

**John Day-Snake Resource Advisory Council  
Meeting Minutes  
September 10, 2010- LaGrande, OR**

**Business Meeting RAC Attendees:**

CATEGORY 1		CATEGORY 2		CATEGORY 3	
X	Adriane Borgias		Aaron Killgore	X	Ellen Bishop
X	Terry Drever-Gee	X	Bill Lang	X	Craig Ely
X	Dan Forsea	X	Dave Riley	X	Pat Dunham
X	Mike Hayward		Tim Unterwegner	X	Patricia Gainsforth
X	Art Waugh	X	Berta Youtie		Mark Webb

**Quorum: Yes**

**RAC Federal Official Attendees:**

AGENCY	MANAGER		AGENCY	MANAGER	
BLM Prineville	X	Debbie Henderson-Norton	Ochoco NF		Jeff Walter
BLM Vale	X	Don Gonzalez	Umatilla NF	X	Kevin Martin
Malheur NF	X	Doug Gochnour	Wallowa-Whitman NF	X	Kurt Wiedenmann

**Presenters: Mike Rassback,**

**Visitors: David Mildrexler**

**Designated Federal Official: Debbie Henderson-Norton**

**RAC Chair: Berta Youtie**

**Notetaker: Pam Robbins**

**Facilitator: Christina Lilienthal**

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**Meeting Called to Order - Berta Youtie, Chairman**

Called to order at 8:10 a.m. Members and Federal officials introduced themselves.

**DFO Welcome – Debbie Henderson-Norton**

She appreciates that we had enough nominations for our five vacancies. This meeting has a full agenda, so the group will need to stick to it and make all the updates as concise as possible.

Thanks to Christina for preparing the recap of the RACs strategic plan for the annual report.

**Agenda Review:** All have reviewed and are OK with the agenda.

**Subcommittee Reports:**

**Noxious Weeds:** BLM's Vegetation EIS has been released.

**John Day Basin:** No activity with subgroup; Oregon's step-down sage grouse plan is out. Their oversight team meets again in October.

**\*\*\*ACTION:** Craig Ely will ask Christian Hagen (ODFW) to brief the RAC on the State's sage grouse revisions at the next the meeting. He will also try to include a briefing on Oregon's wolf plan.

**OHV:** Group is waiting for the Wallowa Whitman's Travel Plan Record of Decision; nothing else to add.

**Baker RMP:** Nothing to report.

**Energy:** Boardman to Hemingway is the focus of most of the attention right now.

**North End Allotment:** Comments as a follow up to field trip. Mike Hayward drafted a comment letter for the RAC to review. RAC discussion focused on 1) the option of including all or part of the Goodman allotment, 2) the financial viability of the smaller allotment, and 3) the expanding population/range of the bighorn sheep. Since the Forest is just beginning the planning process on changes to this allotment, RAC comments would be preliminary to any issues/recommendations raised in the public comment period. However, RAC members could revisit issues on an individual basis.

Dave Riley moved to adopt the letter as revised; Terry Drever Gee seconded the motion. It was tabled until revisions are made to the document and it can be reviewed in final form.

## **Planning Updates**

**Kevin Martin, Umatilla NF:** Big emphasis for the Forest right now is completing ARRA work (largely trail/facilities). Their 2010 work is wrapping up, but some work will need to be deferred to the 2011 season. Funds for thinning projects are obligated and the work will be done this year; it's largely a stewardship contracting effort. Deferred road maintenance between Troy & Tollgate has pleased users – that's a high recreation use area. The Wildcat II decision has been made; the Forest will be meeting on the appeal soon to resolve concerns; Cobbler II decision coming by early October. The Healthy Forest Restoration Act project in Tollgate area will reduce fuels and hazard exposure within the Wildland-Urban Interface (WUI) areas. Potamus Fuels Reduction near Penland Lake is also a WUI priority. The Forest is implementing their travel management plan now that maps have been released. The conclusion of the appeal period on the invasive species plan is the end of September. Grants from the Forest Service Headquarters are funding the career camps in October. Negotiations are underway for acquisition of acreage at the Wenaha State Wildlife Area.

**Debbie Henderson-Norton, Prineville District:** Feral pigs are a growing issue along the John Day River, and the District is working with the Oregon Department of Fish and Wildlife to move them out of that corridor. There is activity centered on renewable energy – PGE is involved with

the Cascade-Crossing line, crossing both the John Day and Deschutes Rivers. Their scoping period is done and initial input was gathered. BLM doesn't yet have information on route options or alternatives that PGE is considering. As they narrow down those issues, it would probably be a good time to invite a PGE rep to visit with the RAC. Primary use would be to capture/transport energy from the wind farms along the Columbia River. Senator Wyden has pending legislation for two wilderness areas: Cathedral Rock and Horse Heaven, Cathedral Rock is along the John Day River and Horse Heaven is located just west of the river. There is a huge realty process involved in completing the intended goal; there are 80+ parcels to be exchanged. The Spring Basin Wilderness land exchanges are not entirely complete. A Wilderness Management Plan is ultimately required once the exchanges are complete, consistency language addressing the wilderness was incorporated into the John Day RMP FEIS.

The John Day RMP FEIS is still being reviewed by the Solicitors office in Washington DC and the BLM is awaiting consultation to be completed on the project. The FEIS should be released in early 2011.

John Day River EA has been released seeking public comment; closing on September 26, 2010. River use has increased greatly since the original plan, so the current EA includes limiting launch activity to equalize visits and protect the resource. Reservations would be made online in a "real-time" arrangement through a contracted recreation service web site. This will better coordinate with partner agencies as well. The most contentious issue on the Deschutes River was the common pool status; there was resistance from outfitters and commercial users who thought it would have negative impacts. Impacts were not negative at all, and the earlier John Day Plan said that if it worked on the Deschutes, it would be implemented on the John Day when it became necessary.

**\*\*\*ACTION:** Christina Lilienthal will get the proposed legislation and maps on Wyden's proposal to Terry Drever Gee and Art Waugh.

**\*\*\*ACTION:** Individuals who wish to comment on the John Day River EA within the comment period should do so now.

**Kurt Wiedenmann, Wallowa-Whitman NF:** The Enterprise Ranger District office burned, and it was a huge loss and disruption for the Forest. A lease agreement is now in place to use an idled elementary school facility during the interim of lease negotiations and rebuilding. There was a wildfire-use fire in the Eagle Cap area last year and it burned into Forest Service and State lands. A salvage sale of that timber will be up for bid later this year. They invested Recovery Act funds of \$13.5 million to accomplish a lot of restoration and deferred maintenance. Hells Canyon got additional funding this summer to hire seasonal employees to assist the public within the Recreation Area. They had many good contacts with the public and facilitated positive recreation use. The Forest's Travel Management plan is still pending, as the Threatened & Endangered Species consultation took longer than initially expected. The decision document

should be signed in March, so it can be implemented ahead of the summer season. The Forest's EIS on invasive plants was upheld upon appeal, so the Forest expects to implement this fall. Buffalo have strayed into the Eagle Cap Wilderness Area.

**\*\*\*ACTION:** Kurt Wiedenmann to present information on the Wallowa-Whitman travel plan at a future meeting.

**Doug Gochmour, Malheur NF:** The American Recovery and Reinvestment effort has been the accomplishment area for the Forest. They received \$28 million, basically doubling their budget. Road, campground, facility improvements and fuels treatments were the emphasis areas. A ceremony will be held in mid-October to open a pellet mill at Malheur Lumber Co. It will be producing bricks and pellets in John Day, this project adds another avenue for treating smaller material from area forests. The Forest also hired 52 seasonal employees to collect data: wildlife, archaeology, forests, and rivers now have better baseline information. Local residents of Harney and Malheur Counties made up 85% of the crew. The Forest is experiencing a cyclical explosion of the White Pine Butterfly this summer; sometimes it looks like it's snowing. The large population could pose a risk to the Ponderosa pine forests, since predator wasps have not shown up yet. After the butterflies defoliate the trees, it leaves them vulnerable to pine bark beetle. Grazing was great this year; herds were staying well away from riparian areas as forage was very good. Fire activity was limited and handled very well.

**Vale District, Don Gonzalez:** No change on many items from the last report. The date changed on the grazing permit renewal process. A Decision Record on the EA for the Mineral Valley Plan of Operation is coming soon. The District is in consultation with the US Fish & Wildlife Service on Bull Trout critical habitat.

#### **Boardman to Hemingway (B2H), Baker RMP, Agreement Reviews – Don Gonzalez**

B2H scoping went well, but issues were raised on some of the private properties that were homestead lands; owners have huge financial concerns. BLM is the lead federal agency for this project, and will be going out again for comments when analysis of these things is done. Idaho Power needs the connector line even if the Boardman coal plant does not move forward. It might be better for the public if a public meeting is held that includes both B2H and Cascade Crossing efforts, so the issues are not jumbled together. Other efforts are rumored to generate needed power.

BLM has gotten the most recent proposal from the Department of the Interior on wild horses and wants input from the RAC. As far as the RAC reviewing assistance agreements and memorandums of understanding between BLM and the State or other agencies, those often come up quickly. Most of them deal with how agencies talk to one another. RAC input could not be timely enough for those types of situations.

**\*\*\*ACTION:** Don Gonzalez to present information on the Baker RMP at the February meeting. The District might be ready to mail copies of the plan to RAC members in January.

### **Malheur Travel Alternatives – Doug Gochnour**

The Malheur is probably the last National Forest to complete their travel plan. Current status on the Forest is that you can travel anywhere with any vehicle unless it's marked "Closed." Now it reverses 180, and travel is ONLY permitted where it is posted as "Open." The Forest is following the Boise District effort of capturing the decisions they already have made and getting it onto the map. National Forest guidance is now that all map formats are plain black & white documents. This requires the Forest to do a full review and change their maps. The Malheur is incrementally reducing road miles with each large collaborative project. Open areas are discrete, well-defined, manageable areas (ie. rock pit, sand dune, or below high waterline at reservoirs). The Malheur does not intend to propose or entertain proposals to open or close any roads through this process. Permitted uses will remain, and the new map will document the current allowable use. The Forest Supervisor can exercise discretion within clearly delineated areas, so many of the choices have already been precluded. The Forest has deferred the launch of the effort until early November at the soonest.

**Q:** What impact does this have on Rights-of-Way?

**A:** Rights-of-Way permit specific use, and access routes to accomplish the permitted use would be included in their permit terms.

**Comment:** The OHV community urges that as the collaborative efforts move forward, consideration be given to options for designated routes and trails for off-highway recreationists.

### **Blue Mountain Forest Plan Alternatives – Katie Countryman**

The public comment period is completed and analysis resulted in 110 unique, specific comments, with more than 4000 form letters. One of the comment letters received was more than 150 pages of issues. Cooperators assisted in boiling responses down to significant issue identification; the key topics were: Access, Ecological Resiliency, Economic/Social Well-Being, Old Forest, and National Wilderness Preservation. Alternatives were developed taking that input into account. There were four alternatives that included change of some sort from the current alternative. The proposed plan will go to the public in spring 2011. The Forests must select a preferred alternative under the current planning rules.

**\*\*\*ACTION:** Katie Countryman will brief the RAC on the alternatives developed for the Blue Mountain Forest Plan at the next RAC meeting. The maps could be updated by the November meeting. The RAC can provide their feedback before the plan goes to the public in the spring.

**Q:** When numerous people forward similar comments on a part of the plan, how is that handled?

**A:** Planning is not a “voting” process; the focus is on the values that the public is interested in. Planners classify the comments and look at the scientific impacts and a balance of interests. Intense identical replies alert planners to a social interest in a topic, but many of those responses are too vague to classify or be useful in the planning process.

**Accomplishments Review:**

**\*\*\*ACTION:** Dave Riley will try to get a broad overview of the energy proposals and options for transmission and demand throughout the region. The spring RAC meeting is the likely timetable.

**Public Comment Period:**

David Mildrexler from the Hells Canyon Preservation Council (HCPC) – spoke on the Malheur Travel Management Plan. His organization feels that the Malheur NF should go through a similar travel management planning process as the Blue Mtn Forests. Mr. Mildrexler led HCPC’s comments on the Wallowa-Whitman travel plan, and the group has been reviewing the Blue Mountain Forest Plan. Their organization sees this as an important issue, and the plans formalize motorized vehicle use on these public lands. Unregulated use has had negative impacts, and the Forest Service Chief recognized unmanaged recreation use as one of the four threats. HCPC does not think it’s sufficient to simply close the cross-country travel option. Noxious weed dispersal and impacts to wildlife and riparian areas are cross-cutting issues to motorized vehicle travel. Areas that are roadless still get some vehicle travel, and this degrades habitat areas. Overall road density concerns relate to habitat disruption for elk and other wildlife. Even if some travel areas are closed, the level of road networks would still pose concerns for some endangered species. The Forests share borders that could affect the neighboring lands’ management goals. It is important to clearly communicate the revisions to use, manage well to mitigate problems, and enforce the new system.

**ESA 101 – Gary Miller (US Fish & Wildlife Service), Spencer Hovekamp (National Marine Fisheries Service), and Tracy Hickman (Umatilla NF Endangered Species Act Consultation Biologist)**

The Endangered Species Act (ESA) has been in place since the 1970s. It has had some amendments since then, but is strong and effective. Its purpose is to provide a program for conserving ecosystems, thereby protecting dependent species, and one aspect acknowledges the State role in water resource issues. Section 3 provides definitions, including those for species, conservation, critical habitat, and “take.” Section 4 delineates factors for listing species or designating critical habitat. Annual updates are done through USFWS for candidate species.

Listing a species and designating habitat are separate processes, but in the best cases, should be done in tandem to increase the chances for recovery of the species. Section 4(d) works closely with Section 9. The FWS can extend the protections for endangered species from Section 9 to

threatened species under Section 4(d). Those prohibitions apply to everyone. Section 7 applies to all Federal agencies.

On a Forest, the determination must be made about whether there are effects from a proposed action, and then if there is a Federal nexus. An action is anything that is planned, funded or authorized. Action and area are assessed to see if there will be any affect. The Proponent writes the initial biological assessment and the regulatory agencies review and concur or respond with clarification and direction.

Monitoring and field reviews are done by the action agency to show they have followed Terms & Conditions and/or the Reasonable & Prudent Measures requirements. Agencies interact early to see if there are issues so that consultation can be streamlined as much as possible. By the time a Biological Assessment is done, the agencies have negotiated and agreed on the basics of a traditional project. Even with very complex proposed actions, the timeframes can stay within six months in almost every case. The new process has increased trust and effectiveness.

Section 10 lines out the requirements for non-Federal persons/groups proposing an action. An Incidental Take Permit is issued for actions that may kill or harm species in an attempt to conserve them. Section 11 sets forth the penalties and enforcement actions. It is serious and should be taken seriously. Any citizen can sue if they contend that ESA obligations are not met. Litigation history drives some of the emphasis areas for consultation. Court verdicts require response, so those cases go to the head of the list.

Successful consultation depends on communication, institutional support, expertise, and the time to do it. That includes teamwork, programmatic (recurrent actions with predictable effects) and streamlining, good understanding of the aspects of the ESA, and adequate staffing.

All states must have a plan for dealing with endangered species. Oregon's ESA was developed in 1987. Oregon adopted the Federal list, with one exception: the Grizzly Bear. This is how the grey Wolf was included on Oregon's list. Frequently citizens approach the ODFW to request listing, down-listing, or de-listing. The ESA only applies to native species, not introduced ones. The wolf is limited to four sub-species. State species status cannot be more liberal than the Federal list; they can come right to it, but not be less protection than the Federal plan. Oregon does not have a recovery plan like the Federal government does, but must conserve them to the point where the species no longer qualifies as endangered/threatened.

Oregon's effort is focused on managing "take." There are a very few areas where the rules don't apply. Wildlife laws give tools within discretion to balance the boundaries, biology, and mandates: survival guidelines, endangered species management plans, scientific take permits, damage take permits, wildlife removal and holding permits, wildlife harassment permits, incidental take permits, and other special situations ("caught in the act" depredation, etc.).

The Oregon Fish & Wildlife Commission (seven members appointed by the Governor and confirmed by the State Senate) appoints advisory committees to assist with planning. Their recommendations result in rulemaking. The wolf plan is five years old, and the renewal is open for public involvement before the Commission meets September 30-October 1. Adoption of the administrative rule for the next five years should happen on October 1.

**Review Minutes, Action Plan:**

Next Meeting November 30, Pendleton.

Adjourned at 3:55 p.m.

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Approved as written:

*/s/ Berta Youtie*

Berta Youtie, RAC Chair

*/s/ Deborah Henderson-Norton*

Debbie Henderson-Norton, RAC DFO