trail development). In the area designated as multiple use, shared facilities emphasis in the UDRMP, the EA's proposed action identifies about 50% of trails for OHV use (EA page 39). This near equal balance of trail use in an area designated as multiple use, shared facilities shows that there is no inherent bias towards OHV trails or a disproportionate amount of motorized use trails versus non-motorized use trails in the CBRA. Under all Action Alternatives, the designation of OHV trails would result in a lower density trail system with trails located further away from private property and originating at specific trailheads that would decrease conflicts compared to the No Action alternative. As described in the EA (page 78), the area is already highly popular, and was identified as an OHV use destination in the 1989 Brothers La Pine RMP, as well as the 2005 UDRMP. The proposed action would reduce the density of OHV trails near private property, and would greatly reduce the mileage of user created routes near private property (EA pages 82, 159). The ability to use maps, signs, visitor contact, law enforcement, engineering and education would be fostered by the designation of trails and trailheads, and access controls proposed in the EA.

Commenter's expressed the opinion that buffer zones around private property should be closed to motor vehicle use, and that all canyons should be closed to motor vehicle use, to benefit wildlife and non-motorized recreation opportunities.
Response: All of the action alternatives include trails that are consistent with the Wildlife Emphasis allocations in the UDRMP, which call for a lower density of motorized use trails in the secondary wildlife emphasis area at the western edge of the CBRA and

higher densities in the areas designated as "general wildlife emphasis" in the center and north portions of the recreation area. The CBRA EA action alternatives provide for a variety of trail use settings and trail sharing which would allow for substantial choices in the degree of separation provided to non-motorized trail uses. This degree of sharing was identified and assessed for each alternative (EA pages 22-23, 39, 41, 44, 164, 166, and 167). Buffer zones were not identified in the CBRA plan, whether the parcel is a destination resort or an undeveloped private parcel within a Destination Resort overlay zone that is currently being reviewed for amendments/revision. An area wide buffer that closes large areas to motorized use is a land use allocation decision, outside the scope of the CBRA plan. The CBRA purpose and need ties to decisions made in the UDRMP, which included that the center and northern portions of the CBRA emphasize multiple use, shared trails (i.e., OHV routes), and that the upper elevations of the buttes emphasize non motorized routes. The concerns of the FAA over access and vandalism to the navigation site, and the lack of agreement on allowing OHV trails through DSL lands on the buttes all affected the trail system design on the buttes, which were analyzed in the various action alternatives in the EA.

Commenter expressed the opinion that the entire Pecks Milkvetch ACEC should be closed to motorized use.
Response: The Peck's Milkvetch ACEC was identified in the UDRMP as Multiple Use, Shared Facilities emphasis, which specifically allows for motorized use on designated roads and trails. The CBRA alternatives vary with regard to the number of miles of OHV trail within the ACEC, and the ease of access into the ACEC. All Action Alternatives reduce the amount of motorized use trails in the ACEC. The degree of motorized use in the Peck's Milkvetch ACEC was analyzed in the UDRMP FEIS and in the CBRA EA (pages 116 - 118).

The analysis did not consider the cumulative effect of Site N material pit
Commenter raised concerns regarding the lack of discussion of Site N in the EA, and issues regarding noise, nighttime use, seasonal closures for blasting, processing operations, and closures of the area. Commenter states that the cumulative effects of Site N require the BLM to close the CBRA to all motorized use.
Response: BLM described and considered the cumulative effects associated with the potential development of Site N material pit as a reasonably foreseeable future action in the EA (pg.'s 126, 151, 156, 170, 172, 186, 187, 192, 210, and 211). The noise and dust from blasting is addressed in the environmental analysis of Site N done by FHWA. With regard to noise impacts, the noise created by mining and processing operations shall not exceed DEQ Industrial and Commercial noise control standards, which are regulated by Oregon Department of Environmental Quality. Site N will be required to comply with State of Oregon law regarding the discharge of dust by mining operations.

The EA (page 211) considered stipulations contained in the Letter of Consent to FHWA for use of Site N including:

- No use of the site on Saturdays or Sundays, day or night
- No use of Site N is allowed on the following holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

- During the months of November through March, Site N operations shall be confined to drilling, blasting, crushing and stockpiling. Hauling off site would not occur. Hours of operations are confined to 7 a.m. to 6 p.m. and that between November and March, no off-site hauling would occur.
- Truck traffic from the site is routed north on Barr Road, the shortest distance between the site and State Highway 126.

These laws and BLM stipulations address the issues of noise and dust. Closing the entire CBRA to OHV use due to potential effects associated with Site N was considered but not analyzed in detail because: 1) Federal and State laws regarding Site N use and BLM stipulations would reduce potential effects; and 2) Closure of the entire 50 square mile CBRA to OHV use is inconsistent with the UDRMP.

BLM should designate a 1/2 mile buffer zone around private property
Commenter request that BLM designate a ½ mile buffer zone around all private property that precludes motorized use.
Response: Commenter does not provide additional information to support the conclusion that a ½ mile buffer zone around private property is necessary or any information beyond the effects already analyzed in the EA. The EA analyzed noise and trespass issues (EA pg.'s 159 and 162). All action alternatives in the plan reduce the motorized trail density near private property (EA page 159) and mandate lower sound levels to minimize conflicts. A ½ mile buffer throughout the CBRA is a travel management allocation, which is made at the RMP level of planning, and is not within the scope of the CBRA plan. BLM considered this alternative, but did not analyze it in detail because it would effectively close the area to motorized trail use.

The planning process relies on inaccurate data
Commenter states that the CBRA plan relies on outdated and inaccurate ecological condition estimates and that the numbers of users and miles of routes have significantly changed.
Response: Commenter does not provide data to support the contention that data used is out-dated. The BLM used its best available data for development of CBRA EA alternatives. The BLM conducted a detailed survey work and mapping conducted to document routes between 2006 and 2008. Likewise, Ecological Site Inventory survey work was conducted during the planning process and represents the most timely and best available information. If additional user-created routes have been created in the CRBA planning area during the planning process, the designated trail system and route density for each alternative remains static and the use of new user-created routes would be prohibited under all the action alternatives. Routes not identified for retention would be decommissioned during project implementation. Further survey and inventory work would not add meaningful information to the analysis for the decision-maker to render a decision.

Proposed action does not address use conflicts regarding safety
Commenter's raised issues regarding safety on trails shared by motorized and non-motorized users in the canyon and cliff areas of the CBRA, and the desire for clear

separation of these different types of trail use by using the large CEC powerline as a boundary. Commenter's also expressed a desire to close the CBRA to target shooting to provide for safety.
Response: One of the BLM's purpose and needs for action include safety and quality of the recreational experience for all visitors and users (EA page 4). The BLM created a range of trail opportunities for all users with varying degrees of user separation (EA pages 38-39). Alternative 4 included the use of the CEC powerline to separate motorized trails from non-motorized trails. Other alternatives provided for OHV use further south in the CBRA. To better ensure separation of trail use types, motorized use trails have been relocated in the proposed action to use an existing grazing allotment fence to better separate motorized use trails from non-motorized trails in the southern portion of the recreation area (see Map 6). To minimize use conflicts in the narrow portion of Dry Canyon south of the CEC powerline, this portion of trail has been changed from Class I (quad) and III (motorcycle) to only allow motorcycles and non-motorized trail use, to reduce trail crowding and better allow trail sharing on this route (see Map 6).

As discussed in the EA, trails will be designed to minimize safety hazards and trail signs will be used to provide information (EA pages 245-249). Trail users can chose to ride in locations that offer a high degree of separation from motorized users, or choose to ride in areas of shared use trails. Both non-motorized users and motorized users have a responsibility to ride safely and follow established trail etiquette for safe trail use.

A decision to close the CBRA to all firearm discharge is beyond the scope of this action. As noted in the EA (page 164), access controls proposed in all action alternatives would increase the drive time to certain portions of the CBRA and decrease easily available target shooting opportunities.

Commenter provided the opinion that any fire started by internal combustion will exceed the UDRMP guidelines that call for lands nearest to homes and private property be managed for conditions that will not support crown fires and for surface fires with flame lengths of less than two feet.
Response: The vegetation management process in the proposed action does meet the UDRMP guidelines. The UDRMP guidelines (UDRMP, page 62 – 64) for vegetation management apply to fuels conditions, such as vegetation density, continuity, and height, not to vehicle use or ignition sources.

The plan's approach to non-motorized trail design should be changed
Commenter's requested additional equestrian trail miles in Tumalo Canal ACEC and Maston Areas.
Response: This comment indicates a preference of alternatives. Alternative 1 allows for equestrian use throughout the ACEC, while Alternative 3 provides an equestrian trail link through the ACEC on an existing road (EA page 40). All action alternatives provide equestrian trails to the south of the core, interpretive use area of the ACEC, in response to guidelines in the UDRMP that call for pedestrian interpretive use on the relic canal system in the Tumalo Canal ACEC and to consider equestrian and mountain bike trails at the minimum necessary to provide links from the CBRA west of Barr road to the Maston

Area (UDRMP page 68). The proposed action provides this link adjacent to, and south of the ACEC. For the Maston area, a range of trail designs were considered, but trail density for this area was limited in all action alternatives, due to its designation as "Primary Wildlife Emphasis" in the UDRMP.

Commenter raised the concern that separate, but parallel equestrian and mountain bike trails in the Maston Area rewards one user group previously unknown to the area and proposes that the area should be managed for the least impacting plurality of uses instead.
Response: The provision of parallel trails was proposed and analyzed in Alternative 2 because it allows for separated trail use in a low-density trail network without compromising the berms on the relic canals in the area due to multiple and competing trail uses. Separate but parallel trails help to reduce user conflicts between existing user groups that are using the area in increasing numbers. Parallel trails are only a portion of the trails in the Maston area, the majority of which use existing routes. Alternatives 3 and 4 do not use parallel trails. Commenter does not provide any rationale for which users are the least impacting plurality. Comments received during the UDRMP and CBRA planning process and input from agency staff indicate that the CBRA has been used by mountain bike riders for many years.

Commenter requested that the trails in the Maston and Buttes areas be considered corridors, with separate trail routes located within 100 feet of existing roads to provide more challenging trails.
Response: For all action alternatives, trails shown are corridors within which the exact trail alignment will be located. The power line roads in the Maston area are identified as shared routes for all non- motorized users due to their width, generally flat grades and good sight lines. For the proposed action, if site conditions allow for short sections of trail to be constructed parallel and adjacent to these ROW roads, these may be considered during trail development. Two short sections of trail have been relocated in the proposed action to use existing routes instead of the red cinder ROW road that will have regularly occurring motorized vehicle traffic (see Map 6).

Commenter suggested that trails located west of Fryrear Road be designated as shared, non-motorized routes.
Response: The proposed action does identify trails west of Fryrear road as shared use, in part to meet the needs of the immediate neighbors.

Commenter states that separate, but parallel trails in the Maston area would cause a significant amount of ground disturbance.
Response: The commenter does not provide additional information beyond the effects analyzed in the EA. The EA analyzed non-motorized recreation effects on soils (EA pg.'s 122-123). The proposed action reduces disturbance by identifying designated trails in the Maston area at approximately half the existing route density. Under all action alternatives the amount of soil and vegetation disturbed by trail use would be reduced.

Commenter raised concern that an interpretive trail loop in the Tumalo Canal ACEC was designed for adjacent resort use only and is too far away from the trailhead to be used by school groups.
Response: For all action alternatives, the proposed trail network in the Tumalo Canal ACEC is based on where the historic canals are located. This trail loop at the north-center portion of the ACEC is proposed to take advantage of the following features: a large canal raceway structure on the boundary of the Thornburgh property and BLM, several sections of canal, a large and scenic basalt rock escarpment, and high ground that provides long distance views of the cascades. While it is a moderate distance (2 miles one way) from the trailhead, it is where these landscape features combine to form a high quality trail experience.

All action alternatives also provide a short, 0.7 mile section of pedestrian trail to the southwest of the trailhead that can be used by school groups. As a result of this comment, the proposed action has been modified to provide a short (1.3 mile) loop closer to the trailhead (see Map 6).

The plan does not adequately address climate change
Commenter states that OHVs disturb the soil and vegetation and inhibit the ability of the biosphere to sequester carbon. Commenter provides the opinion that the EA should recognize that climate change stresses will add to the cumulative effect caused by human disturbances such as OHVs , roads, grazing, altered fire regimes, recreation, vegetation management, and that BLM should reduce grazing, reduce OHVs, reduce road density, restore fire regimes, avoid activities that will spread weeds, etc.
Response: Commenter does not provide information about any new scientific information or capacity to predict how climate changes will impact the resources in the Cline Buttes project area. As discussed in the EA, the IPCC observed how warming of the climate system is unequivocal and very likely due to the observed increase in anthropogenic GHG emissions (EA pages 65-66); however, there are uncertainties in the changes of climate at the specific region. In addition, the specific changes in resource impacts as a result of climate change would be highly sensitive to specific changes in the amount and timing of precipitation, but specific changes in the amount and timing of precipitation are too uncertain to predict at this time (EA page 65).

Commenter does not provide additional information beyond effects already analyzed in the EA regarding vegetation disturbance. The EA analyzed how OHVs disturb soil and vegetation (EA pages 122-123, 149 – 157). All of the action alternatives would reduce disturbance by identifying specific routes for OHV travel in comparison to the No Action Alternative where OHV is dispersed throughout the entire area. All action alternatives reduce the density of roads and trails in the area. Therefore, under all alternatives, the amount of soil and vegetation disturbed by OHV use would be reduced thereby increasing the overall ability of the vegetation in the project area to potentially sequester carbon

Concern over location and type of camping facilities for OHV riders

Commenter's desired that camping facilities be developed further away from State Highway 126 and from trailhead developments.
Response: The BLM considered a reasonable range of alternatives for the location and type of camping facilities for all users. Through the scoping process, the BLM identified the need for camping areas at the Barr North and Buckhorn trailhead areas. Camping is also allowed throughout the CBRA in all alternatives. Under all of the action alternatives, trailheads would be constructed in such a way that camping areas are located away from loading and unloading areas. The locations for OHV trailheads in all action alternatives were selected because they are areas where people currently camp and are already disturbed areas.

Use of Barr Road
Commenter states that by allowing uses adjacent to Barr Road, the CBRA plan allows for the use of Barr Road as a motorized route and is inconsistent with the County designation of this road.
Response: As indicated in the EA, Barr Road is a county road (EA page 100) and the northern portion of this road is used by the public to access the existing cinder pit (EA page 101). The CBRA plan proposes fencing both sides of Barr Road and directing recreational visits to the North Barr Trailhead and Tumalo Canal Trailheads, which are located at or near the boundaries of the recreation area. These are both existing parking/staging locations. Barr Road is a local, rural road which provides access to public lands. The use of Barr road to access parking areas is not inconsistent with the County designation of this road, which provides for access to adjacent land and higher classified roads and as a local road normally carries less than 1,700 vehicles per day. As identified in the EA (pages 209-211), all action alternatives would reduce motor vehicle use on Barr Road, particularly OHV use.

Plan should minimize development of new routes
Commenter proposes that the plan should minimize the development of new routes and focus on the use of existing routes, unless there is a specific resource need to create a new route.
Response: As stated in the EA's purpose and need (EA page 6), as recreational use has increased, conflicts between property owner and public land visitors have increased. The EA identifies the high number of routes adjacent to, or dead-ending at private lands (EA pages 21, 82), a high number of access points from state or county roads, and the lack of trails that are maintainable or provide the desired recreation experience for visitors (EA page 78). Many existing, user-created routes are located in close proximity to sensitive habitats or need to be realigned to locations that provide less erosion potential. These factors led the BLM to analyze alternatives with new route construction. Given the above factors, the ability to create a manageable, maintainable, and diverse trail system would not be possible through a reductive process of only decommissioning unwanted routes and thus, was considered but not analyzed in detail. The UDRMP (UDRMP ROD, page 136) directs that new routes may be considered if they provide better resource management, reduce social conflicts, provide better recreation opportunities or if existing routes are determined to be unfeasible. The commenter does not provide additional information beyond effects already analyzed in the EA. The EA analyzed how trail

development disturbs soil and vegetation (EA pages 122-123, 149 – 157). All of the action alternatives reduce disturbance by designating specific trails. Under all action alternatives, the amount of soil and vegetation disturbed would be reduced (EA pages 121-122, 155-157).

Plan should consider future resort zoning

Commenter introduces the potential for future Deschutes County and state of Oregon decisions regarding destination resorts, zoning and conditional use permits. Commenter states that ROW decisions in the CBRA plan should consider these potential County and State planning decisions. Commenter also states that the proposed action avoids placement of OHV trails adjacent to destination resorts, and provide the opinion that the EA should exclude OHV trails from any lands with Destination Resort (DR) overlay zoning throughout the CBRA.

Response: The development of additional destination resorts within or adjacent to the CBRA is speculative and not a reasonably foreseeable future action because no current permits or proposals exist. Therefore, these speculative scenarios for the entire range of lands included in the destination resort overlay do not need to be analyzed in the EA.

The presence of one destination resort and another Destination Resort proposal on the buttes does not mean BLM should not provide any OHV trails in the area, however, the location and types of trails on the buttes is guided by direction in the UDRMP, which states that trail development in the higher elevation areas of the buttes will be oriented toward providing non-motorized trails for hiking, mountain biking, and equestrian use (UDRMP ROD, page 115). The narrow bands of public land within which trails must be located on the buttes do not lend themselves to easy separation of different user types, and the lack of a motorized use trail corridor through State lands also limited the potential for motorized trail development on the buttes.

The location and width of road ROWs were identified for all action alternatives based on resource concerns with the shortest routes and minimal ROW widths typically chosen regardless of whether a parcel is within a Destination Resort overlay zone or not. The CBRA plan chose minimal ROW corridor widths, typically 20 feet (EA page 54). If future planning proposals or decisions are made by the County for these parcels, the property owners would need to seek a ROW amendment, which may require additional NEPA analysis and BLM decision.

Trail access from private property

Commenter stated the opinion that their property value would be reduced if they did not have access to riding trails bordering their property.

Response: The commenter does not show any specific information supporting this claim. All adjacent properties have access to trails through pedestrian use on public lands. The BLM identified (EA page 32) a large number of subdivision level access points as well as numerous trailheads dispersed throughout the planning area which can serve adjacent landowners as well as those living further away from the recreation area.

Effect of trails crossing ROW roads

Commenter expresses a preference of alternatives (Alternative 4 with additional restrictions on OHV use such as closing all canyons, the Pecks Milkvetch ACEC and other areas) and provides the suggestion that BLM consider the effect of trails crossing ROW roads leading to private property.
Response: As identified in the EA, the proposal to close all canyons in the CBRA was considered but not analyzed as an alternative (EA page 59) because it does not meet the UDRMP direction to provide OHV riding opportunities in a variety of terrain and take advantage of scenic opportunities (UDRMP, page 116).

The BLM did consider the issue of trails crossing ROW roads and in most cases avoids multiple trail crossings of ROW roads. The BLM has greatly reduced or eliminated the use of ROW roads for the OHV trail system in all action alternatives (EA page 207). However, the issuance of ROW grants across BLM administered public lands does not guarantee exclusive, private use of these roads (EA page 206). Safety issues can be reduced by limiting the number of trail routes crossing ROW roads, and clearly signing the trail and roadway to warn users of upcoming crossings. The designation of an approved trail system will allow BLM to locate crossings in the safest locations and implement specific trail alignments in a way that slows trail users down before they cross a ROW road.

Plan has no baseline for alternative comparison
Commenter provides opinion that the EA provides no baseline for comparison of alternatives, that the No-Action Alternative (Alt 1) is an under managed, high use alternative, and that OHVs should be limited to existing roads with no new trail construction.
Response: The comment provides no clear rationale for why the use of existing roads only is an appropriate means of developing an effective and maintainable transportation and trails system. The use of roads only does not provide for a variety of trail opportunities and does not decrease user conflicts due to the high number of existing routes adjacent to, or dead-ending at private property. The CBRA EA is tiered to the UDRMP, which directs (UDRMP ROD, page 136) that new routes may be considered if they provide better resource management, reduce social conflicts, provide better recreation opportunities or if existing routes are determined to be unfeasible.

The No Action alternative describes the existing condition and trend of issue-related elements of the human environment, which is the baseline for analysis. The No Action alternative then analyzes how the baseline would shift without any of the action alternatives. The landscape is not static, but dynamic. In the absence of implementing any of the action alternatives, the baseline will still change which is reflected in the No Action alternative. Thus, the No Action alternative provides a baseline for comparison of environmental effects.

Trails should not be considered developed recreation sites
Commenter requests that the EA clearly indicate that trails are not considered designated recreation sites, in order to be consistent with the UDRMP.

Response: This suggestion is not needed to ensure consistency with the UDRMP. However, Appendix 1 of the CBRA Plan will be revised to clarify that trails are not considered developed recreation sites.

The action requires an Environmental Impact Statement (EIS)

Commenter states that the CBRA planning process requires an Environmental Impact Statement (EIS) where it involves a 32,000 acre area and substantial new development in the area.
Response: An EIS is required for major federal actions where the effects are expected to be significant. The current proposed action is not expected to produce significant results beyond those already analyzed in the UDRMP. The UDRMP analyzed the effects of making the CBRA available for motorized and non-motorized uses, identified goals for minimizing access points, providing designated trailheads, and prescribed an interim trail system. The current EA tiers to that decision, and focuses the comparison between various ways of providing for these uses. The regulations at CEQ 1502.20 state,

> Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action.

The Upper Deschutes Resource Management Plan and associated final EIS analyzed impacts associated with this 32,000 acre area as a motorized and non-motorized use area in addition to other recreation areas in the Prineville District. The Cline Buttes Recreation Area plan and associated EA is an activity-level plan that steps down from the UDRMP/FEIS broader analysis. The EA identified and described the probable direct, indirect, and cumulative environmental consequences of the project.

The EA does not adequately describe unauthorized uses
Commenter states that the EA is inadequate because it does not provide an adequate assessment of unauthorized uses in the area.
Response: The EA identifies that the area receives increasing levels of use from all types of recreationists (EA page 78), and provides a descriptive summary of the different types of uses and where these uses occur. Further, the EA identifies that non-motorized trail uses are not currently limited to a designated trail system (EA page 81). The description of recreation use includes a detailed survey of existing routes and access points and identifies key points of entry into the recreation area, and locations where trespass is occurring for access (EA page 82). The EA provides detailed descriptions of uses and access in different portions of the CBRA (pages 82 - 88). Map 3 (Alternative 1) provides a graphic description of the number of access points, designated OHV routes, existing routes not open for motor vehicle use, and areas where non-motorized use is occurring relatively separated from existing motorized use. This description and inventory

adequately describes recreation use in the area, which have resulted in a route network of approximately 7.4 miles per square mile. As identified in the purpose and need (EA page 3), visitors have developed and maintained new routes in search of their desired trail condition, including singletrack routes for motorcycles, downhill routes for mountain bikes, and secluded routes for hiking or horseback riding. The specific degree and intensity of unauthorized recreational uses pending implementation of a transportation, access and trails system would be a speculative guess.

Plan does not present a reasonable range of alternatives

Commenter states that the EA fails to follow its purpose and need and fails to present a range of reasonable alternatives and that all four alternatives for recreation and transportation are similar and fail to give an alternative substantially limiting development.

Response: NEPA and the CEQ regulations implementing NEPA do not require a specific number of alternatives for a potential action, but only what is reasonable. BLM created a range of alternatives to address transportation. Specifically, the transportation alternatives were based on extensive public involvement and focused on differing locations for trail use based on resource concerns and social conflicts. Alternatives for transportation and recreation considered concerns regarding conflicts between OHV use and other visitors, and between OHV use and wildlife. The action alternatives varied the location and extent of the OHV trail system in response to the input received during the planning process, which centered on the degree of OHV use in the southern and western portions of the planning area, within various canyons, and on the buttes. All action alternatives substantially reduce the level of OHV trails in the CBRA, both in terms of trail mileage and extent of the system. The Action Alternatives reduce OHV trail mileage by approximately half in comparison to the No-Action Alternative. The EA addresses the existing issues regarding winter season high use levels at Millican Plateau (EA page 78), and all Action Alternatives, while they greatly reduce trail miles, retain sufficient OHV trail miles to maintain a functional trail system. The EA identifies that short OHV trail systems in Central Oregon experience problems due to lack of ride time and resulting user creation of trails (EA page 161).

Cumulative effects of traffic from non-motorized use

Commenter states that cumulative impacts discussion for non-motorized trail use focuses on traffic impacts from Site N instead of impacts of the proposed action.

Response: The EA identifies the cumulative or combined effect of Site N traffic and traffic generated by non-motorized use trailheads in the CBRA (EA, pages 210-211). The EA identifies that trailheads were located to at the edge of the CBRA, in order to minimize vehicle use on Barr Road.

Analysis of activities on Division of State Lands properties is deficient

Commenter states the EA lacks the necessary information and wrong information which makes the affected environment and environmental consequences, including cumulative effects inadequate with regards to activities on DSL lands.

Response: Commenter does not provide additional information or rationale for what activities are not addressed or how the analysis is deficient. In general, the activities

occurring on DSL land are the same types of activities that occur on adjacent BLM managed lands, primarily OHV, equestrian and hiking activities on undesignated trails (no designated trails exist on DSL lands). The creation of a designated trail system on BLM administered lands in all alternatives is intended to allow trail users to use BLM managed lands, not DSL lands. BLM management actions do not preclude public use of State lands. The State was consulted throughout the planning process for those areas and issues that involved DSL land management. These situations were described in the EA (page 172). Where the recreational uses of DSL lands have an effect on uses on adjacent BLM administered lands, these situations have been described and addressed in the EA. These include the existing use and potential closure of the trailhead parking area on DSL lands along Fryrear Road (EA page 256) and the identification of a non-motorized, shared use trail link through parcel 55 on the buttes. Consideration of possible future development or leases of DSL lands is speculative.

Analysis of Thornburgh Resort is deficient

Commenter states the analysis of the affected environment and environmental consequences, including cumulative effects is deficient, because the EA assumes the Thornburgh destination resort is a reality, when it is only a proposal that may not be finally approved. Commenter further argues that the EA does not describe the resort development and possible impacts.

Response: The proposed Thornburgh Resort is identified in the EA as a reasonably foreseeable future action because a proposal was made to Deschutes County for this use and the County authorized a conditional use permit for this use. The resort proposal and the county process were disclosed throughout public meetings during the CBRA planning process. While the resort development to be reasonably foreseeable, the specific nature of the Thornburgh property development is still speculative and thus not described in detail in the EA. Mitigation for recreation impacts of the resort were included in the Deschutes County Conditional Use Permit for the proposal (EA page 170), and mitigation for the specific effects of the resort ROW roads granted by BLM were included in the ROW EA. Mitigation for wildlife and transportation impacts was also considered in the County's review and approval process. The EA does recognize the cumulative effect of a possible Thornburgh Resort development on traffic within and surrounding the CBRA (EA page 208). The EA also considers the cumulative effect of additional private land development (including the Thornburgh property) on wildlife (EA pages 191, 186, 192, 196, and 197).

Analysis of County and State transportation systems is deficient

Commenter states the analysis of the affected environment and environmental consequences, including cumulative effects is deficient because County and State transportation systems are not addressed and proposals for motor vehicle use on Barr Road are inconsistent with the Counties designation of Barr Road.

Response: The proposed action includes the relocation of existing, or construction of new fences to preclude OHV use on Barr Road (EA Map 6). All action alternatives preclude the use of Barr Road for motor vehicle trail crossings. All alternatives locate trailheads off Barr Road adjacent to the edges of the CBRA, in locations where this parking use currently occurs, in a manner to minimize the need for vehicle traffic on the

undeveloped portion of Barr Road. The location of parking areas is consistent with UDRMP direction to locate trailheads and parking areas off County Roads and away from residential streets where possible.

The EA describes the existing State and County Roads within and adjacent to the CBRA in detail (EA pages 100-101). BLM consulted with State and County road/transportation departments in the preparation of alternatives and selection of trailhead locations. All action alternatives provide a benefit to State and County roads by reducing access points and providing access at safe locations. However, as noted in the EA (page 206, 209), the traffic generated by trailheads is a minor addition to traffic volumes on local roads.

The trailhead location between Deep and McKenzie Canyon should be changed
Commenter expressed a desire to see the proposed action changed to include the trailhead location identified in Alternative 3 for the Deep Canyon/McKenzie Canyon area.
Response: In response to this comment, the proposed trailhead in Alternative 2 would be relocated to Holmes Road/McKenzie Canyon Road as identified and assessed in Alternative 3 (see Map 6).

The proposed action does not separate motorized and non-motorized trail uses enough
Commenter's expressed a preference for alternatives that use the major CEC powerline as a boundary between motorized and non-motorized trail use or provided the opinion that OHV trails must be located to prevent incursions or noise into non-motorized use areas.
Response: The UDRMP did not call for a complete and total separation between OHV use and non-motorized trail use in the portion of the CBRA designated as Multiple Use, Shared Facility Recreation Emphasis; however, the BLM analyzed a reasonable range of alternatives regarding the separation of uses in the EA. Total separation between OHV and non-motorized trail use occurs under all alternatives in the Maston area portion of the CBRA. Alternative 4 would provide for OHV use concentrated north of the CEC power line. In comparison, Alternative 2 would provide for trail loops south of the power line to compensate for reducing OHV trail miles in areas where comments indicated greater issues and concerns with OHV use.

In order to address concerns over separation of user types, the proposed action has been modified to provide better separation between OHV and non-motorized trails by relocating OHV trails north of the existing allotment fence in T15S R11E Sections 25 and 26 (see Map 6).

The proposed action does not offer enough opportunities for solitude
Commenter expressing the opinion that certain portions of the CBRA were designated in the UDRMP EIS to provide for solitude and to preserve their relatively wild nature.
Response: The UDRMP did not provide management goals for solitude or wilderness characteristics in any portions of the CBRA. Given the surrounding development, high number of access points and existing high density of routes in the CBRA, the area does not have wilderness characteristics, including outstanding opportunities for solitude (EA page 73). The Maston area was designated as non-motorized recreation exclusive in the UDRMP, which called for the area to be managed to provide non-motorized recreation

trail opportunities. The Dry/Deep and Fryrear Canyon areas were designated as Multiple Use, Shared Facility Emphasis, which allowed for both motorized and non-motorized trails. The CBRA plan does separate different types of users consistent with the UDRMP direction as described above.

Alternatives should not exacerbate erosion on the Buttes and into Eagle Crest
Commenter identified the issue of storm events and runoff occurring on the buttes, and the need to address erosion due to designated and undesignated roads and trails on BLM managed lands.
Response: BLM agrees that the comments are essentially correct in pointing out that central Oregon typically receives intense, convective rainstorm events with high runoff. Trail design criteria outlined for all action alternatives in Appendix 1 were developed specifically to address the sort of rain events discussed in the comment. Actions such as avoiding soils that do not drain rapidly, locating trails perpendicular to the cross slope to shed water, and outsloping the trails to drain water will reduce the concentration of water that can result in erosion.

All action alternatives establish well designed trails and eliminate "illicit" trails and roads, greatly reducing route density, which will reduce concentration of water and resultant erosion. BLM will work with Eagle Crest and other partners to alleviate runoff and erosion issues in the area as the CBRA plan is implemented.

The Plan does not minimize conflicts with landowners at the Riverview Trailhead
Commenter raised concerns about conflicts between public land visitors and adjacent landowners near the proposed Riverview Trailhead. Commenter suggests that the BLM should not provide a trail to the river in this location, or should delete all trails in this area from the CBRA plan. Commenter also suggests that BLM reduce the size of the parking area, adopt a visitor registration process and limit public use to daylight hours. Commenter suggests that trails in this area do not meet the purpose and need because they do not "minimize conflicts" with adjacent landowners.
Response: As described in the purpose and need, the CBRA attempts to minimize conflicts with adjacent landowners, while still providing access to public lands (EA page 4). River access is highly desired by the public. There are only two publicly accessible sites on the east (Redmond) side of the river in the CBRA. The BLM administered access point to the north of Quarry Avenue (Jaguar Road) has greater resource concerns and a higher number of adjacent residents and was identified as a location where BLM should consider seasonal closures to all use each year. In order to provide an alternate river access point for people living in the Redmond area, the access at Quarry Avenue has been retained.

The BLM has taken actions (UDRMP, 2005) to minimize conflicts in this particular area, including designating the area closed to motor vehicles. The proposed action calls for moving the existing BLM access point further south from its current location that is directly across the street from an existing residence, and directing that a designated trail system be implemented in the area. These actions minimize conflicts with landowners, while providing for public use of public lands.

If problems become apparent in this parcel, BLM can implement closures to campfires and/or nighttime use as needed. In response to comments, the proposed action has been revised to limit the parking area capacity at this site to 5 vehicles. BLM will work with the adjacent property owners, CEC and Deschutes County to ensure the appropriate location for any trailhead and fence/gates.

Recreation is an unlawful use within the Buckhorn Canyon mining claim
Commenter provides a specific correction to the description of the active mine in Buckhorn Canyon and contends that any entry for recreational purposes on their 1,540 acre mining claim is trespass.
Response: The commenter's correction that the mine reclamation overlay covers 5 acres of land, not just 2 acres as stated in the CBRA plan is correct. The EA is changed to correct this error.

With regards to recreational use within the 1,540 acre mine claim, regulations at 43 CFR 3715 clarify that the public may access all lands administered by the United States, including unpatented mining claims, for recreational purposes. No permit shall be required. This is true for claims located after the passage of the "Multiple Use Act," 30 USC 612(b), 1955, as explained in the following case:

Specifically, in United States v. Curtis-Nevada Mines, Inc., 611F2d 1277 (9th Circuit 1980), "….in light of the historical background of the use of the public domain for many purposes without express written permits or licenses we do not find in the legislative history of the 1955 act an intent to so limit the meaning of "permittees and licensees." Most assuredly the BLM or the Forest Service can require permits for public use of federal lands in the management of federal lands; however they need not do so as a prerequisite to public use of surface resources of unpatented mining claims.

It should be noted that mining claimants have at least two remedies in the event that public use interferes with prospecting or mining activities. Section 612(b) (of the case) provides that 'any use of the surface…shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto.' The mining claimant can protest to the managing federal agency about public use which results in material interference and, if unsatisfied, can bring suit to enjoin the activity. Secondly a claimant with a valid claim can apply for a patent which, when granted, would convey fee title to the property.

In the present case, appellees have not presented any evidence that the public use of the land included within their 1,540 acre unpatented claim has "materially interfered" with any mining activity. Absent such evidence, section 612(b) applies in this case to afford the general public a right of free access to the land on which the mining claims have been located for recreational use of the surface resources and for access to adjoining property" (Maley, Terry S. , 1996, Mineral Law, Sixth Edition, Mineral Land Publications, P.O. Box 1186, Boise, ID 83701).

Therefore the burden of proof of "unlawful uses," trespass," "degradation," or "contamination" is with the appellant (claimant). BLM has not been presented with evidence to substantiate these allegations.

II. Comments specific to Rights-of-way (ROW)

Parcels 28 thru 32 require a second ROW road

Commenter's identify the need for an additional ROW road to provide access to parcels 28 - 32, as well as contend that BLM does not have the authority to close the undesignated route between ROW 32 and parcels 28 - 32. Commenter also states that the CBRA map shows the wrong location of the northern end of the existing ROW 31.
Response: With regards to the northern end of ROW 31, the commenter is correct that the CBRA map shows an inaccurate route, which was based on the original ROW EA map. Review of the ROW grant shows the correct location of the ROW at the northeast corner of parcel 32. The CBRA EA (Maps 5, 9 and 10) will be revised to show the correct route.

The CBRA EA considered a range of options for ROW routes for the decision-maker to consider. Alternative 3 in the CBRA plan leaves the desired route from State Highway 20/Innes Market Road open for landowner use as a ROW grant, dependent on relinquishment of the existing, undeveloped ROW 31. Alternatives 2 and 4 close the undesignated, non-ROW road located between ROW 32 and the subject parcel. BLM has the authority to close this undesignated route. This right has not been relinquished by the BLM.

A grant for the development and use of ROW 31 was granted for private property access in 1992. This ROW road grant from Dusty Loop is the only road authorized for legal access. The original ROW grant states that use of other routes to access private property is under the auspices of "Casual Use". No agreements were made authorizing the use of, or rights to, other roads such as the route from State Highway 20/Innes Market Road.

When ROW 31 was issued in 1992, it was dependent on additional road construction between Dusty Loop and parcel 20. This road construction never occurred. The northern portion of the ROW route adjacent to and north of Parcel 32 has also never been constructed. Field reviews of these conditions show that the ROW granted in 1992 has not been developed or used for property access. Provision of multiple ROW routes was considered but not analyzed in detail, because all property owners on the affected parcels have deeded easements (made in 1973) through each other's parcels for access.

Further review of the road access conditions for these parcels has indicated that all but the northern 300 feet of ROW 32 is classified by Deschutes County as an unmaintained Public Way. Alternative 3 links this unmaintained public way with the subject parcels using an undesignated, unimproved route on BLM managed lands that would become the legal ROW dependent on relinquishment of ROW 31. The BLM has documented maintenance issues with this public way, and associated resource damage alongside this route, as well as safety concerns regarding its intersection with Innes Market Road and

State Highway 20. However, given its status as a public way, these issues are the responsibility of Deschutes County. Therefore, Alternative 3 in the EA will be revised to drop any requirements for upgrade of the county public way portion of this route or its intersection with State Highway 20/Innes Market Road.

Deschutes County has indicated that they do not support provision of the Alternative 3 ROW route, or development that would contribute additional traffic to Harter Road (the road segment between Innes Market Road/State Highway 20 and ROW 32) in its current condition. If any additional vehicular traffic is added to Harter Road, the County will seek to have the access reconstructed to connect from Innes Market Road a minimum of 300 feet east of U.S. Highway 20. The County prefers that parcels 28 – 32 access Dusty Loop via the existing easement (Alternatives 1 and 2) or via a new road connection (Alternative 4) to Plainview Road to the west (Blust, 2010).

Alternative 3 will be revised to state that issuance of a ROW grant connecting to the public way will be subject to any conditions made by Deschutes County for maintenance of the public way and its intersection with State Highway 20 and/or Innes Market Road. The proposed action has been changed to designate the route between ROW 32 and parcels 28 – 32 as an administrative route open to public motor vehicle use (see Map 6). This maintains the casual use access by the public to these parcels, but does not confer a ROW or allow for landowner maintenance of this route.

Concern regarding public motor vehicle use on ROW 21 in the Maston Area
Commenter's provide an opinion regarding whether ROW 21 (red cinder road) should be left open to general public use to allow motor vehicle access to the edge of the Deschutes River canyon in the Maston Area. These comments express a preference of one alternative versus another.
Response: The BLM considered a reasonable range of alternatives to meet the purpose and need in this EA. Alternative 4 retained this motor vehicle access and provided a small parking area near the river (EA page 42). The difficulty in managing the Maston Area as Closed to motor vehicles while providing motor vehicle access on 2 miles road bisecting the area, and the high cost of road maintenance for this route led the BLM to designate this ROW road as closed to public motor vehicle use (in the proposed action). All action alternatives provide multiple access points to the Deschutes River in the CBRA. The proposed action allows those wishing to access to this particular portion of the river to park at the trailhead along Cline Falls Highway and hike or mountain bike to the river canyon.

BLM should change the location or designation of roads to provide access to parcel 49 and/or Buckhorn Canyon
Commenter's expressed a preference for various alternatives with regards to road access into Buckhorn Canyon. Commenter also requested that an amended or new ROW grant be made to allow access to parcel 49 from State Highway 126.
Response: The BLM considered alternatives regarding road access to parcel 49 and into Buckhorn Canyon in the EA (pages 57-58). The proposed action would not change the existing ROW to parcel 49; however its use would continue to be dependent on the ROW

holder securing an easement through the intervening parcel 48. Parcel 49 has legal access from Lower Bridge Road, and to that extent, BLM has provided reasonable access to the subject parcel in all alternatives. The granting of an additional or amended ROW route around the western edge of parcel 48 would require additional road construction and due to topographic barriers, would not provide access into Buckhorn Canyon.

The BLM considered a range of alternatives for access into Buckhorn Canyon if access through parcel 48 is closed. The use of a route from the north end of the canyon via Buckhorn Road was considered and evaluated in Alternative 3. The proposed action does not include this route because if selected, it would require a greater amount of new road construction on the slopes of Buckhorn Canyon.

Status of ROW road 26 (FAA Road)
Commenter raises the issue of the undefined travel management status of ROW road 26, which provides access to the Thornburgh property and to the FAA navigation site from Cline Falls Highway.
Response: This road leading to the FAA navigation site is a ROW and withdrawal for FAA access (EA page 104), and the majority of this road occurs on private property. This is an existing ROW/withdrawal and is therefore common to all alternatives. It is not a public road. Use of this road to access the buttes without permission of the property owners is private property trespass.

Mitigation required in the Environmental Assessment (EA) for the Thornburgh Resort ROW requires the resort to decommission the approximately 400 foot portion of this ROW on BLM managed land between Cline Falls Highway and the Thornburgh property, while providing other permanent road access on Thornburgh property for FAA access to the navigation site. This action would be taken if and when the Thornburgh property is developed.

As stated In the CBRA plan, this road is not a public road (EA page 101). For all alternatives, the BLM would work with the Thornburgh property owners and FAA to sign and/or gate this road at Cline Falls Highway to control vehicle use to the top of the southern butte. The proposed action has been clarified to clarify the status of this road.

Cline Buttes rock pit road (ROW 15) should be paved
Commenter expressed a preference for the Rock Pit Road to be paved, to alleviate dust problems.
Response: All Action Alternatives would allow for paving of the Cline Buttes Rock Pit road by amending the existing ROW grant (EA page 53). The paving of the rock pit road would be dependent on erosion control/drainage structures to avoid increasing the current problems with water flow and erosion in this portion of the CBRA.

Close all of ROW 24/38 to public motor vehicle use
Commenter expressed the desire to have ROW road 24/38 closed to public motor vehicle use east of the County designated Newcomb Road.

Response: This comment expresses a preference of alternatives. The BLM considered a reasonable range of alternatives, including closing all of ROW 24/38 to motorized vehicle use in Alternative 3 (EA page 56) whereas the Proposed Action would leave a portion of ROW 24/38 open to motorized vehicle use. To mitigate effects on ROW holders, the Proposed Action identifies a portion of this ROW road for maintenance by the BLM (EA page 56 and Map 9).

III. Comments on vegetation management

Plan does not present a reasonable range of alternatives with regards to vegetation.
Commenter states that the EA fails to follow its purpose and need and fails to present a range of reasonable alternatives, particularly with regards to vegetation.
Response: NEPA and the CEQ regulations implementing NEPA do not require a specific number of alternatives for a potential action, but only what is reasonable.

For vegetation management, an adaptive management approach is reasonable because the BLM needs to take action regarding vegetation to meet the purpose and need, both in terms of ecosystem health and safety, as stated in the EA (page 4):

> *"While the CBRA contains many old growth western juniper trees, fire suppression and other factors have resulted in increased numbers of younger juniper... These younger trees are able to compete more successfully for water, nutrients, and sunlight, causing a decline in plant diversity and shrub/native grass abundance, an increase in bare ground, and an increase in invasive weedy species...*
>
> *The change in vegetative conditions combined with increasing visitors to public land and increased numbers of homes adjacent to BLM administered lands has increased the potential for high intensity wildfire in the CBRA"…*

An adaptive management approach to vegetation management in the CBRA is appropriate because the potential for high intensity wildfire in the CBRA continuously increases, but in some situations insufficient information is available to assist in accurately predicting the response of the existing plant communities to different types and levels of ground disturbing activities related to methods used to thin woody plants and reducing fuels loading. This uncertainty limits the ability to effectively develop a range of alternatives and supports the application of adaptive management.

Proposed vegetation treatments should be changed
Commenter raised the issue of noxious weed spread on disturbed lands and the opinion that OHVs are a major carrier of weed seed. Commenter raised the concern that the plan will result in the need for increased herbicide use.
Response: The BLM has an EIS that covers the use of herbicides on BLM public lands, including Cline Buttes, so there was no need to consider herbicide application in this plan. Human travel and the spread of weeds was not identified as an issue in the planning process therefore it was not highlighted as an independent indicator to be measured

across the alternatives. However, this concern was addressed in the assessment for the old growth juniper woodlands and shrub-steppe communities and was incorporated in the vegetation management adaptive management strategy (see Step 3 – Ecological Condition, EA page 13 and Adaptive Management and Monitoring, EA pages 15 - 19). All action alternatives would reduce the potential for people to distribute weed seed by reducing the amount of travel routes that people can travel on. All motorized and non-motorized travel has the potential to distribute weed seeds. All action alternatives would limit motorized, equestrian and mountain bike travel to designated routes and not allow cross-country travel which would reduce the number of areas where weed seed could be distributed.

Commenter stated that in areas where juniper management might benefit the environment in otherwise intact soils, in areas where roads and ways are not prevalent and where heavy equipment would degrade the environment more than the benefit of cutting or removal, young juniper should be left in place to provide cover for wildlife.
Response: The proposed vegetation alternative would not cut old growth trees as they are considered to benefit the natural environment. Through the adaptive management approach proposed for managing vegetation there are guidelines that consider the current condition of the area, road access and other factors to aide in the decision process on how to thin young junipers and minimize negative effects. One consideration involves thinning only a portion of the young junipers when thinning more young junipers may cause more harm than good (EA pages 12, 13, 14, 15, 16 and 17).

Commenter provided the opinion that where juniper under 100 years of age is so numerous to inhibit the naturalness of the environment and degrade the environment due to past suppression of fire and overgrazing, this juniper should be cut by hand and removed where leaving it would create an unnatural fire risk. User created roads and ways should be utilized for this purpose before they are obliterated….Where soils are deficient and past wood cutting has removed snags and downed woody debris, your juniper should be cut and left in place, scattering branches and other biomass to enhance habitat. Certainly heavy equipment should be utilized on fragile or sandy soils at a minimum or not at all if there is no road or way for equipment to operate from.
Response: All or most of these suggestions are included in the proposed action (EA pages 12, 13, 14, 15, 16 and 17). Thinning young juniper by hand and removing the material to reduce the fire risk is a part of the proposed action. When possible, existing roads would be used to remove young juniper material before they are rehabilitated. Young juniper would be used to manage for snag and down log habitats and branches could be used to provide cover and nutrients for developing plants. The use of heavy equipment would be limited to protect plant communities from severe damage, except for areas that have already been heavily impacted (e.g., old unwanted parking areas).

The commenter believes all user created roads and ways in areas like the Maston Tract, Tumalo Canal and Pecks Milkvetch ACECs, Dry/Deep/Fryrear Canyons and Mckenzie Canyon, including motorized single track trails illegally created, should be obliterated and juniper branches placed to prevent future use of these trails and ways. They feel this should be the first use of the juniper thinning material.

Response: The Interdisciplinary Team agrees with this statement and the proposed action (EA, page 11) described the use of woody material to aide in the rehabilitation of heavily disturbed areas. Heavily disturbed areas include, but are not limited to, old and unwanted parking areas and travel routes.

The commenter suggests a change to the proposed action for vegetation, and asks BLM to carefully evaluate the WUI Bands and the amount of woody debris remaining after treatment. The commenter suggests where fuel loading is high in the Band 3 areas; the same treatment for Bands 1 & 2 should be utilized to maximize protection for the public and their property.
Response: This is outside the scope of this project as it would affect decisions made in the UDRMP (2005). Vegetation management objectives in this plan are consistent with the UDRMP. The statement regarding the protection of human life is correct and is BLM's number one priority, regardless of the WUI band. Please refer to page 60, Objective FF - 1 of the UDRMP, as it provides management direction to suppress all unplanned ignitions within the CBRA. It is not the intention of the proposed action to create or increase a hazard within the CBRA (refer to page 64, Objective FF – 4). Furthermore, any decision to increase or decrease the fuel loading within WUI band 3 will be determined on a per project basis and will consider the appropriate management strategy based on ecological and human factors.

The vegetation management objectives in this plan for plant community health would always meet and most often surpass fuels management objectives in all areas. When comparing the proposed objectives of the vegetation composition in the EA (page 12) with fuels management objectives and guidelines outlined in the UDRMP (page 63), you should find that the proposed action would meet fuel management objectives across the planning area.

The commenter provides the opinion that fuels reduction using the list of equipment identified in the EA will cause destruction to the soils and ecology of the CBRA. The commenter believes it is not appropriate to use tracked vehicles. Also, the commenter feels the lichen composition and sandy loam soils that exist within the CBRA will never remediate on their own if they are crossed by tracked vehicles.
Response: While this concern (using tracked vehicles) was brought up during scoping, this is not a fact and there is no research to support this opinion. Some members of the public believe that tracked vehicles should not be used while other people, including BLM resource management specialists, believe that some level of ground disturbance caused by vehicles is acceptable as it will not detrimentally harm the resiliency of soil and plant communities to recover from the disturbance. The planning team recognizes there is a lack of research regarding the type and amount of ground disturbance this soil type can recover from, which is the reason for the proposed adaptive management process for managing vegetation and the development of the decision factors (page 13).

Commenter stated that juniper tends to capture a lot of the on-site nutrient resources, so when junipers must be cut, please leave them on the ground for as long as possible to allow the nutrients to be re-assimilated. They prefer the juniper not be removed from the

site because it will involve cross country heavy equipment use that will unavoidably disturb soil and vegetation. Please avoid machine piling of cut juniper because it will cause unacceptable impacts on soil and spreads weeds.
Response: The proposed action addresses all of these concerns, except leaving all juniper debris on site because this could create a hazardous fuels concern and would be inconsistent with the direction in the UDRMP (pages 23 and 63). The Proposed Action (EA, page 11) includes leaving woody material to contribute to nitrogen and nutrients to the soil and shade new developing plants. The concerns about the use of heavy equipment and other potentially soil and plant damaging methods were incorporated into the proposed action (pages 15-19). The proposed action does not eliminate the use of any specific method, however, the use of certain methods would be limited based on several decision factors, such as on-the-ground conditions, and effectiveness monitoring as part of the adaptive management process.

Commenter proposes a change in the proposed action for vegetation, and requests the BLM not remove so many of the young juniper because it will impair future recruitment of old trees. Commenter provides the opinion that one or fewer young juniper trees per acre is far too few recruitment trees.
Response: There are an average of 39, and as many as 96 young juniper trees per acre growing in the old growth juniper woodlands within the project area (BLM ESI data). There is an average of 11 old growth trees per acre which are 250 to over 1,000 years old. With a life span that ranges over 1,000 years the interdisciplinary team determined few trees would be needed for recruitment.

On page 13 of the EA, part of the adaptive management for the proposed action provides the option of a “multiple entries” approach for thinning young juniper. This option would allow thinning only a portion of the younger trees at any one time, thus retaining more than one young tree per acre. On page 267 of the EA, Project Design Feature R-1 allows for the retention of a higher density of junipers for trail management in some areas. As noted on page 66, before European settlement, there were one to several young juniper trees per acre in old growth juniper woodlands. Because of the objectives for managing for old growth juniper woodland communities and recreational trails it would be consistent to modify the proposed action to have a range of one to four young trees retained in old growth juniper woodlands. This would not be a change to the proposed action for some areas and only a minor change in other areas which would not alter any of the analysis or conclusions made in the EA.

A commenter provides the opinion that no trees or shrubs should be cut now or ever. In this case every tree and shrub will help to aid air quality. They will help keep dust down. The noise level will be lessened by each tree and shrub left to stand. For each tree left will be a greater barrier between rider and other users. The commenter does not support any trees or shrubs being removed by any method in the Cline Buttes area. The commenter stated that OHV users appreciate the old growth junipers and will assist in any way we can to make sure they all stay alive.
Response: The proposed action is to restore old growth juniper woodlands (EA page 11) and would retain all old growth juniper trees and some young juniper trees (EA pages 12-13). Project Design Feature R-1 (EA page 267) allows for the retention of a higher density of junipers for trail management in some areas. Cutting no trees or shrubs, now or ever, would be inconsistent with the direction outlined in the UDRMP (2005).

Prineville District

Finding of No Significant Impact

Determination

Introduction:

The Bureau of Land Management (BLM) has completed an Environmental Assessment (EA), No.OR-056-06-014, for a proposed action to designate a transportation system, grant ROWs, and conduct vegetation management actions in the Cline Buttes Recreation Area (CBRA). The 32,000 acre CBRA is located between the communities of Bend, Redmond and Sisters in Deschutes County. The primary purpose and need of this project is to provide recreation opportunities while reducing social conflicts and maintaining resource values, provide necessary access to private lands, and address wildland fire concerns and declining vegetative conditions.

The EA is attached to and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. A no action alternative was analyzed in the EA.

Plan Conformance:

The proposed project has been reviewed and found to be in conformance with the following BLM plans and associated Record of Decision(s): Upper Deschutes Resource Management Plan and Record of Decision, September 2005.

Finding of No Significant Impact Determination:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Upper Deschutes RMP/FEIS. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving the 32,000 acre Cline Buttes Recreation Area, one of thirteen management units of the High Desert Special Recreation Management Area designated in the UDRMP.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and the additional criteria as required by the following Instruction Memorandum, Acts and Executive Orders: Instruction Memorandum No. 99-178, the Lacey Act, as amended; the Federal Noxious Weed Act of 1974; the Endangered Species Act of 1973, as amended; Executive Order 13112 on Invasive Species; Executive Order 12898 on Environmental Justice; Clean Water Act of 1987; Safe Drinking Water Act Amendments to the Clean Water Act of 1996; Executive Order 12088 on federal compliance with pollution control standards, as amended; Executive Order 12589 on Superfund compliance; and Executive Order dated July 14, 1982 on intergovernmental review of federal programs.

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Mitigations to reduce impacts are incorporated in the design of the proposed action. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Upper Deschutes RMP/FEIS.

2. **The degree to which the proposed action affects public health or safety.** The proposed action provides benefits to public health and safety by reducing fuel loads and wildland fire risk, and providing a designated and maintained transportation system for the CBRA.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been reviewed by an archeologist and potential impacts mitigated in the design of the proposed action. There are no effects on park lands, prime farm lands, caves designated under 43 CFR 37, designated wilderness or wilderness study areas, wetlands or federally designated wild and scenic rivers. Effects to Areas of Critical Environmental Concern (ACEC's) have been reviewed and mitigated in the design of the proposed action.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** While considerable conflict and differences in opinion exist in how best to manage multiple uses in the CBRA, there are no scientific controversies about the nature of the effects. Where some uncertainty exists with regards to effectiveness of some vegetation management techniques, the proposed action provides for an adaptive management approach to monitor and adjust management actions based on plan criteria (EA pages 11 – 19).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has implemented similar actions with regards to vegetation treatments, road and trail designations and issuance of ROW grants in many areas across the District and state of Oregon. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the

human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted (EA pages 118, 126, 128, 147, 151, 169-172, 185-188, 190-193, 196-197, 199-203, 206). An analysis of the effects of the proposed action is described in the EA.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in the EA.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** Mitigations to reduce impacts to wildlife have been incorporated into the design of the proposed action. No listed fish species occupy habitat within the project boundary. No threatened or endangered plants or animals occupy the project area.

10. **Whether the action threatens a violation of a Federal, State or local law or requirements imposed for protection of the environment.** The project does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the project is consistent with applicable land management plans, policies, and programs.

Approved By: Molly Brown 8/26/10

Molly Brown
Deschutes Field Manager
Prineville District, Bureau of Land Management

Date

Form 1842-1
(April 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE
NOTICE OF APPEAL..... Prineville District Office, 3050 NE Third Street, Prineville, Or 97754

WITH COPY TO SOLICITOR... U.S. Department of the Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600 Portland, OR 97205

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associate Solicitor, Division of Land and Water Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240.

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ---------- Alaska
Arizona State Office --------- Arizona
California State Office ------- California
Colorado State Office -------- Colorado
Eastern States Office --------- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ---------- Idaho
Montana State Office --------- Montana, North Dakota and South Dakota
Nevada State Office ---------- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ---------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office -------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.