

*Southeast Oregon Resource Advisory Council  
January 20, 2011- Burns, OR  
Meeting Minutes*

*RAC Attendees*

CATEGORY 1		CATEGORY 2		CATEGORY 3	
X	Mona Drake	X	Anne Hiller Clark	X	Chad Boyd
X	Dick Leever		Richard Johnston	X	Craig Foster
X	Wannie Mackenzie		Vacant		Stan Shepardson
	Kevin Peterman	X	Diane Pinney		Vacant
X	Jim Walls	X	Bill Renwick		Vacant

*Quorum: NO*

*RAC Federal Official Attendees:*

AGENCY		MANAGER		AGENCY		MANAGER	
BLM Burns	X	Kenny McDaniel		BLM Lakeview	X	Carol Benkosky	
BLM Vale	X	Don Gonzalez		Fremont-Winema NF	X	Fred Way	
Malheur NF	X	Bob Varner (Acting)					

*Visitors:*

**Elizabeth Scheeler (for Sen. Merkeley), Jeff Rose, James Arndt, Robert Arndt, Chris Pratt, Jay Kirby**

*Designated Federal Official: Don Gonzalez*

*RAC Chair: Bill Renwick*

*Notetaker: Pam Robbins*

*Facilitator: Mark Wilkening*

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*Meeting Called to Order 1:15 p.m.*

Housekeeping, introductions and welcome new members – agenda review

*Action Item Review*

All items completed or in process.

***Update on the ODFW Sage-grouse Plan – Craig Foster***

Oregon Department of Fish & Wildlife (ODFW) plan got a lot of feedback. The AOC had lots of input, and they requested additional time to analyze more fully. They asked to have representation on the technical committee and on the five local implementation teams. County land use planning is the only mechanism for regulating the species on private land, so this is a logical request. They also wanted to have a review of the ownership status of the land and other factors beyond the biology of the bird. This has caused the plan timeline to be pushed back awhile, but ODFW is moving ahead as they can. A more

recent draft is being reviewed by specialists now, and ODFW hopes to issue an updated plan for public review. The AOC will be briefed again this spring after that additional input is received. Depending on that outcome, it will probably be July/August before process wraps up and an implementation plan is adopted. AOC will designate an individual to serve on the State technical committee. The five implementation teams are configured to the BLM Districts, as BLM is the agency that manages 70% of the bird's habitat. The teams are composed of local people who know the issues of a given area and the Comprehensive Land Use Plan for their given counties. ODFW will take the lead on developing a plan amendment that focuses on sagebrush obligates. This will take in other species as well.

**Q:** Is the State technical committee looking at the ONDA proposal to consider how that could affect implementation?

**A:** The ONDA wilderness ideas are simply a proposal right now, so there's nothing solid to work with. Currently, there is nothing in the committee's material to consider.

**Q:** Does the RAC want to look at the revisions?

**A:** It should be reviewed.

**\*\*\*ACTION ITEM:** Craig Foster will send a copy of the new plan to Mark Wilkening for distribution to the RAC

**COMMENT:** SB 100 enabled Land Use Planning, and LCDC has oversight on any plan amendment. Is there urgency or any apparent threat about not having a plan in place for sage grouse any sooner? There is a suit in Idaho and some talk about the Wyoming guidance for potential listing. Tools, like Candidate Conservation Agreements and others, might be effective, but not enough people know about it.

**COMMENT:** The local implementation team began in Baker County approximately five years ago, and has been a real help to all involved.

**COMMENT:** BLM's policy will be issued sometime after the State plan is completed.

### ***Update on the BLM Vegetation EIS – Don Gonzalez***

The BLM's plan for dealing with invasive species received five appeals, and they are similar to one another, so the plan team is dealing with them as a group. The BLM's response has gone to IBLA for review. We expect a response by May. Depending on their findings, the BLM will either be upheld or given direction about how to proceed. The contractor that did the national plan will assist with stepdown plans for each District. The people who have done our past treatments of invasive species will be part of the effort, so that expertise is not lost.

**Q:** What happened with the RACs comments?

**A:** The team appreciated the input and verified whether essential things had been incorporated. Much was geared to the local scale, and would be most helpful as the stepdown NEPA process occurs. The documents for all three Districts will be customized to their specific situation, so the RAC can choose what level of participation they would like to have.

**\*\*\*ACTION ITEM:** Invite Megan Conry to brief the RAC at the April meeting

**Q:** Will there be major overhauls based on the five appeals?

**A:** We won't really know whether we have to change things until IBLA has decided. In any case, we won't toss the good work that's already completed.

**Q:** What groups filed appeals?

**A:** Most of the concerns were about Westside herbicide use.

**COMMENT:** Make sure everyone knows that visitors to public lands who bring feed for their animals must have weed-free hay only.

### ***Litigation and Energy Updates from Federal Officials:***

#### **Burns:**

December 8, the 9<sup>th</sup> Circuit affirmed the Andrews/Steens RMP. It was signed in 2004 or 2005, and can now be implemented. The wilderness characteristics inventory was the primary topic, as well as travel management and presenting an adequate array of options. The Burns District is working on the transportation management plan (including Steens). It's still in District Court, and briefings could begin this spring. No new litigation.

The District will issue the final decision on the North Steens Transmission Line, and team members are nearing the end of addressing all the comments received. Once that process is concluded, the contractor can put the final EIS together. The final should be issued in six weeks, and notification will come out near that time.

Energy activities include the geothermal project with ORMAT, who has two new proposals before the BLM. It's a small footprint on these Glass Buttes projects, and an EA will be the NEPA process for both Burns and Prineville. Staff are working with Horizon Wind in the Pueblo Mountains for a wind project, and have been discussing how the sage grouse strategy will be integrated into the project. Brendan Cain will be moving into the Branch Chief position at the State Office, dealing with range (vice Miles Brown)

They gathered 212 horses in the most recent gather. The public viewing day was the only rough day in a smooth gather, and it challenged everyone. Burns District is doing the best they can, and being as transparent as possible.

**Q:** What were the problems on the gather specifically? There was video captured that has raised concerns about a foal possibly being mistreated.

**A:** The Burns PAO addressed that specific issue, and the BLM is working hard to address the public's concerns.

**COMMENT:** It's important for the BLM to tell their story so that distortions aren't being used against the agency's program.

**Lakeview:**

Lakeview has been working on revisions to their RMP that had to be withdrawn. A settlement agreement has been reached with ONDA about how the agency will redo the RMP. That effort is moving forward in tandem with the SE Oregon RMP: issues are wilderness characteristics, agency, and transportation. The judge did not think the agency offered a sufficient range of alternatives, so that is what they're working on now. Lakeview's Analysis of Current Situation is almost ready.

The Ruby Pipeline project is the big thing right now, and they got clearance for 12-mile creek segment. The plumes had problems, and water went through the trench. BLM is awaiting an incident report, and the Fish & Wildlife Service (FWS) is very interested. The DC Circuit Judge granted a temporary injunction which affects 40-55 miles of the pipeline in Nevada. The District continues consultation with all the tribes in the area on the project. The 9<sup>th</sup> Circuit has a suit from Ft. Bidwell, and a settlement offer was tendered for consideration. Testing and data recovery is ongoing.

The decision on the Horseshoe EA was appealed by ONDA, primarily on wilderness characteristics. They are focused on sage grouse issues and a fence that could affect them.

A Lakeview biomass plant was approved, and the project is moving forward. BLM has committed to a specific quantity of biomass, but there are some concerns about funding because of new formulas for fuels treatment. An effort is underway on several fronts to get this resolved. Removing juniper has an impact if heavy equipment is used, so the District is looking for really good input on how to do this without degrading the range.

Lakeview BLM, the Fremont-Winema NF, Crater Lake NP and the FWS refuges share dispatch services, and the concern was raised about borders, so those involved agencies are looking to decide whether there should just be one dispatch center, and whether it should be in Lakeview or Klamath Falls. The facilities in Lakeview would be a good candidate for biomass heat conversion, and the cost/benefit ratio is favorable. They might also be able to tap into geothermal for that facility.

Crump Geyser geothermal proposal EA is now available. Interest has been expressed about Poverty Basin for a military training ground. Wind development interest in Lakeview District is growing.

**Fremont-Winema:**

The Forest Supervisor has been there six months now. Most of the issues are similar to Lakeview District, because they're Service First. The Ruby Pipeline project has had a big impact on the community, and they will probably be there into 2012. The Lakeview biomass plant will also get material from the Forest Service, with 9-10,000 acres/yr. Safety and economics are both huge factors for the dispatch center decisions, and systems must be compatible for public safety and overall program function. Inquiries about wind energy continue to trickle in. Litigation is pending on a grazing allotment.

**Vale:**

Energy projects are the focus of most litigation right now. Locations for the power lines are an issue with tribes in the area, so ethnographic studies are now underway. Idaho Power (IP) is targeting this August to issue Boardman to Hemingway decision, which includes the Citizen Advisory Panel input. Oregon discarded the 2007 input, but the Feds will include all the cumulative comments. The initial proposal was withdrawn, and on January 4, a new proposal for the power line was issued including four changes. The new route is south of the Boardman range, and will run on the same towers as Cascade Crossing lines. IP contractors will check the land of the 63% of private landowners who have given consent, for potential routes.

Lime Ridge wind development project received R-O-W for power lines. In January, the towers will go up.

Court case on Louse Canyon received a decision on December 30. BLM is cleaning up all the issues and will start implementation soon.

**Malheur:**

Range allotments were enjoined by Judge Hagerty, mostly on the South Umatilla. The ones enjoined were completed by Categorical Exclusion (CX), and that is the issue. The Forest is trying to find the best resolution so that permittees can proceed where they need to. A weed EIS is underway too. Neighboring forests have issued theirs and gotten appeals filed, based on some of the chemicals proposed for use.

On the Malheur Travel Management plan, the largest issue is overland travel. The team is working through all that, toward a deadline of the end of 2011. The horse gather at Murderer's Creek was not successful with the helicopter, so wranglers are now doing that.

CFLRP is the collaborative restoration effort; the Pacific NW Region has two: a Fremont-Winema and a Malheur. Projects are partnered with NGOs, the State of Oregon and others. The pellet plant in John Day began operation three weeks ago.

**Q:** Is it firebrick or pellets?

**A:** Firebrick.

**COMMENT:** An EPA rule on tailings became an obstacle, and Sen. Merkeley has expedited an effort to update the regulatory guidance. The air quality test data standard was not really applicable to this type of plant. There is an effort underway to show that it's carbon-neutral. Governor Kitzhaber has a plan out for more plants that can accomplish multiple goals.

**Roundtable:**

**Chad Boyd:** Will be interested to see how the Veg EIS turns out. He hopes that the aspects that related to overall management practices were broader than specific Districts. BLM could have legal exposure.

**Wannie Mackenzie:** Litigation at all levels is ludicrous. The resource users cannot use it, and the Federal agencies budget for managing gets diverted to litigation instead. In Eastern Oregon, 18,500 voters have had to move away because of economic or other displacement. It's a huge concern.

**Q:** What might be a solution?

**A:** It doesn't seem like the litigants want a solution. Whenever something gets solved, a new issue is brought forward. The legal fees are crushing individuals, but litigants get cost recovery.

**COMMENT:** As long as the framework remains unchanged, the court system gets injected as a resource manager.

**Dick Leever:** The litigation is a major concern to everyone. The OHV community has felt that lawsuits were an unethical way to reach their goals. But the system seems to be set up for the advantage of those who file suit. We need a way to even the field for all. The Equal Access to Justice Law allows people to be granted payment when they sue Federal agencies, even if their case does not win. Some are motivated to simply clog up the works to gain advantage.

**COMMENT:** People tend to forget that the government IS the people, and the people and community are paying for these fees.

**Jim Walls:** The Congress is the only way to fix this court process. The Lakeview Collaborative project has not had any appeals for the last two years. There is a fervent effort to monitor and work directly with opponents and advocates alike. The GAO audit demonstrated that subsidies for renewable energy are starkly smaller than those that are given to oil companies. The biomass plants require seed money for start-up, but the return on investment is immense. Sycan Marsh monitoring shows that thinning is helping the water quantity, and water is the biggest emerging issue for the future.

**Craig Foster:** Not much. The sage grouse conservation strategy is the big thing.

**Bill Renwick:** The need for educating landowners about what they can do is critically important. Tools available to them can help minimize lawsuits; if these collaborative can get buy-in from all sides, the need for litigation might be diminished. Respecting all perspectives and hearing the stories can help a lot. Tomorrow's presentation can be a good start on that.

**Pam Robbins:** Reminder that the vacancy announcement for interim RAC positions closes on February 14, 2011.

**Anne Hiller Clark:** Appreciates the welcome, and is glad to take on the challenge of learning what she needs to know.

**Diane Pinney:** Really encourages the BLM to continue the efforts of transparency, and use the RAC's Wild Horse & Burro reps as a bridge to the enthusiasts. Litigation is usually based on some violation of law, so as the agency strives to avoid those, we could see fewer issues appealed.

**Mona Drake:** The GAO Report on OHV has some terminology issues. They found that if land managers work in tandem with user groups that are motivated, they can provide recreation opportunities that are challenging and meet the needs of the variety of vehicle classes.

Adjourned @ 4:45 p.m.

*Southwest Oregon Resource Advisory Council  
January 21, 2011- Burns, OR  
Meeting Minutes*

*RAC Attendees*

| CATEGORY 1 |                         | CATEGORY 2 |                          | CATEGORY 3 |                     |
|------------|-------------------------|------------|--------------------------|------------|---------------------|
| X          | <b>Mona Drake</b>       | X          | <b>Anne Hiller Clark</b> | X          | <b>Chad Boyd</b>    |
| X          | <b>Dick Leever</b>      |            | Richard Johnston         | X          | <b>Craig Foster</b> |
| X          | <b>Wannie Mackenzie</b> |            | Vacant                   |            | Stan Shepardson     |
|            | Kevin Peterman          | X          | <b>Diane Pinney</b>      |            | Vacant              |
| X          | <b>Jim Walls</b>        | X          | <b>Bill Renwick</b>      |            | Vacant              |

*Quorum: NO*

*RAC Federal Official Attendees:*

| AGENCY     |   | MANAGER                    |  | AGENCY            |   | MANAGER               |  |
|------------|---|----------------------------|--|-------------------|---|-----------------------|--|
| BLM Burns  | X | <b>Kenny McDaniel</b>      |  | BLM Lakeview      | X | <b>Carol Benkosky</b> |  |
| BLM Vale   | X | <b>Don Gonzalez</b>        |  | Fremont-Winema NF | X | <b>Fred Way</b>       |  |
| Malheur NF | X | <b>Bob Varner (Acting)</b> |  |                   |   |                       |  |

*Visitors:*

**Elizabeth Scheeler (for Sen. Merkeley), Dan Haak, Chris Pratt, Jay Kirby, Chris Hansen, Matt Little, Julie Weichel**

*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.*

Welcome to all; introduction of speakers for the day; agenda review

## ***BLM Wilderness Characteristics Inventories – Carolyn Freeborn***

Timeline for SEORMP: Scoping was completed in July 2010. Analysis is done and the scoping report will be published in February. Formulating alternatives will begin soon; effects analysis will need to include new factors, so the task is larger than first planned for. This is a plan revision only, so the scope will remain on the issues initially set forth.

A grazing appeal found the wilderness inventory was inadequate, so the BLM developed draft guidance which used the same criteria from the initial inventories. Lands had to be large enough manage, exhibit naturalness or an outstanding aspect of one kind or another. Boundaries were at either existing Wilderness Study Areas (WSA) or roads, and the categorization of “roads” vs. “motorized primitive trail” was defined. BLM gathered information from extensive sources to get the most complete assessment of what is there.

Much is subjective, and so the BLM had internal and external calibration sessions to assure consistency in applying criteria. Vale has completed inventory of 2.6 million acres, and about half of that has some wilderness characteristics.

The BLM can no longer designate WSAs under FLPMA. A recent Secretarial Order gives the opportunity to designate “Wild Lands” and define their management parameters. Vale finds a strong correlation between lands with wilderness characteristics and those with high ecological values (intact habitat for species, etc).

**Q:** What does the numeric code on the map represent?

**A:** Those are the case file numbers on any given area that has been surveyed.

**Q:** Is the BLM going to close everything that is not a designated road, like the Forest Service did?

**A:** Closures like that would be part of a land use plan process; we cannot simply close routes without a public process.

**Q:** What are the sideboards for management options with the new “Wild Lands” designation? Are there more options than WSA had?

**A:** Agency folks are still exploring what it means. If the agency treats juniper, that would impair the “naturalness” factor that qualifies that land. Some clarification is needed as this Order moves from draft to official guidance. It looks like there is some flexibility when it comes to invasive species.

**Q:** There is a phrase, “citizen proposed wilderness.” Will that come into play for agencies? Is there a re-review of the nominations done in the original wilderness inventory?

**A:** The landscape changes over time, so there is a constant need for updated inventory. Information from all sources helped to inform the Vale analysis.

**Q:** Was the status of weed infestation included in the analysis?

**A:** The weed staff has a fairly comprehensive assessment of where the weed problems are.

**Q:** Where can people find the inventories?

**A:** Whenever a determination is signed, it gets posted to the Vale website. Lakeview and Burns are posting their information on their web pages as well.

**\*\*\*ACTION ITEM:** Mark Wilkening will send CD copies of Carolyn's PowerPoint to RAC members.

### ***ONDA Wilderness Proposal – Chris Hansen***

Wilderness focus is for areas where the land is affected primarily by the forces of nature and gives opportunity for unconfined recreation or solitude. The Owyhee area is the emphasis of the ONDA proposal. Citizens have surveyed the lands to make sure that the agency did not miss specific sites with the key values. That is allowed under FLPMA as citizen proposed sites.

Sites in the ONDA proposal are keyed to several of the factors that qualify an area for wilderness. The various sites offer unique opportunities: for bighorn sheep, for cultural heritage, for recreational activities, and other notable specific features. There is widespread misunderstanding about what is and is not allowed in a wilderness area.

The Owyhee Initiative in Idaho had support for their effort to get their land status finalized. WSA was a temporary designation, and by finalizing the wilderness and working toward a proposal that everyone could live with, they resolved some long-standing issues. Any activity would take a Congressional action to complete the change in designation.

ONDA appreciates the broad scale of interest areas represented by the RAC and would appreciate involvement by the RAC.

**Q:** Does noxious weed control include juniper treatment?

**A:** Juniper is not considered a weed as far as wilderness and WSA.

**COMMENT:** There is a notable difference on land health between Oregon and Idaho, and it would be helpful for ONDA to survey the situation on the Idaho side. Oregon has done a good job with managing those lands.

**Q:** From ONDA's perspective, what problems would be solved/created by a wilderness designation?

**A:** The larger picture of resolving those places where landscape's highest value is solitude would be good. The need to work through concerns with agencies is not a problem but a process.

**Q:** What role do you see the RAC playing on this proposal?

**A:** They're not sure exactly how the RAC works, but feel it is a great forum for discussing these issues because representatives from so many stakeholder areas are here.

**Q:** If livestock grazing and weed treatment are allowed, what level of mechanized/mechanical uses would be permitted in their proposal?

**A:** The process would be a great avenue to explore what would be possible/acceptable, and become part of the ONDA proposal. If the RAC wanted to have a specific subgroup to focus on the wilderness proposal, that would help

**Q:** Do you have any data on areas that are subject to gross ecological departure due to cheatgrass, medusahead, and other true threats from weeds? The situation demands on-the-ground intervention in an ongoing manner to restore those lands.

**A:** ONDA advocates for wilderness. They would like to collaborate wherever they can, but their primary goal is to advocate for protection of this landscape.

**Q:** Is ONDA willing to participate in a collaborative?

**A:** Yes. Chris would not lead it, but ONDA is the lead group because their ongoing focus is desert.

**Q:** What do you want the RAC to do for you?

**A:** Possibly form a subgroup or committee to focus specifically on discussing ONDA's Owyhee proposal. It would need to include other people who are not present today, but this could be a starting point.

**COMMENT:** The Malheur County Court is where this initiative would have to be launched. "Fortress conservation" has not served the lands well in so many areas. A local flavor is more essential to its success.

**COMMENT:** The RAC's role is to review the Federal agencies plans and projects and provide feedback on those. Could ONDA work through the agencies so that the role of the RAC fits what their charter prescribes?

**Q:** Malheur County is the core constituency; Oregon Consensus. A RAC subgroup might be able to be a convener, but what they could provide may not be on the target. Time and budget are concerns. Would ONDA be comfortable with anything less than wilderness as they've proposed it?

**A:** It's good to join a collaborative, and they're fully aware that numbers would likely change and priorities may shift.

**Q:** What are the options for RAC involvement?

**A:** It might be a similar situation to how ONDA worked with the Steens proposal.

**COMMENT:** Recognize that the proposal needs to be tied to the land, and this RAC does not have many reps from Malheur County.

**Q:** If a collaborative process that included ONDA was started, and the collaborative came up with a solution that did not include wilderness designation, how would ONDA feel about that?

**A:** Their primary focus is wilderness designation, but if the final collaborative outcome did not include wilderness, ONDA would probably not be supportive.

**COMMENT:** The RAC's effort on the Steens was primarily as facilitator of public involvement, and it was a full-time effort by the RAC.

**Q:** Who in Malheur County has expressed interest in moving ahead on this? Are there active people who are with ONDA on this?

**A:** The head of the natural resources section of County Court has been discussing the proposals with permittees and chamber of commerce members. The hope is that some individuals on the RAC could bring the perspective of their constituencies.

**Q:** What is the sensing of support in that local community?

**A:** Individuals are thinking that the WSA status is harder than an actual designation. There is a potential interest in working collaboratively on it.

### ***PUBLIC COMMENT PERIOD:***

Chris Pratt addressed the RAC about the ONDA proposal. There is concern that this is a first step in a full-scale move to designate more and more wilderness. The RAC should be mindful of that.

**Q:** Do you think the proposal is good or bad?

**A:** Mixed sense about it. There is merit in what they are trying to do, but the stance is too often "my way or the highway."

**Q:** So are you opposed to wilderness in general, or just this specific attempt?

**A:** Worried that the process could move ahead on a single case that could lay groundwork for more and more efforts of this type. The whole view needs to be considered.

Matt Libby wants to be a stakeholder in this process. ONDA wants wilderness protections for the places they've documented, but they want to be sure their voice is in the mix for any discussion of how these landscapes are managed. Compromise is the core of building something everyone can live with. Specific language can be written into any wilderness bill for a specific place, and ONDA would support

endeavors to take care of specific needs. ONDA wants to be one of the players that helps resolve the WSA question; those land areas are harder to manage than wilderness would be. The agency might find opportunities for better management where it's appropriate for the public lands. It needs to start somewhere, so that people who care about this can get involved.

**Q:** The collaborators on the Idaho side seemed to be weighted more toward the environmental groups. Is there enough diverse involvement for Oregon to do this?

**A:** Don't want the perception of being weighted; want the local insights represented across the spectrum. Open to all the solutions for the final proposal. For the Owyhee project, they were able to seek appropriations to get positive work done.

**COMMENT:** Some of the decisions in Idaho have forced managers to make choices that are not in the best interests of the resource. The courts are not trained as land managers.

***Discussion about how the RAC would want to deal with ONDA's request.***

Neither agency has any decision that the RAC could advise on, so RAC members need to determine if/how they will get involved.

This seems early in the discussion; if a group begins to form in Malheur County, the RAC should surely be involved, but from an agency standpoint, there is not a problem defined yet. Maybe the RAC should have a designated person as a liaison to the collaborative on this when it forms. A better fit would be a core group in Malheur County, but we don't know who that might be. Maybe the RAC could be a convener of a group like that, with or without RAC representation. It is critical to have a really good facilitator, and for all involved parties to be willing to accept a consensus outcome. The public does not support wilderness for wilderness sake.

From an OHV standpoint, designated areas that can divert recreational riders away from pristine areas are exceedingly scarce. The RAC appreciates the presentation and the candor of the folks from ONDA. There is a concern about the sense that ONDA is only willing to collaborate if the outcome upholds their proposal. Discussion about who could pull this type group together. Folks from the county represent the population of the area, and have more flexibility than the Federal agencies about conducting meetings and forming consensus. Jamie Damon from Oregon Consensus was unable to be at this meeting, but she was intrigued about the effort and might be able to frame what this type of effort would need. The Nature Conservancy could be a likely convener. If the RAC proceeds farther and the Malheur County Court wants to explore it, there are many qualified facilitators in that area. Maybe the next meeting would be a good time to gauge what the interest level is on this, and see if there is any desire beyond ONDA to continue this discussion. We need to determine who wants to be at the table and get this effort underway.

**\*\*\*ACTION ITEM:** Wannie will check with the Malheur County Court to see what their interest is in ONDA's proposal, and if they could be the nucleus of that effort.

**\*\*\*ACTION ITEM:** Each RAC member will poll their constituencies to introduce ONDA's proposal and sense their desired level of involvement.

### ***Discussion about Joint RAC Meeting***

Some of the issues at the last JDS meeting match issues in front of the SEOR. Their September meeting at Baker City might be a good opportunity to share expertise of speakers and lessons learned: sage grouse, Blue Mountain Forest Plan, energy issues and power corridors, etc. Tentative dates are September 6-7. It's important to have the agenda built to cover the essential topics so that it's worth everyone's time.

***Agenda items for next meeting:*** April 28-29 @ Lakeview (if reservations can be arranged)

Discuss what the RAC wants to do with ONDA's request.

Alternatives should be ready on the Lakeview RMP, so the RAC can decide their involvement.

Potential visit to Ruby Pipeline, depending on what they're doing.

Sage grouse strategy update

Status report on Veg EIS

Effects of wild lands designation (Magee)

Election of officers

Energy initiatives report

Following meeting tentatively set for June 14-15 in Ontario

### **Roundtable (Redeux):**

**Diane Pinney:** The litigation update included a discussion of attorney's fees. The Equal Access to Justice Act gives prevailing parties their fees (28 USC 2412) but the judge is not required to grant the fees, if a plaintiff has unduly delayed a process or other disruption. Settlements are separate from the "prevailing party" rules. Attorney fees have been paid even when the government is upheld.

**COMMENT:** Single point cases are rare; when a plaintiff raises several items, if they win on any point, the judge can grant their fees.

### **Subgroup Work Time**

**Adjourned @ 11:45 a.m.**

**\*\*\*ACTION ITEM:** Craig Foster will send a copy of the new plan to Mark Wilkening for distribution to the RAC

**\*\*\*ACTION ITEM:** Invite Meagan Conry to brief the RAC at the April meeting

**\*\*\*ACTION ITEM:** Wannie will check with the Malheur County Court to see what their interest is in ONDA's proposal, and if they could be the nucleus of that effort.

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Bill Renwick

*RAC Chair*

Donald N. Gonzalez

*Designated Federal Officer*