

Decision Record

NEPA Register Number: DOI-BLM-OR- P060-2012-0028-EA

Title of Action: Trout Creek Rock Climbing Area

Access and Trail Plan

BLM Office: Prineville District, Deschutes Resource Area, Oregon

1. Compliance

The proposed action is in conformance with the Two Rivers Resource Management Plan (RMP), Record of Decision, 1986: page 11: "Continued seasonal restrictions will be applied to mitigate impacts of human activities on important seasonal wildlife habitat, some important types of habitat include deer winter range, raptor nesting habitat, and curlew nesting habitat."

The implementation of this project will not have significant environmental effects beyond those already identified in the Environmental Impact Statement (EIS) for the Two Rivers RMP. The RMP and associated EIS are available at the Prineville BLM office or online at <http://www.blm.gov/or/districts/prineville/plans/prinevillermpp>

The selected action complies with Section 106 of the National Historic Preservation Act. This compliance includes consultation with the Oregon State Historic Preservation Office and interested tribes, and project design features that avoid disturbance to historic properties and paleontological resources.

2. Proposed or Selected Alternative

It is my decision to select Alternative 2 as described in the Environmental Assessment (EA) for Trout Creek Rock Climbing Area Access and Trail Plan with the following modification: This decision will not include construction of a new trail proposed to connect the existing Main Wall South Approach Trail with the proposed Cool Wall South Approach Trail (see Map 2). All design features described in Common to Alternatives 2 and 3 of the EA will be implemented.

3. FONSI Reference

Based on the analysis of potential impacts contained in the EA, I have determined in the Finding of No Significant Impacts (FONSI) that the Trout Creek Rock Climbing Area

Access and Trail Plan will not have a significant impact on the human environment within the meaning of Section 102(2) (c) of the National Environmental Policy Act of 1969 (FONSI pages 1-4). Thus, an EA is the appropriate level of analysis, and an Environmental Impact Statement will not be prepared.

4. Public Involvement

On March 2nd 2012 the Prineville BLM solicited scoping comments, prior to preparation of the EA, for the Trout Creek Rock Climbing Area Access and Trail Plan from 65 individuals, adjacent landowners, organizations, tribal governments, and state and local government agencies. The general public was notified via the Prineville District Project Planning Updates which were posted on the Prineville District internet site from March 2012 through present. Comments were received from Oregon Department of Fish and Wildlife, Oregon Wild, U.S. Fish and Wildlife Service, Portland General Electric, several raptor specialists and a number of individuals including people who live in the project area. A combined comment letter from the rock climbing community (The Access Fund, The American Alpine Club, Crag Law Center and The Friends of Trout Creek) was also received. Many of these comments are summarized and addressed in the Issues and Alternatives Considered but Eliminated sections of the EA (pages 9 and 10). In many cases scoping comments led to project design features which were incorporated into the action alternatives.

The BLM posted the completed EA on the Prineville web page, and mailed letters to 274 addresses announcing the availability of the EA. After the publication of the EA, the public review period for the EA ended on September 15, 2012 and the BLM received a total of 119 comment letters. Of these, 48 were original letters (unique content) and 69 were form-like letters. The form-like letters were from separate individuals and similar in content with the exception of a sentence or two. Most of the letters arrived by postal service; 42 arrived via email.

The authors were primarily individual citizens, but 12 associated themselves with a business or organization, three with a county government (Wasco County), and one with the federal government (US Fish & Wildlife Service). Most authors were from Oregon, but several were from other states including Washington (10), Colorado (3), Idaho (3), Michigan (3), Illinois (1) and North Carolina (1). Twenty five did not indicate which state they lived in. The Oregon authors were from Bend (31), Portland (24), Terrebonne (5), Redmond (4), Madras (3), The Dalles (3), and one each from Sisters, Culver, Corvallis, Eugene, Hood River, Medford and Independence.

Several comments stated the effects analysis should recognize the contribution climbing at Trout Creek has on the local economy. The BLM has addressed this comment and updated the EA with a comparison of effects of the two action alternatives and the No Action Alternative.

Based on internal discussions, the construction of a new trail connecting the existing Main Wall South Approach Trail with the proposed new Cool Wall South Approach Trail was eliminated from the proposed action because the new South Wall Approach Trail will serve the same purpose and it would cost more resources to build a redundant trail segment.

These changes do not alter the conclusions of the analysis; therefore the EA will not be recirculated for public review.

5. Rationale for the Decision

Chapter 2 of the EA described three alternatives: Alternative 1 the "No Action" alternative; Alternative 2 the "Proposed Action" alternative; and Alternative 3. The purpose of the project (pages 8-9 in EA) is to restore golden eagle nesting productivity within the Trout Creek Climbing Area portion of the Frog Springs Golden Eagle Breeding Territory to a target of the pre-2002 levels by reducing human disturbance during the breeding season.

The No Action alternative was not selected because it would not meet the purpose of the project. Human recreation activities such as rock climbing, hiking and upland bird hunting would be allowed to continue and occur immediately below and above the eagle nests during the breeding season. These activities would create enough disturbances to cause the adult eagles to leave their nest exposing eggs and young to predators and inclement weather and resulting in a high likelihood of nesting failure.

Both Alternatives 2 and 3 would meet the purpose and need of the project. These action alternatives would provide similar kinds, but different amounts of protection standards. Alternatives 2 and 3 would seasonally close the same area annually (approximately a ½ mile buffer around the four nests located within the Trout Creek Climbing Area) to human entry between January 15 and August 31. The January 15 to August 31 closure period would be shortened if, through monitoring, it is determined that the young eagles have successfully fledged and have moved away and are no longer dependent on the nest site to acquire food and socialize with their parents; or the

adult eagles are not breeding or have failed that year. The shortest closure period would include dates that would allow for late nesting birds (January 15 through May 15). Depending on golden eagle nesting activity and location, Alternative 2, would allow a portion of the climbing area to be opened for climbing by accessing the climbing wall along a single trail. However, Alternative 2 would not allow people within ¼ mile of an active nest throughout the breeding season. Alternative 3 would maintain a complete closure across the entire area from January 15th to August 31st or until the eagles finish breeding, whichever occurs first.

Design Features common to Alternatives 2 and 3 described in the EA (pages 11-12) provide the same actions for trail improvements, administrative access, signage and establishing eagle monitoring standards. A golden eagle monitoring plan will be developed in coordination with the USFWS and other potentially interested partners.

Project Design Features described in the EA (pages 11-12) and attached below, will seasonally close an area that includes approximately 412 acres of BLM-administered lands (see Map 2), and is described below. The BLM-administered lands that would be closed are situated east and south of the Trout Creek Trail on the east side of the Deschutes River in T. 9 S., R. 13 E., Sections 12 and 13 and in T. 9 S., R. 14 E., Section 7, W ½:

- The annual January 15 to August 31 closure period would be shortened if, through monitoring, it is determined that the young eagles have successfully fledged and have moved away and are no longer dependent on the nest site to acquire food and socialize with their parents; or the adult eagles are not breeding or have failed that year. The shortest closure period would include dates that would allow for late nesting birds (January 15 through May 15). According to Frank Isaacs, Bald and Golden Eagle Researcher with Oregon Eagle Foundation, eagles that have not laid an egg by May 15 will not successfully reproduce that year (personal communication, May 2012). Monitoring to determine occupancy, productivity and fledging will follow the Interim Golden Eagle Inventory and Monitoring Protocols developed by the USFWS (2010).
- Signs notifying the public of the seasonal closures would be placed at the main access points such as Trout Creek campground and day use kiosk, and at trail intersections along the boundaries of the closure areas.
- Up to two miles of user-created trails would be rerouted, repaired and decommissioned and approximately 0.5 miles of new trail would be constructed. Trails would be rerouted onto proper gradient and switchbacks would be added to unsustainable sections with too steep of a gradient. Existing trail repairs would include installing water bars, barriers and trail markers. Closing and

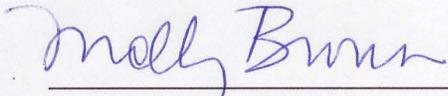
rehabilitating trails would occur on trails leading to private land and on steep sections no longer needed due to rerouting. Trail standards to minimize erosion and soil loss include:

- Move trail gradient to less than 40 percent with a grade length of no more than 200 feet;
 - Move trails out of natural drainage bottoms to either side of the drainage, slightly upslope, to reduce the concentration of water;
 - Trails may have steps, switchbacks, and water-bars or drainage dips when slopes exceed 20 percent;
 - New trails would be constructed so that they are out-sloped from two to five percent to allow water to drain off the surface perpendicular to the trail length.
- Private property boundaries would be posted with "Leaving Public Lands" signs located on the east end of the "Cool Wall," and the approach trail rerouted around that private property (Map 4).
 - There would be no public or government employee entry into the project area during the closure period unless permitted by the BLM except for urgent circumstances. For example, routine livestock fence maintenance would only be allowed outside of the closure period. Emergency fence maintenance during the closure period would be coordinated with BLM, and human activity would be limited to direct travel to and from the work site and only one entry. Also, noxious weed treatments would only be allowed outside of the closure period for common weed species. Any treatments during the closure period would be limited to one entry with travel directly to and from the treatment area only for weed species of high concern to allow for early detection and rapid response.
 - Resource monitoring by BLM employees and permitted applicants would only be allowed outside of the closure period, except for golden eagle monitoring which would occur at an established observation point located approximately 0.4 miles from the nest sites, would not occur more than once per week and would follow disturbance protocol described in the USFWS monitoring protocol.
 - Trail construction and decommissioning would be implemented following site specific surveys. If threatened, endangered or other special status plant or animals species are found, the project would be modified as needed to eliminate the negative effects or reduce them to a point where they are negligible. Any human remains, cultural and/or paleontological resources (historic or prehistoric or vertebrate fossil site or object) that are discovered during project surveys or implementation will be immediately reported to the authorized officer. An evaluation of the discovery would be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. Archaeological surveys have been initiated to examine user-

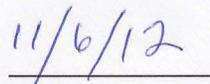
created trails and newly planned trail segments. Known and unknown historic properties will be avoided by all proposed trail construction or rehabilitation. When proximity to archaeological sites is a factor, trails would be rerouted or designed to avoid those areas.

6. Protest and Appeal Opportunities

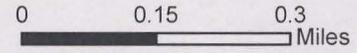
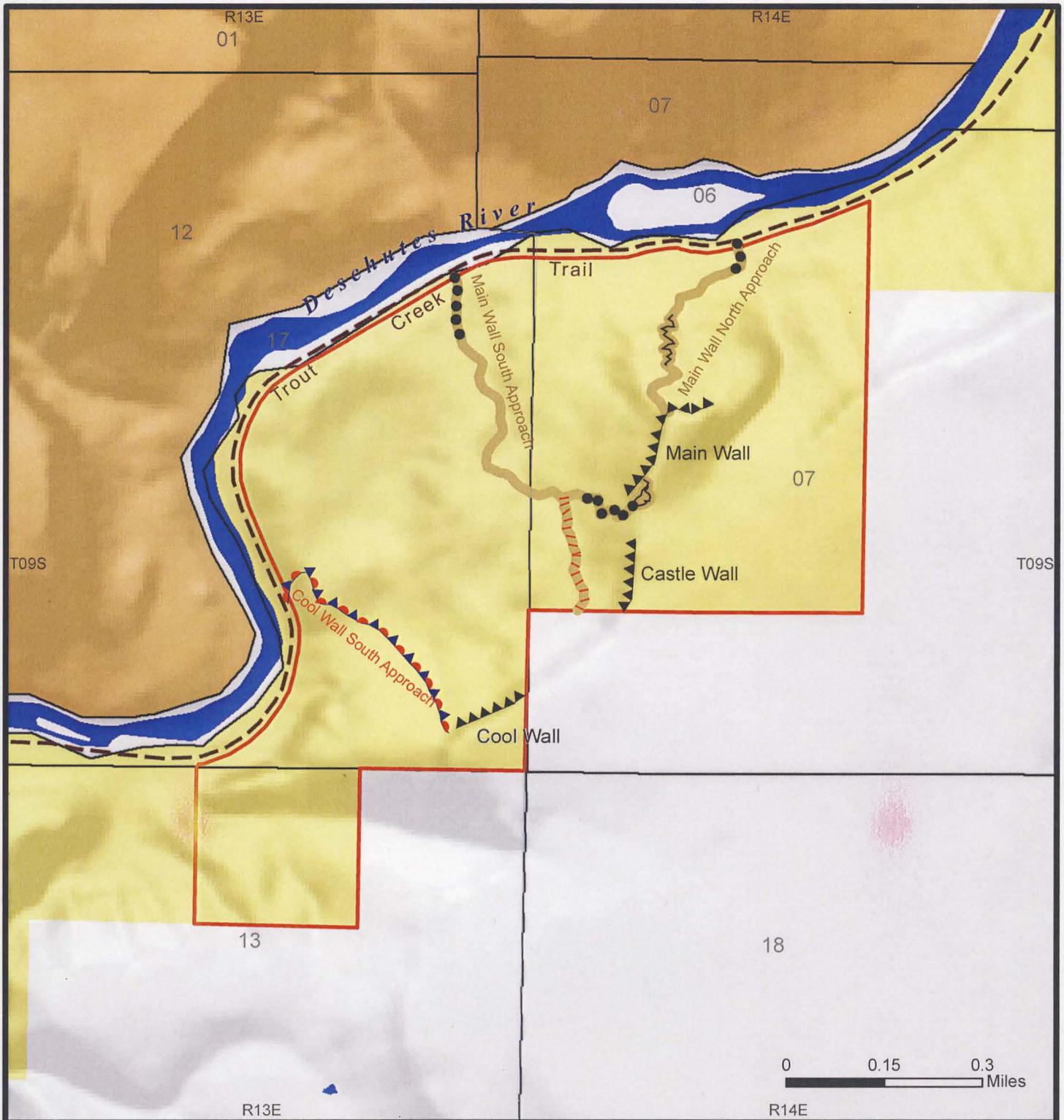
This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. Any appeal of this decision must be sent via certified mail and received in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. Appellants have the burden of showing that the decision appealed 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
Field Manager, Deschutes Resource Area



Date



Trout Creek Rock Climbing Area Access and Trail Plan Decision Record

Map 2: Trail Plan



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

October 2012

| Legend | |
|---------------------------|-----------------------------------|
| Trail Plan | ▲▲▲ Climbing Wall |
| ▲▲▲ New Construction | --- Trout Creek Trail |
| Decommission | □ Project Area |
| ●●● Repair Existing Trail | Administered Lands |
| — Reroute Existing Trail | ■ Bureau of Land Management |
| — Existing Trail | ■ Warm Springs Indian Reservation |
| | ■ Private/Unknown |



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

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- | | |
|----------------------------------|--|
| 1. NOTICE OF APPEAL | A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> 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 <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
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| 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 |
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| 3. STATEMENT OF REASONS | Within 30 days after filing the <i>Notice of Appeal</i> , 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 <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO SOLICITOR..... | |
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| 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 <i>Notice of Appeal</i> , (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. |
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| 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)). |
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| 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 <i>Notice of Appeal</i> (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 <i>Notice of Appeal</i> (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 <i>Notice of Appeal</i> 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. |
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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.

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.

(Form 1842-1, September 2005)

Finding of No Significant Impact
Trout Creek Rock Climbing Area Access and Trail Plan
DOI-BLM-OR-P060-2012-0028-EA
US Department of the Interior, Bureau of Land Management
Prineville Field Office, Oregon

Introduction

The Bureau of Land Management (BLM) has completed an Environmental Assessment (EA), No. DOI-BLM-OR- P060-2012-0028-EA that analyzes the effects of two action alternatives that would restore golden eagle nesting productivity within the Trout Creek Climbing Area portion of the Frog Springs Golden Eagle Breeding Territory. The EA is incorporated by reference in this Finding of No Significant Impact (FONSI).

The Council on Environmental Quality (CEQ) regulations state that the significance of impacts must be determined in terms of both context and intensity (40 CFR 1508.27).

Context

The Proposed Action would occur on BLM managed lands within the immediate vicinity of Trout Creek Climbing Area and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Two Rivers Resource Management Plan (RMP) Record of Decision, August 1986.

The area is popular for recreation activities including camping, fishing, boating, floating, hiking, sightseeing, wildlife viewing and hunting. Recreational use of the Deschutes River and the adjacent access road/trail has been ongoing for greater than 20 years. High use periods are driven by recreational floating seasons which generally begin May 15th and end around September 15th. There is also a noticeable increase in use beginning on the fourth Saturday in April coinciding with the opening of trout fishing season. Two of the cliff areas which contain golden eagle nests have become popular rock climbing areas. A rock climbing guide was published for the area in 2002 by a private individual. Rock climbers have variously described Trout Creek as incredible, unique, world class crack climbing, and some of the best crack climbing in the country.

Golden eagles and their habitats are protected under the Bald and Golden Eagle Protection Act (1963) (16 U.S.C. 668-668d) (Eagle Act) and the Migratory Bird Treaty Act (1918) (16 U.S.C. 703-712) (MBTA). Protecting golden eagle nesting habitat is consistent with BLM policy (BLM Manual 6500, Goal 4 – Raptor Habitat Management), and with a Memorandum of Understanding (MOU) (BLM MOU WO-230-2010-04), signed in 2010 by the Directors for the BLM and the U.S. Fish and Wildlife Service and titled “To Promote the Conservation of Migratory Birds.”

Monitoring data shows golden eagle nesting productivity in the Frog Springs Breeding Territory declined from 1.3 young per year (1992 - 2001) to 0.09 young per year (2002 – 2012). The BLM staff has observed an increase in groups coming to the area solely for rock climbing. Ten years ago it was rare to see a camp of rock climbers at the Trout Creek Campground, but today staff contacts a climbing group nearly every week during the late spring, summer and early fall seasons. Additionally, comments written on campground fee envelopes have increasingly stated their purpose of the trip was rock climbing. In 2002 a climbing guide became available for the Trout Creek Climbing Area. The guide book identified 131 rock climbing routes and climbers established fixed anchors on several of the more popular routes along the cliffs where four eagle nests are located. All climbing routes are within ¼ mile of at least one nest and some climbing routes are within 25 feet of a nest.

Intensity

I have considered the potential intensity and severity of the impacts anticipated from implementation of a Decision on this EA relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. **Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)? No.**

Rationale: None of the effects are potentially significant. Benefits of the proposed action (Alternative 2 effects analysis, Chapter 3 of EA) include a decrease in human disturbance activities near nesting golden eagles and improved trail design. Negative effects of the proposed action include decreased recreation opportunities (e.g., number of climbing and hiking days).

2. **Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2)? No.**

Rationale: The proposed action is designed to reduce human caused disturbance impacts on golden eagles during the breeding season near nest sites in the Trout Creek Climbing Area. Trail improvements are included in the proposed action and would improve the condition of the trails but this work would not be considered a significant adverse effect. There are no known effects to public health or safety.

3. **Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime and unique farmlands, wetlands, wild and scenic rivers, designated wilderness or wilderness study areas, or ecologically critical areas (ACECs, RNAs, significant caves)) (40 CFR 1508.27(b)(3)? No.**

Rationale: The project area is in a Wild and Scenic River corridor and a State Scenic Waterway; the alternatives have been designed to protect and enhance the river values. There are potential cultural resource sites in the vicinity of the project, but the project includes design features (Chapter 2 of EA) to ensure no impacts would occur to sites. There are no effects on park lands, prime farm lands, wetlands, wild and scenic rivers, designated

wilderness or ecologically critical areas. The golden eagle nest sites could be considered an ecologically critical area and the action alternatives are designed to protect these sites during the breeding season.

4. **Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4)?**
No.

Rationale: Both action alternatives limit access for rock climbing and hiking. While the decision may be unpopular, the effects are not controversial. The analysis of effects on access for rock climbing is in Chapter 4 of the EA.

5. **Would any of the alternatives have highly uncertain effects or involve unique or unknown risks (40 CFR 1508.27(b)(5)?** No.

Rationale: There are no unique or unusual risks. The BLM has implemented similar actions in similar areas. The environmental effects are fully analyzed in the EA. There are no predicted effects on the environment that are considered to be highly uncertain or involve unique or unknown risks.

6. **Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6)?** No.

Rationale: Similar habitat improvement and protection actions have occurred numerous times for many years throughout BLM. There is no evidence that this action has potentially significant environmental effects. This management activity does not commit the BLM to pursuing further actions, and as such would not establish a precedent or decision for future actions with potentially significant environmental effects.

7. **Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7)?** No.

Rationale: The actions considered in Alternatives 2 and 3 were considered by the BLM interdisciplinary team and the Field Manager within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. An analysis of the effects of the proposed action is described in the EA.

8. **Would any of the alternatives have significant adverse impacts on scientific, cultural, or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8)?** No.

Rationale: There are cultural resources in the project area, but the proposed action and alternatives include design features to prevent effects on these resources. There are no scientific or historic resources therefore there are no effects on them.

9. **Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9)? No.**

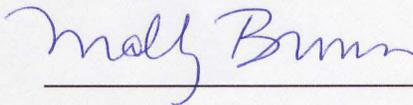
Rationale: The proposed action and alternatives would have no effect on threatened or endangered species.

10. **Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)? No.**

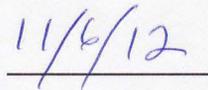
Rationale: None of the alternatives would have effects that threaten to violate any laws.

Finding

On the basis of the information contained in the EA, the consideration of intensity factors described above, all other information available to me, it is my determination that: (1) implementation of the alternatives would not have significant environmental impacts beyond those already addressed in the Two Rivers Resource Management Plan EIS; (2) the alternatives are in conformance with the Two Rivers Resource Management Plan; and (3) none of the alternatives would constitute a major federal action having a significant effect on the human environment. Therefore, an EIS or a supplement to the existing EIS is not necessary and will not be prepared.



Molly Brown
Field Manager, Deschutes Resource Area



Date

BLM response to public comments on Trout Creek EA

We received 119 comment letters on the Trout Creek EA. Of these, 48 were original letters (unique content) and 69 were form letters (same content, different author). However, many of the form letters also had a unique sentence or two from the author. Two letters were duplicates of ones already received (same content and author, just sent via different method). Most of the letters arrived by postal service (77); the other 42 were emailed.

The authors were primarily individual citizens, but 12 identified themselves with a business or organization, three with county government (Wasco County), and one with the federal government (US Fish & Wildlife Service). Most authors were from Oregon, but there were some from other states including Washington (10), Colorado (3), Idaho (3), Michigan (3), Illinois (1) and North Carolina (1). Twenty five did not indicate which state they lived in. The Oregon authors were from Bend (31), Portland (24), Terrebonne (5), Redmond (4), Madras (3), The Dalles (3), and one each from Sisters, Culver, Corvallis, Eugene, Hood River, Medford and Independence.

Comments below are grouped based on whether they suggest:

- A) New alternatives
- B) Flaws in the effects analysis
- C) Other comments (e.g., votes for alternatives already in the EA)

Similar comments are grouped under one summary statement, followed by sample comments and BLM response. Brackets [like this] contain words that have been added to clarify the comment. Dots . . . indicate words have been left out for brevity.

Alternatives

1. The EA should include an alternative that adds a new climbing area nearby.

Sample comments:

We recommend that the BLM consider and analyze a fourth Project alternative that provides an alternate climbing location in an area referred to in the EA as Bill's Wall . . . [which] is known to provide similar and/or superior crack climbing opportunities and does not provide golden eagle nest sites or the rock ledges suitable for nest construction (Clowers, personal communication). (Letter #39)

Alternative 3 is the only correct action if BLM management at all levels intends to value the success of this golden eagle pair . . . especially in view of the fact that a more suitable [climbing] site a few miles to the west (upstream) at Deschutes Crossing is situated on BLM land and would more easily be available to all from Highway 26. Known as Bill's Cliff. (Letter #47)

BLM response:

This alternative would not help meet the stated purpose of the project, which was to protect nesting eagles at Trout Creek. The EA already includes two alternatives that seasonally close Trout Creek.

Contrary to some of the comments, Bill's Wall does not provide similar or superior crack climbing conditions. The climbing face is shorter in height and provides fewer climbing routes.

A new alternative is not needed because climbers can already climb at Bill's Wall. Alternative 3 already closes Trout Creek, and climbers can choose Bill's Wall or another location. Merely directing climbers to go to Bill's Wall does not warrant a fourth alternative.

2. The closure shouldn't start so early, and the area closed should be smaller, similar to ones in other areas.

Sample comments:

I am disappointed with how early the closure begins and the size of the area closed. It is consistent with the period and size of several other areas nearby, all much more aggressive than closures I have seen in other areas where I have climbed. Hopefully we can work towards a better balance in the future. (Letter #32)

BLM response:

The proposed start of the closure is based on local knowledge of the breeding chronology and is only two weeks earlier than other golden eagle closures in Central Oregon. The conditions (e.g., topography, vegetation, hiking, climbing locations) of raptor breeding territories and recreation uses differs between each situation and therefore management applications must vary.

Local topography, land ownership patterns, the meandering nature of the Deschutes River and the adjacent river trail all contributed to the proposed closure boundary. In order to establish an identifiable closure boundary that visitors can understand and locate on-the-ground, we propose using a well-established trail adjacent to the river, which meanders within and outside ½ mile of the nest site. This allows for effective implementation and enforcement. Many management recommendations suggest staying ¼ to ½ mile away from nest sites. We propose using the river trail as a boundary because of its distance from the nests combined with topography to provide screening when needed in areas less than ½ mile of the nests.

3. The closure period should start earlier, and the closure buffers should be larger, because of lack of information and reliance on studies that are not applicable to the situation at Trout Creek.

Sample comments:

Alternative 3 would close all BLM lands (412 acres) within approximately ½ mile of the four eagle nests in the proposed Project area to human activities for the entire nesting season (January 15 through August 31) unless a biologist determines the eagles are not nesting by May 15. The

Service recommends changing the restriction period start to January 1 primarily because the golden eagles will be re-establishing their territories near the winter solstice (J. Pagel, personal communication). . . The Service is concerned with the BLM's application of buffer distances for protection areas for Alternative 2. The EA's review of flushing distances and buffers did not discuss that those studies were not specifically to ascertain buffer distances, and the BLM did not indicate that those studies were in other areas with different prey density. The literature reviewed, and the results which they represent, may not be representative of golden eagles in Oregon or the habitat which they use. The results of the studies which were used included work from Alaska, Europe, and review papers (which reviewed the primary literature), but should be used extremely carefully when applied to the extant situation. During the March 1, 2012 golden eagle survey, field personnel observed a defensive territorial display from the male golden eagle while being viewed from the first observation point approximately 500 feet from the Trout Creek trail and approximately 1/2 mile line-of-site from the active nest. Based on this observation and until more robust monitoring data is collected at that territory has been assembled and analyzed, we recommend that a more conservative disturbance buffer of 1/2 mile line-of-sight for the entire nesting season be used (unless a biologist determines the eagles are not nesting by May 15). . . The Service recommends changing the restriction period start to January 1 rather than January 15. The EA did not detail the past data as to when POE biologists fly to determine occupancy; and it did not appear that they are monitoring behavior surrounding courtship. In addition, there did not appear to be a ground-based monitoring effort to determine the nesting chronology from a behavioral aspect (i.e. courtship flights, defensive flights against floaters, nest building copulation, etc.). Based on the current lack of specific knowledge of occupancy and chronology expressed within the EA, and that eagles can be disturbed during courtship, the Service recommends a more restrictive approach be used until detailed information are available. (Letter #39)

BLM response:

The proposed start of the closure is based on local knowledge of the breeding chronology in this area and is two weeks earlier than other golden eagle closures in Central Oregon. The Service did not offer any information to support changing the closure period to January 1. The BLM is aware that Mr. Pagel is a biologist knowledgeable of golden eagle natural history. However, the Service didn't provide any information to support Mr. Pagel as an expert about the local nesting chronology. The BLM proposed a closure starting two weeks earlier because during the proposed scoping period we received a recommendation from a local biologist (PGE biologist, R. Marheine) that indicated the closure should start January 15th. The BLM is using Mr. Marheine's recommendation because he has been monitoring the golden eagles in the local area, including Trout Creek, for over 11 years and is currently conducting a radio-telemetry study of golden eagles.

The conditions (e.g., topography, vegetation, hiking, climbing locations) of raptor breeding territories and recreation uses differs between each situation and therefore management applications must vary. Local topography, land ownership patterns, the meandering nature of

the Deschutes River and the adjacent river trail all contributed to the proposed closure boundary. In order to establish an identifiable closure boundary that visitors can understand and locate on-the-ground, we propose using a well-established trail adjacent to the river. We propose using the river trail as a boundary because it is often over ½ mile from the eagle nests and combined with topography and juniper trees provides screening when needed in areas less than ½ mile of the nests. While the closure area may be larger than necessary in some locations, it is necessary in order to have an identifiable boundary that people can understand and locate on-the-ground or it cannot be effectively implemented and enforced.

The Service did not provide any supporting documentation regarding their concern of buffer distances. The Service questions the applicability of the literature BLM used to develop the alternatives and assess the effects, but did not offer any literature to support their position or disprove BLM's analysis. The Service did not provide any literature that was not referenced in this EA.

Effects analysis

4. The EA's effects analysis should be improved to show whether the trend in nest success is occurring just at Trout Creek or also in other eagle territories on the Deschutes River.

Sample comments:

These are not the only Eagle nest on the Deschutes River, and you show no evidence that this area is has any more failed nest than another area on the river. So until you prove that the Trout Creek area has significantly more nest failures then the rest of the Deschutes river, Alternative 1 must be selected. (Letter #2)

BLM response:

The geographic scale of the analysis is the Trout Creek area, not the entire Deschutes River. In the EA we provide data for this nesting territory for the past 21 years, and present information correlating the decreased nest success with increased climbing activity. The commenter does not present information showing this analysis was invalid.

5. The effects analysis should recognize the contribution climbing at Trout Creek has on the local economy.

Sample comments:

Climbers are important to our economic livelihood. (Letters #66, 80)

As a non-climber, I appreciate the economic contributions I receive from my business interests – climbers especially. (Letter #84)

My business employs 15 people and depends on climbers. (Letter #117)

My business relies on climbers. Keep Trout Creek open. (Letter #118)

Climbers contribute to the unique history and culture of the region as well as the local economy of Madras and Jefferson County. (Numerous letters)

I would be directly affected by any such closure and would suffer both monetary and personal freedoms. My reasons for choosing this lifestyle is vast, the opportunity to care for and make a living from the land while enjoying all its beauty and freedom is huge. For most. . . biologists, bird lovers, rock climbers, etc, etc, etc, a mandatory closing of the area, in reality, is not going to change their life, lots of other rocks to climb, birds to see and things to save, most can go home at night and enjoy all the freedoms of their homes and backyards. For me, this is my home, my backyard and the nest where I live everyday, so, you need to honestly ask yourself, if you were mandated by law to not visit your backyard, your pool, lawn, flower-bed and or garden for eight months, would it affect you? . . . While in general the proposed trail improvements are understood from an erosion standpoint, I am concerned as to what happens when cattle and wildlife share the use of the "improved trails". Special interest groups will take offence to their use and the effect thereof. . . It will jeopardize my operation . . . So, for this reason, I oppose any "trail improvement". (Letter #45)

BLM response:

The BLM recognizes that the climbing opportunities at Trout Creek provide benefits to the local economy. This acknowledgement and an estimate of the effects have been added to the EA. The EA has been updated and is available on-line at <http://www.blm.gov/or/districts/prineville/plans/index.php>

Since there is no formal data on the economic contribution of climbing activities, the effects analysis relies on assumptions about the number of users, length of stay in area, lodging choices, and items purchased during stay.

6. The BLM should revise the EA to include research from Portland General Electric and from Frank Isaacs at Oregon State University.

Sample comments:

When making your decision to implement a project plan please consider the reliability and validity of the scientific data used in your assessment. It appears as though the BLM has neglected to cite any research from the Portland General Electric (PGE) data mentioned frequently as the basis for Eagle populations in the Frog Springs Golden Eagle Breeding Territory. . . This data must be specifically cited and released for consideration, planning and implementation. Additionally, the BLM appears to ignore the scientific process of results reporting by citing personal communications" (Marheine, personal communication 2012)" as the basis for breeding activity. To meet the rigors of evidence based science all results must published for professional review in a scholarly journal where by members of the scientific

community can independently interpret and replicate the parameters of the sample experiment. In lieu of the above statements, I would like the BLM to consult with Frank Isaacs, Bald and Golden Eagle expert, Oregon State University, to review the data provided by PGE. His local and professional opinion can serve as a basis for scientific expertise in analyzing the data provided by PGE. (Letter #14)

BLM response:

The EA has been updated to include data provided by PGE the Marheine 2012 reference.

The BLM regularly consults with Frank Isaacs (recently retired from Oregon State University and now working for Oregon Eagle Foundation) and other experts. Frank is currently using the same data PGE provided BLM (for Trout Creek/Frog Springs) in his study of golden eagles in Oregon. The BLM and PGE are cooperating with Frank Isaacs on his study collecting additional data that he uses. Frank Isaacs also had the opportunity to comment on the EA.

7. The analysis shouldn't assume that "closing" the area means people will follow the closure.

Sample comments:

Closing access as proposed in Alternative 3 assumes that people would follow the closure and not impact the eagles. I think that climbers are more likely to police themselves and follow a seasonal closure if it means that they still have access to an area, rather than follow a blanket closure. (Letter #37)

The flexible dates to open hiking and climbing routes in Alternative 2 almost invites the unscrupulous to disturb the nesting GOEA's off their nest so that the trails and routes will be opened at the earliest possible date. As was stated in the BLM EA, monitoring observations on human visitation during the voluntary closure period at Trout Creek Rock noted hikers disregarding closure signs and suggestions by BLM staff, entering the area and traveling directly above and below the nests. To their credit, rock climbers were not observed within the closure area during the closure period. . . In order to restore Golden Eagle nesting productivity within the Trout Creek Climbing Area to pre-2002 levels (stated purpose in EA), there needs to be clear and simple closure dates for the Trout Creek Climbing Area that cannot be manipulated by chasing the eagles away from their nests. (Letter #44)

BLM response:

It is reasonable for the BLM to assume that Alternative 2 and 3 could be implemented because the agency has law enforcement officers that can and will cite offenders; the officers already patrol the Trout Creek area, and the two action alternatives would provide clear and understandable signage and boundaries for the public to understand and for law enforcement to enforce.

The BLM agrees that closures are difficult to enforce, and that outreach and cooperation from the general public, partners and other government agencies will be critical to any alternative's success.

8. The EA should be revised to include more information on how the project would affect golden eagle breeding populations, and how it would affect the eagles at Trout Creek during both breeding and non-breeding seasons.

Sample comments:

Please include information in the final EA regarding how the project will provide golden eagle conservation that supports the goal of stable or increasing golden eagle breeding populations. (Letter #39)

Alternative 3 provides protection during the breeding season, however, the Frog Springs golden eagles are considered year-round residents and no ground based surveys were completed monitoring behavior surrounding courtship, roosting or foraging within the territory during the breeding and nonbreeding seasons. As a result, the EA provides only a limited golden eagle impact analysis, and determination of effects. (Letter #39)

BLM response:

The purpose of the proposed action is to reduce disturbances to eagle nests at Trout Creek, in an effort to increase success of these nests. Therefore, the EA focusses on effects to these nests. We acknowledge that BLM actions can contribute to eagle population levels on a regional, statewide or national basis; however those effects are outside the scope of this project, and are therefore not analyzed in detail in this EA.

Other comments

9. Trout Creek is a unique and irreplaceable climbing resource. The BLM should select Alternative 2 because it is fair compromise between recreational interests and wildlife, and gives the agency flexibility in managing the resource. Climbers will follow the Alternative 2 seasonal closures, and would like to help with implementation of this alternative.

Sample comments:

I support Alternative 2, which would prohibit human activity within 1/4 mile of active eagle nests, but allow for reasonable climbing access after May 15th. This seems like a fair compromise between recreational interests and wildlife without allowing activities which would disturb the eagles during their critical nesting times. (Letter #1)

I am in full support of Alternative #2 that would allow for a seasonal closure and that allows for a lifting if the eagles are not impacted or nesting. This is reasonable and would keep this resource open to the climbers that support the local economy. This has become a leading

climbing area in the NW and closing this would be a huge blow to climbers and is the only reason they visit the area. (Letter #4)

I feel that alternative 2 is the best way to protect raptor habitat while preserving climbing access and providing the agency with flexibility in managing the resource; and that the climbing community is committed to protecting the resource and helping to steward Trout Creek. The proposed trail improvements will be a good addition and will provide people with opportunities to volunteer in management of the area. (Letter #12)

I am deeply concerned as to climbing closures at Trout Creek...as well as all climbing areas. To be perfectly honest, I am opposed to all climbing closures related to birds...I simply do not believe that rock climbing threatens any bird species...and carried to the extreme, all climbing areas will end up being closed, ruining the best sport in the world (and my passion). Having stated that, I am aware than others feel different. I would like to do whatever possible to maintain the priceless access to these cliffs for rock climbing. (Letter #13)

I support Alternative 2, which would improve trail access and provide the most climbing access by managing the Main Wall and the Cool Wall independently. . . Alternative 2 would protect nesting raptors from human disturbance by re-routing trails and limiting human exposure to occupied nests during the nesting season. Alternative 2 also provides the benefit of improvements to steep trails subject to erosion. I would be more than happy to assist in trail construction and/or improvements. The BLM should contact the Access Fund, the American Alpine Club (Oregon Section) and the Mazamas for volunteer trail building support should Alternative 2 come into effect. (Letter #18)

I am an avid rock climber and frequenter of Trout Creek and I would like to 'vote' for Alternative 2. I care deeply about the impacts we rock climbers have on wildlife and I love Trout Creek because of the breathtaking beauty of the area. I would feel awful if my love of rock climbing hurt nesting eagles. One of the main reasons I love rock climbing is because it brings me to wonderful places like Trout Creek; it's nature at its best. If limiting the duration of the climbing season to protect nesting eagles is necessary for their survival, I strongly support that alternative. I'd like to give the eagles the peace and quiet they need to rear their young while allowing rock climbing to occur when the fledglings have left the nest. (Letter #20)

One item that probably does not transfer from the climbing community to BLM personnel is peer pressure. Every time Trout Creek discussions arose, climbers insisted that others do not visit during the closure. Consensus opinion being that we have an open communication path and future climbing availability would be severely damaged by just 1 or 2 climbers ignoring the voluntary ban. For this reason, I believe that Alternative 2 will work. Climbers know what a wonderful venue we share. If we do not conform to both the letter and intent of the rules laid out by Alternative 2, we stand to lose at Trout Creek and also future areas. (Letter #23)

We strongly support the implementation of the management plan outlined in Alternative 2. This plan amounts to a responsible management strategy that provides adequate protection of the

territory during the golden eagle nesting season, and that also places value on Trout Creek as a unique and irreplaceable climbing resource, maintaining as many user-days as possible without compromising the nesting season. This plan includes many of the elements that the involved members of the climbing community had suggested to the BLM, including trail improvements and construction and a structure that could allow for the partial opening of the climbing area in mid-May pending nest selection scenarios. The climbing community is proud of our successful campaign to execute a voluntary closure during the 2012 nesting season, and we are pleased to see acknowledgement of these efforts on page 16 of the EA. We believe this clearly shows the dedication of Trout Creek climbers to do what is right to protect this territory and its native inhabitants, and to minimize our own footprint in this beautiful place. . . The Access Fund, American Alpine Club, Mazamas, Mountaineers, and Central Oregon Rocks, Inc. specialize in organizing and executing trail work projects to improve sustainable access to climbing areas, and hope for the opportunity to assist the BLM in these efforts outlined in Alternative 2. (Letter #26)

A heavy handed closure will leave several climbers feeling that the closure is unjust and they will climb there regardless of the closure imposed. A balanced approach attained by engaging the climbing community will result in self policing and climbers respecting the closures. Providing educational resources and appropriate signage will go a long ways to resolve issues like excessive noise that the Environmental Assessment makes mention of. (Letter #49)

Trout Creek is the most spectacular place to crack climb in the NW. Super memorable! Please keep the Trout open. It is heaven for us. (Letter #51)

Please allow us to show our love for this area by giving this opportunity to work with you to access and protect this land. (Letter #57)

Trout Creek is a world-class climbing destination that should be protected and promoted consistent with the sustainable resource management. (Letter #12)

BLM response:

The BLM agrees that Trout Creek is an important climbing resource. We appreciate the climbing community's support of Alternative 2, and the offer to help with implementation.

10. It is difficult to enforce closures. The BLM should provide extensive outreach to help insure compliance.

Sample comment:

If Alternative 2 or 3 is selected, the . . . BLM [should] provide extensive outreach to help insure compliance with the seasonal closure. (Letter #39)

BLM response:

The BLM agrees that closures are difficult to enforce, and that outreach and cooperation from the general public, partners and other agencies will be critical to any alternative's success.

11. The BLM should pursue an eagle take permit if it selects Alternative 2.

Sample comment:

The Service recommends that if Alternative 2 is selected as proposed that the BLM pursue an eagle take permit under 50 CFR 22.26 (or demonstrates that such a permit is unnecessary). (Letter #39)

BLM response:

The BLM is working with the Service regarding actions that may require a take permit and have agreed to monitor the effects of Alternative 2 in order to better determine whether a take permit would be necessary.

12. The BLM should develop an Eagle Conservation Plan.

Sample comments:

The Service recommends that the BLM develop an Eagle Conservation Plan which would detail the data to be collected, and how that data would be analyzed to better identify if the Project activities are potentially resulting in disturbance and reduced productivity. Monitoring of the site should include a more detailed nesting chronology, prey analysis (i.e., what are the eagles eating, and where are they foraging) documentation of reproductive success, and more detailed information on behavioral response to human activity. Per the monitoring which the BLM denotes would occur based on Pagel et al. 2010. The Service recommends that the monitoring be done in such a way so that it minimizes the observer effect (select observation points which will not adversely affect eagle behavior) and that experienced golden eagle observers be used to ascertain any behavior which may suggest disturbance. Often these behaviors are subtle, and only experienced observers may detect nest defense or potential for nest abandonment. (Letter #39)

BLM response:

The BLM appreciates the Service's recommendations and will take them into consideration when developing the monitoring plan. Nesting chronology is a minor concern for the eagles in this situation and a prey analysis is not warranted to assess impacts of humans climbing on the cliffs where they want to nest. There has already been a prey analysis done for eagles nesting in the Deschutes River Canyon area and additional information on this subject is not warranted for this project. Over the last several years the BLM has been contributing to a radio-telemetry study of golden eagles with PGE in Central Oregon. Determining the nesting chronology from the telemetry study should be an easy assessment. The BLM and other partners have been involved in an OSU lead study of golden eagle population survey across Oregon. BLM staff and funding go toward this effort, have attended coordination meetings, training sessions and conduct field surveys.

13. The BLM should select Alternative 3, but consider switching to Alternative 2 if nest success does not improve after 2-5 years.

Sample comments:

I feel a full closure should be in effect for 2-5 years and if golden eagles do not increase their nesting habitat in the protected area, it should then be open to a partial closure. (Letter #43)

BLM response:

Based on current information (e.g., literature and professional experience) the BLM believes Alternative 2 and 3 will provide suitable conditions for golden eagle breeding opportunity at Trout Creek and Alternative 3 would provide for the greatest protection of eagle breeding needs. To assess the effectiveness of a closure it would be important to have a long enough time frame to include natural variations. Golden eagles don't nest every year, fluctuations in prey abundance, changing weather conditions, and natural mortality in one or both mates of a pair are some of the conditions that can and will affect territory occupancy and productivity of a single territory. Monitoring would likely need to occur longer than 2-5 years in order to determine the effectiveness of the closure and how the birds are responding to management efforts. In coordination with USFWS, the BLM will develop a monitoring plan and evaluate the effectiveness of the proposed action. We will monitor eagle success and if the expected results do not occur we will consider whether to modify the closure.