

*Southeast Oregon Resource Advisory Council
August 3, 2010- Burns, OR
Meeting Minutes*

RAC Attendees

CATEGORY 1		CATEGORY 2		CATEGORY 3	
	James Bishop		vacant	X	Chad Boyd
X	Mona Drake		Richard Johnston		Craig Foster
X	Dick Leever	X	Mike King	X	Larry Hammond
X	Wannie Mackenzie	X	Diane Pinney		Kenneth Kestner
X	Kevin Peterman	X	Bill Renwick	X	James Walls

Quorum: YES

RAC Federal Official Attendees:

AGENCY		MANAGER		AGENCY		MANAGER	
BLM Burns		Kenny McDaniel		BLM Lakeview	X	Carol Benkosky	
BLM Vale	X	Don Gonzalez		Fremont-Winema NF	X	Rick Newton	
Malheur NF	X	Mike Montgomery					

Visitors:

Designated Federal Official: Don Gonzalez

RAC Chair: Bill Renwick

Notetaker: Pam Robbins

Facilitator: Mark Wilkening

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*Meeting Called to Order 8:08 a.m.*

*Action Item Review*

All items completed or in process.

*Wild Horse Gather Update – Don Gonzalez*

The Cold Springs gather was completed last week. The plan was to bring in most of the horses; leave about 75 at the herd management area (HMA). When the horses came into the trap they were not sweaty or fatigued. One foal died of undetermined causes, one 8-9 month horse came in not looking right and eventually died and one horse kicked another and broke its leg and that horse had to be put down. The BLM is waiting for the necropsy reports. A horse from a neighboring ranch (where the owner recently died) was rounded up with the wild horses, and will be returned to the heirs. Horses were calm at loading point and showed very little agitation. An observer from *In Defense of Animals* was onsite. The public had many questions about herd dynamics, and the plan for balance of horses remaining on the range.

Activists were very focused on the procedures, and were not happy with the safety margin distance from the operation. The Cold Springs location provided few options for safe viewing. The horses left at the HMA went back to grazing right away, so the gather operation did not appear to seriously disturb them. This is the only 2010 gather on the Vale District; the next gather will be the Stinkingwater HMA on the Burns District. There is more public interest in that one.

**Q:** Is the ratio of studs to mares at the normal level?

**A:** There will be a larger number of males to females now. That may help reduce the reproduction rate.

**COMMENT:** The historic number of people wanting to observe has been very small, and it seems like there is a larger number that want to show up to have a role in how BLM accomplishes its mission.

The herd in Lakeview has been hard to get a good census, as they move between the refuge and the HMA and within the Northern Great Basin area. The numbers in the Beatty Butte herd have tripled in the last year.

**COMMENT:** The initial Wild Horse & Burro Strategy request was not broadly communicated to the RAC members in general. They would like more advance notice.

**Q:** What's the normal process preceding a gather?

**A:** A Federal Register notice announces the proposed activity. The public has 31 days to submit comments or intent to protest. There is a 30 day protest/appeal period. Then a decision is released. The BLM waits two additional weeks before taking any action.

**COMMENT:** The concern was expressed that some elements of the WHB Initiative leans toward removing cattle from public lands entirely, and the potential impacts of curtailing the benefits of ranching could be very damaging.

The RAC discussed whether they may want to reconstitute a subgroup focused on the WHB program.

### ***Sage-grouse Opportunity Map Merge with State Map – Kenny McDaniel***

Oregon Department of Fish & Wildlife (ODFW) has rolled out their conservation strategy for Sage-grouse. They've mapped out the area of eastern Oregon, southwest Idaho and northern Nevada, indicating the quality levels of habitat in these areas. The strategy defined good habitat – lek density, riparian habitat, population density, etc. ODFW looked for core habitat areas where the sites provide greatest support for grouse populations to thrive. Development would be limited in those areas. The delineation of locations is shown on the ODFW website with the draft conservation plan. They're currently accepting public comments. BLM will likely adopt the State's conservation plan produced through this effort. It's important that we don't diverge from the outcomes of conservation strategy. It establishes two levels of core habitat: I – essentials needed for survival; II – good to have but not essential. In areas below level I/II, development within guidelines would not likely have a large effect on Sage-grouse conservation. The maps are an overview of the big picture; site-specific conditions must be verified and appropriate activity would not be proscribed.

**Q:** How will the ODFW guidelines be affected by the Oregon Fish & Game Commission, a separate entity?

**A:** The effort has included many discussions with a variety of affected stakeholders, so it is likely that those constituencies have reviewed and had input on the issue.

**Q:** To what extent is the BLM tied to the State strategy? Are there potential bottlenecks that the BLM will face?

**A:** The State effort utilized much of the science and planning elements that the BLM has been using for a basis. The effort has been pretty comprehensive in dealing with the eco-regional landscape managers and the plausible needs and scenarios. The USFWS and BLM are commenting on the State's plan as well. The effort to prevent listing is a primary goal

**Q:** There is a very small Sage-grouse population up in the Baker County area, and ranchers have modified grazing practices and taken other actions to preserve those numbers. The better habitat has brought in more diverse wildlife and that has drawn new predators. How are ranchers supposed to deal with that?

**A:** The Sage-grouse is an indicator for sage/shrub steppe species, so the essential focus may have to be good habitat overall. We need to pay attention to what is happening across the landscape. Assess Improve, and Monitor, to determine if the birds are showing up there.

**Q:** Does the budget for the agencies provide for actions that this strategy may require?

**A:** The BLM's 2015 Strategy emphasizes desired conditions, and those goals will cascade into the budget. There is also the Great Basin Strategy, and several others, so some energy will need to go into determining which goals take precedence over others.

**COMMENT:** ONDA is getting a grant from the Ruby Pipeline proponent to monitor habitat in Lake County. There are other grants as well. Little detail is available about who, what, where of these funds. It's best for the agencies to get in front of the issue and drive toward desired outcomes instead of waiting.

**Q:** Does the plan move the agencies away from single-species management to a more holistic method of managing the landscape?

**A:** It's difficult to measure, and having a set plan can help to overcome the inertia of not knowing what's OK to do and what's prohibited. As the agencies get going and refine what they do, it should provide overall benefit. The requirements of a listing would be far more burdensome, so agencies are working together to assure that won't be needed.

**COMMENT:** The most important focus is what's good for the ground. If the land and its resources are healthy, the other things will fall into place. Manage the habitat with a look toward what is normal

function and what can actually be done within the capacity we have. Find avenues to capture or leverage resources and partners that move the agencies toward healthy functioning ecosystems.

**Q:** Managing for healthy lands is only as good as our understanding of how ecosystems work. Examples like removing all debris from streams, and now re-inserting because we understand the functional role better. How does the NRCS program integrate with the goals in ODFW's plan?

**A:** They've been involved from the outset. When NRCS got the funding, they devised a project and invited participants who were knowledgeable about the species, so they could move quickly. Instead of "random acts of restoration," they've tried to be more coherent in their project focus. They're willing to learn from mistakes so that future projects benefit.

**COMMENT:** There is concern that some preservation efforts may decimate the habitat by opening it to other risks. By fencing off the uplands in some areas, the heavier fuels load poses a risk to the entire ecosystem.

### ***NEPA 101 – Rhonda Karges***

This is a general overview of the NEPA process, what the timelines are, and how determination is made between needed actions: CX, EIS, EA, etc. Rhonda is Burns District's Planning & Environmental Coordinator, and was hired to begin the Steens Mountain planning & implementation.

NEPA is a process to help managers work through questions on any given project where ground disturbance could occur. First level after a project proposal would be a Categorical Exclusion (CX). In the project area, specific questions are asked about scope, impact, special management conditions or significant effects. If none apply, the project can be approved by CX. Agency can use a CX approved by another Federal agency. All activities can be covered, including spending money, making hires, etc.

BLM can use a Determination of NEPA Adequacy (DNA) too. If a project was previously planned but not accomplished, it must be reviewed again in contemporary circumstances, including cumulative effects. If effects remain the same, a DNA finding can apply.

Environmental Assessment (EA) is the next level. Scoping is done on the proposed activity, and the agency can be alerted to any potential issues. There are ten specific questions that the unit must answer, and if nothing meets that standard, a Finding of No Significant Impact (FONSI) can be issued. Gathering that information prior to any decision provides the manager with potential alternatives to choose from. Federal officials must have at least three choices: a no-action option, a proposed action, and an alternative way to accomplish the goal. Typically the BLM gives the public 30 days to provide input on the action. The agency decision is subject to appeal/protest, and avenues vary depending on the type of project.

**Q:** On an EA, when it talks about wilderness characteristics, how is a determination made about what qualifies? Is there a standard of what criteria is considered; how do you quantify those sites?

**A:** The BLM did the inventory at the onset of the Federal Land Planning & Management Act (FLPMA). For example, Blitzen River was determined as a WSA. The “Blue Book” guides the findings from 25 years ago, but the conditions change over time. The judge’s finding was that the characteristics can change over time, and BLM’s inventories had potential to be outdated. The agency has a form that sets out criteria that must be verified. Only Congress can make the determination about whether it should be included as wilderness or not.

Once the characteristics are defined for wilderness, the RAC could help provide valuable input on those areas that should or should not be approved.

If there are significant effects or if the agency is doing an overall RMP, it requires an EIS. Scoping is done in advance of the EIS or RMP effort. That is a helpful time to weigh in with quantifiable issues. The input is evaluated and effects are outlined. The comments are addressed in the Proposed RMP/Final EIS and issued with a protest period. The BLM is required to resolve those protests at the headquarters level. Then the RMP is adopted. An agency can select and blend parts from many of the plan alternatives. Implementation decisions have a different appeal period, through the Department of Interior Board of Land Appeals.

NEPA is not a voting process. It would be helpful if people had a better understanding of what is required for a comment to be considered substantive.

**\*\*\*ACTION ITEM:** Don Gonzalez will get information from the Forest Service side that outlines how their NEPA process works and get those forwarded to RAC members.

**Q:** Is there an avenue where the RAC has some lead time on upcoming requests where the agencies want to have their input? Can the RAC get early input or comment after cutoff dates? The RAC role is to review things in process, not when activities or initiatives are already a done deal.

**A:** Managers are looking for ways to engage the RAC sooner on plans, projects and MOUs, and consulting with the BLM State Director to outline the decision space.

### *Subgroup Work Time*

***PUBLIC COMMENT PERIOD: No members of the public were present to address the RAC***

### *Subgroup Reports:*

**Energy:** There is a lot of activity in this arena related to wind power. Projects in the North Steens are on private land, but hinge on approval of the transmission line that crosses BLM land. One project has been approved by the county, but won’t go forward until there is infrastructure to carry the electricity from the site to the power grid. The comment period on the North Steens Plan is at the end of this month. BLM is only evaluating the environmental effects of the proposed line and the cumulative effects of all the projects.

Question Posed: Do we want the subgroup to review and propose comments to the entire RAC?

Vote: Yea 7, Nay 2; could not carry because of lack of quorum affirmative in each Category.

**Travel Management:** The Christmas Valley off-road group hosted Congressman Walden for a picnic and site visit, so he could have a first-hand view of the area and uses. There is a push to remove the Wilderness Study Area designation in the Christmas Valley area. Community members are working with the Lakeview District to develop more amenities for that use area.

**Planning:** Group is eager to add their input to the planning processes at the earliest stages. Comments that apply to the SEOR and Lakeview RMPs can possibly be included in the current plan amendment process. They are eager to take on more significant issues as they arise, as early as possible. The next step for the Lakeview RMP is development of alternatives. Vale District met on Monday to begin their process.

**Sagebrush:** The subgroup discussed the idea of reviewing the ODFW plan. Written comments will be accepted through the December 3 ODFW Commission meeting. Earlier deadlines apply for input to be included in the Commission meeting briefing materials: September 14 for the October 1 meeting, November 15 for the December 3 meeting. That gives time for the RAC to submit comments, and a subgroup could take on the initial review. It might be most effective if the RAC submits comments to inform the BLM's official comments, and individuals or the entire RAC can comment directly on the State level too. Mike King will be reviewing the State material, and is happy to talk it over with any members who are interested.

### ***Litigation Updates and Roundtable***

**Wannie Mackenzie:** Ranchers in the Baker Valley are meeting about the 500 KV line; its route crosses 65% private land. Today they will give an appraised price estimate. One mile of line takes 32 acres; Idaho Power wants to buy land outright; they won't issue company stock as part of the purchase. Likely quotes are about \$100/acre in current market. They will condemn any land not deeded to them.

**Bill Renwick:** Wind energy and transmission lines are one key focus right now. He's been involved in developing a place-based curriculum for science and environmental education. Restoration planning in the Malheur NF includes developing a set of standards for multi-party monitoring. With limited agency funding, they're using volunteers and others to accomplish some needed inventory and monitoring.

**Mona Drake:** The OHV community is commenting on the many plans and proposals coming forward. Accessing public lands by any motorized conveyance is not assured, and the proponents need to be on guard about those areas most important to them. Groups continue to do outreach to the community to promote good land stewardship and responsible recreation. A new motorized recreation trail has been established in the Willamette Valley.

**Diane Pinney:** The WHB strategy material is available. Locally there is not a lot happening with Oregon WHB action. Oregon is getting positive attention, especially compared to Nevada. Advocates are promoting adoptions with several events and avenues to showcase the desirability of these horses. The WHB community is unhappy with the horse program in general. Transparency was not noticeable and there is a rumored link to Ruby Pipeline, this has raised great concerns. Frustration that so many of

the gathered horses are being sent to long-term holding and that there seems to be some disparity between numbers reported and horse and range conditions. Nationally there is a lot of tension with the program and concerns are making people increasingly unhappy. The ROAM Act is still in the House Natural Resource Committee.

**Rick Newton:** Fremont-Winema has a new Forest Supervisor coming: Fred Way. Rick signed the Travel Management Decision, and the comment period is extended. Upcoming planning projects include: Vegetation Management of Black Hill on the Bly Ranger District – east end of the Klamath Reservation; the invasive plant EIS should have a decision by end of September, giving new chemicals to help treat invasives, with lower impacts and greater effectiveness. The Fort Project in Chiloquin District is just starting – 2011 decision; analyzing whether to reauthorize the Lakeview Sustained Yield Unit.

**Kenny McDaniel:** Burns District reached a settlement agreement on the North Steens Ecosystem Restoration project. Agreed on several topics, but the final terms haven't been formalized yet. BLM will proceed with projects using terms of the tentative agreement. A formal mediation session on Burnt Car was held in Eugene; parties reached agreement on most points, and Burns has issued an EA. The Decision Record has a couple more weeks before it closes. Their travel management plan is before the District Court. The Energy Facility Sitting Council met in Burns in June to hear petition to close the Steens Cooperative Management and Protection Area to development. Stinkingwater wild horse gather will be done in mid to late August. Public observation day should be Aug 19. ARRA funds were invested to crush rock for the Steens road reconstruction project; new money will be applied to repair of the Steens Loop Road.

**Kevin Peterman:** He's learning more about the extent and variety of energy projects. He noted that all of the proposals have opposition, regardless of their merit.

**Carol Benkosky:** ARRA projects are about \$5.5 million. Lakeview had to cancel one project because it was underfunded. Sand Dunes Road has been completed. Sunstone Road project has begun as well. Working on the Green Mountain Lookout, and it should be replaced by this fall. The Sage-grouse study has been very instructive about the birds and how they're using the area. RAC may get a more full briefing at next meeting. Vegetation EIS was released in the last few days, with ROD coming within the month. ONDA and the Vale/Lakeview district negotiations are complete; anticipate that the Judge will accept the agreement. The District received good input during the comment period. Ruby Pipeline MOU with the State Historic Preservation Office was signed on Friday. There are a couple pipeline segments that can impact cultural resources, so those segments will not be approved until a full inventory is completed. The project can still be appealed to the 9<sup>th</sup> Circuit Court. Agreements have been established between the Ruby Pipeline proponent, ONDA and the Western Watershed Project; agencies were not part of those negotiations. Conservation funds will be directed at land restoration and may be used to acquire permits; it's unknown what affect that will have on the agencies. A FONSI and Decision Record were signed for the Horseshoe EA in an area near Juniper Mountain. Water source will be fenced with some restoration of the meadow. This project is controversial and has been litigated through the court previously. It's in the 15 day protest period. Ten alternatives were considered. Lakeview is part of a tri-state area for wild horse inventory; they're trying to get an accurate census and

coordinate gathers. A dual-blind inventory was completed with five days of over-flights. Spotters actually saw 4200 horses, but know there were more that weren't visible by aerial recon. Agencies are looking to get a better picture of how the horses are moving and how they're using these lands. A new excavation was completed at Paisley Caves for the purpose of supporting the previously identified dating of over 14,000 years. This time they also collected data to study parasites which are specific to humans and at the dietary regimen, in light of high incidence of diabetes in Native American populations in the area. Lakeview has no developments in wind energy or military range requests at this time. The BLM is being sued by a party in Warner Valley over water rights; Court date will be in December. There have also been discussions regarding removal of sediment between Hart & Crump Lakes.

**Mike Montgomery:** Neat things happening on the Malheur. OHV update: the Washington Office wants them to do a more full analysis, and the next RAC meeting would be an ideal time to review where they'll be going with this. The Blue Mountain Plan is being adjusted within the three forests involved. The team was updated and briefed the Regional Forester. An EIS will be coming soon. Stewardship Contracting is an area where the Malheur is making some good progress. Many of these projects are not cost-effective on other bases, so this program allows them to treat large landscape areas on the forest. Engineering has 62 projects going right now, and those funds are providing monies for a pellet mill and other employment opportunities. The Forest has several collaboration groups working on landscape. Since their work started, the number of timber sale activities that have gone into litigation has dropped significantly. The Murderers Creek horse gather was held August 2. The Forest is removing juniper on 7500 acres in Murderers Creek drainage. All litigation on the Malheur is grazing-related.

**Chad Boyd:** Thanks all for input on the Vegetation EIS. He's still pondering the WHB Strategy topic – the topic is large enough that it's hard to choose what action would be most effective. Is it possible for a team from both Oregon RACs to take this on and compose a letter with appropriate recommendations? Wind power could be the biggest issue before us right now. As a RAC, this issue will be seen again from many angles, and it will impact other issues we deal with. Would it be best to address it early?

**COMMENT:** The Opportunities Map is due to be released soon.

**\*\*\*ACTION ITEM:** Pam Robbins will forward a copy of the JDS RAC letter on horses to RAC members.

**\*\*\*ACTION ITEM:** Pam Robbins will send a list of other RACs and a link to the overall RAC page to RAC members.

**Jim Walls:** Iberdrola Renewable Energy says the wind market in the Pacific Northwest is saturated, and they are the world's largest wind owner. The biomass plant protesters are primarily the eight nearby residents. As the closest resident to the plant, Jim has chosen not to protest. The protest goal is to delay the process, and if Iberdrola can't complete 5% by December 31, they will lose the Federal incentive money and the project will be built without those incentives. There are 85 homes putting in renewable

energy sources, and four are completely off the grid. Treasure Valley Community College has developed a renewable energy curriculum.

**Mike King:** This was his second meeting so not as confused as last time. It has seemed like immersion training in acronyms.

**Dick Leever:** Good meeting; lots of good discussion. I am glad that folks are recognizing that single-species planning is not the best course. I am looking forward to increased activity in the travel management arena. I am continuing to work on the Christmas Valley project, and it could be a large accomplishment to get that Christmas Valley WSA removed.

**Larry Hammond:** This was a fun meeting. He had mentioned increased public relations efforts at a previous meeting, and was pleased to see the Fremont-Winema newspaper insert; I encourage the Malheur to do something similar. Greater awareness of what the agencies are doing helps local people and the agencies that are accomplishing good work. I would like to see more sharing of news among RAC members. Travel management topic had him a bit nervous, but he feels reassured that it's a living document, and can be modified each year as things change. Collaboration process seemed unsettling at first, but has the potential to resolve larger questions.

**Pam Robbins:** Update on RAC recruitment

***Agenda items for next meeting: Oct 21-22, Ontario***

2015 Strategy - Don & Kenny

Comments on the ODFW Sage-grouse plan

Katie Countryman to discuss Tri-Forest Plan

Energy 101, including EFSC

Field visit of B2H & possibly Lime Wind

Adjourned @ 4:06 p.m.

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**\*\*\*ACTION ITEM:** Mark Wilkening will make sure that the Fed Officials update is scheduled ahead of subgroup work sessions for future meetings.

**\*\*\*ACTION ITEM:** Mike King will send the link to some USFWS guidelines for siting wind energy towers to all RAC.

**\*\*\*ACTION ITEM:** Mark Wilkening will send the updated list of RAC contact info to all