

Steens Mountain Advisory Council FINAL APRIL 28-29, 2016 Summary Minutes

The Steens Mountain Advisory Council (SMAC) met April 28-29, 2016, in Bend, Oregon. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. This document summarizes attendance, discussions that occurred, and decisions made. For the record, it is noted that to avoid a conflict of interest, Council members recuse themselves from the meeting when the Council discusses matters in which a conflict of interest may occur.

Council members participating:

David Bilyeu (State Environmental representative),
Stacy Davies (Grazing Permittee representative, Thursday only),
Fred Otley (Private Landowner representative),
Leon Pielstick (Chair, Wild Horse Management representative),
Owyhee Weikel-Magden (Local Environmental representative),
Kali Wilson (Grazing Permittee representative),
Cecil Dick (Burns Paiute Tribe Member representative, Thursday only).
Nathan Hovekamp (No Financial Interest representative).
Richard Jenkins (Recreational Permit Holder representative, Thursday only),
Karl Findling (Mechanized or Consumptive Recreation representative), and
Rod Klus (State Liaison).

Members not participating:

Mark Bagett (Vice Chair, Fish and Recreational Fishing representative).

Other participants/observers/presenters:

John Helmer (private citizen),
Paul Davis (Alvord Ranch),
Colby Marshall (Silvies Valley Ranch)
Normandy Helmer (private citizen, Friday only)
Dan Morse (Oregon Natural Desert Association, Friday only),
Richard Coe (Bend Bulletin),
Jon Reponen (Burns District BLM Forester, Thursday only),
Michael Kelly (Burns District BLM Supervisory Natural Resource Specialist – Recreation, Thursday only),
Mandy DeCroo (Burns District BLM Outdoor Recreation Planner, Thursday only),
Tom Wilcox (Burns District BLM Outdoor Recreation Planner – Wilderness, Thursday only),
Rhonda Karges (Burns District BLM Andrews/Steens Resource Area Field Manager),
Tara Thissell (Burns District BLM Public Affairs Specialist/SMAC Coordinator).

APRIL 28, 2016

Tara Thissell opened the meeting with an overview of the day's agenda and reminded everyone to sign in on the official attendance roster. Those in attendance introduced themselves before moving into the agenda.

Tara sent the previous meeting minutes via email on Monday. Folders were distributed containing: agenda, packet regarding community relations group, packet of information on Nature's Advocate Environmental Assessment (EA), Steens visitor use statistics, comprehensive recreation plan (CRP) implementation, cooperative management and protection area (CMPA) highlights, recreation one-pager (moving from trifold brochures to one page handouts and directing people to more Web-based content), and travel forms.

The Dispersed Recreation Representative position is being advertised. John Helmer is the only applicant so far.

– BLM Community Relations Efforts

The Burns Bureau of Land Management (BLM) employees came together and didn't want all the time away and the feelings, opinions, and concerns expressed by the community during that time to go forgotten or unheard. The Burns BLM employees (through Public Affairs Officer Tara Thissell) are submitting quite a bit of information in the wake of the occupation to the local paper to share who they are and what they do. The articles submitted so far are in the SMAC folders (starting first part of February and then every Wednesday since). The Burns BLM would like feedback from the public regarding what they like or what else they'd like the Burns BLM to talk about (gaps in information, misunderstandings, topics they'd like to learn more about).

The employees of Burns BLM are also attending various community meetings. They want to express that they want to listen, want to know what's going on in the community, and want to see how they can connect with and serve the community better. The BLM has hoards of curriculum that can be shared in the schools if the teachers want to make time for it.

Burns BLM doesn't have its own social media platform, everything goes out through the State.

Cecil mentioned that on May 17th/18th (or 18th/19th) the Tribe is hosting a rural fire association meeting. It will be a two-day meeting and BLM is involved. He asked if BLM could share this in community outreach. Rhonda talked about rural fire protection associations (RFPA) and communication regarding preventing mega-fires. This collaborative started about a year ago. There's concern about when BLM needs to light backfires; BLM is trying to reach out to landowners regarding this concern.

Rhonda mentioned that Burns District is between district managers. Rhonda will be the designated Federal official for the SMAC until a new manager is selected. There is an Acting Director, Jamie McConnell, at the Oregon/Washington (OR/WA) State office. An Acting District Manager will be brought in for Burns; Jeff will cover in the meantime.

– Recreation

Mandy began her presentation with the 2015 visitor use below:

On the campground summary, BLM estimates two people per fee envelope turned in. There has been no discussion on the district about raising camping fees; Jackman Park and South Steens campgrounds are \$6 a night, and the other campgrounds are \$8. A little over \$36,000 was collected at the 5 Steens campgrounds. This amount covers at least one of the recreation maintenance positions (BLM also has money from another account for these positions) and helps pay for maintenance and improvements.

The BLM has placed four infrared sensors on trails and four magnetic counters on roads on the Steens Mountain. The infrared scopes sense heat and sensor counts compared to trail registers are matching pretty closely (Mandy estimates about 90% of visitors sign the registers). The traffic counters are buried and their data has to be manually retrieved (Mandy digs them up). The traffic counters were placed August 25, 2015. The numbers on the current report only reflect through November 25, 2015, when BLM locked the gate for the winter. The trail counters go from July

until December. There is no data for Pike Creek due to malfunctioning equipment. The BLM is working on getting more trail counters; eventually, there may be one on every trail. Eleven more traffic counters are on order. Hopefully data from a larger date range will be available next year after BLM has gotten some of the bugs worked out. SMAC asked if there are any consistent messages on the trailhead registers. Mandy said most of the comments in the trailhead registers are in the nature of keep it wild.

The rule is if a trail is advertised on the map, the trail has to have a sign. SMAC expressed concern that the signs should note that the trails are not maintained. In a future meeting, Mandy will present which trails need signs regarding lack of maintenance so SMAC can help with wording the signs. SMAC asked if BLM could get volunteers to adopt/maintain the trails. Rhonda said the Backcountry Horsemen group has come in and helped with trail maintenance in the past. According to Mike, Oregon youth crews have been hired to come in for five weeks this summer to assist with trail maintenance; they will work on Nye trail and Wet Blanket trail, will brush out both gorges, and will work on Pike Creek. Also, junior high school students will assist BLM with trail maintenance for 8 weeks and high school students will help with the same for nine weeks. Mike said we'll be focusing on quite a bit of trail work this season.

Fred asked if BLM is going to maintain the Kiger trail. Mike said BLM will not be maintaining Kiger trail this summer.

Phase one of placing the National Lands Conservation Service (NLCS) signs is complete. Mandy was supposed to receive two portal signs and the campground signs for phase one, but the campground signs didn't come. Trailhead signs have been received. The campground signs will be phase two. Phase three will include informational kiosks and interpretive panels. All the NLCS signs everywhere will have the same look and feel.

Mandy attended a Quiet Recreation webinar. EcoNorthwest studied BLM-managed lands in 11 western states in 2014. The numbers were compiled from BLM's numbers since the study was on BLM lands. In their study, a visit is defined as any length of stay (an hour, a day, a month, etc.); a visitor day is a 12-hour period. EcoNorthwest reports total visits as 60.8 million. Of these, 7.5 million visits were in Oregon. Fifty-nine percent of Oregon visits fell into the quiet recreation category. Most of what occurs in the CMPA is quiet recreation. EcoNorthwest's report shows a graph illustrating the money brought in by quiet recreation. It shows that quiet recreation brings in a lot of money to communities. A SMAC member said the public wants some kind of documentation; they want to have the numbers available to show that recreation is a viable contributor to the economy. Owyhee asked if there was any breakdown by region, type of land, or urban areas. Mandy answered that she doesn't remember them breaking that down. A SMAC member said those who manage public lands and those that want to see more protections (such as Oregon Natural Desert Association (ONDA)) want to know the numbers to show that recreation is a viable contributor and public lands should remain in public hands because there's a big push from land transfer groups out there. Another SMAC member wanted to remind everyone that it's very difficult to get good numbers; most of the groups doing these studies use exaggerated percentages and spending patterns. A lot of these studies are advocacy studies. He doesn't want to go too far down the road of making decisions based on this type of study. Mandy agreed that their data is only as good as the numbers BLM gives them.

– Tom presented highlights of 2015 (in packet)

Tom said one of the biggest maintenance projects we did last year was the Carlson Creek restoration project. A 2014 fire burned about 15,000 acres of wilderness and some private lands

nearby. Carlson Creek Basin has important sage-grouse brooding habitat as well as grazing meadows and springs. The fire exposed a lot of headcuts in the creek and destroyed the vegetation. The road was also damaged, and the fence was in bad shape. An interdisciplinary team (IDT) of BLM employees put together a plan to rehabilitate the burned wilderness. The road had to be fixed to get into the site. Aerial seeding of perennial grasses was done on 4,500 acres (requiring about 4,500 lbs. of seed). Two hundred cottonwood cuttings were planted in May; by September some of these were eight feet tall. They had an almost 100% survival rate. Culverts were replaced with gravel crossings. BLM staff couldn't do this all by themselves, because there was so much work to do. Therefore, ONDA assisted with planting bitterbrush seedlings and native grass seed and the Sierra Club assisted with building log and boulder sediment traps in the stream to help prevent headcutting. Fence in Bone Creek Basin was fixed. The project took from April until September.

Trail maintenance projects accomplished in 2015 included:

- Nye trail had a switchback widened and cobblestone water crossings were built on the trail to prevent erosion. The BLM spent about two weeks working on this.
- Little Blitzen reroute –Previously, there were multiple trailheads and multiple user-created trails on the Little Blitzen trail; in 2015, a new trailhead was established. BLM is going to do a little more work on that this year.
- Blitzen trail at Page Springs is one of Steens Mountain's most popular trails. It has to be worked on every year because the trail is washed out every spring. Also, the brush has to be cut back.

Willow corrals were rebuilt by BLM staff and volunteers in a historic manner like the original construction using juniper posts and willow. Stacy emphasized that since the willow used needed to be removed anyways, this was a win, win, win.

There were 18 winter permits issued in the winter of 2015/2016. These were mostly for cross-country skiing or camping in the snow.

- Mike spoke about the Steens Mountain CRP 2016 and beyond implementation handout.

Burns BLM has funding and a contract in place to drill a well (solar) at the North Steens Equestrian Campground. Solar pumps work to about 300 feet. The campground will have six sites to begin with; hopefully; this will be built in 2017. The BLM will be meeting with Backcountry Horsemen sometime this summer. More campsites can be added if usage warrants.

SMAC brought up the question of how BLM handles people bringing in sick horses. The BLM currently has nothing in place for this. There are no regulations unless State lines are crossed. Mike says the pump will have a spigot and hose so people can fill their own bucket for their horse to drink from, if they choose.

The BLM will be working with Backcountry Horsemen to lay out the initial design for the East Steens Equestrian Campground. Burns BLM is seeking funding for construction in 2017. A toilet may be put in if there is funding for it next year.

Burns BLM has funding to drill a well at Riddle Brothers' Ranch. The BLM hopes to get this done this year.

There will be a visual resource management (VRM) team short course (2-day class), hopefully,

this year. Mike hopes Burns BLM can use this course to design Turkey Foot vault toilet so it blends into the landscape. The BLM hopes to put in vault toilets in the following areas, as well: the Wildland Juniper Management Area (WJMA), Black Canyon (just past Burnt Car Road), East Steens, and Frog Springs. SMAC questioned placement of one of the vault toilets.

All of the Burns District vault toilets will get mesh caps this year to keep the birds out. SMAC asked if composting toilets would be an option. Mike says probably not any time soon. The BLM contracts to get the toilets pumped.

Kiger Gorge and East Overlook accessibility will be looked at. The BLM hopes to design paths this year and maybe begin work in 2017.

Non-CMPA projects –

- Burns Bike and Brew Race (This will consist of three races with BLM cosponsoring with the Chamber and the forest service).
- Burns BLM is working on the Radar Hill off-highway vehicle (OHV) area plan and hopes to have the decision done by summer of 2017. Money for construction and maintenance may come from the State.
- Mountain bike trail system on Double O Road at Palomino Buttes.

Cecil asked about green belting for prevention of fire spread and what impact that would have for recreation. Rhonda confirmed that in the wildfire collaborative green belting is one of the possibilities we're looking at.

– The purpose and need, decision to be made and proposed alternatives are done, so far, for the Nature's Advocate EA. The proposed alternatives include:

- a. No action
- b. Proponent's action – Nature's Advocate is requesting access to the inholding on three routes (Cold Spring Road, Rainey access route, and Trail End's Waterhole historic route) (See Map 5). There would be hardened rock crossings on creeks. On two routes, realignment would be needed because their slopes exceed 15 percent. This could involve new construction of road. The proponent would like the route to be 16 feet wide. The proponent would assume maintenance responsibilities. If this alternative is selected, this would use a 2920 Permit (Special Use Permit).
- c. SMAC alternative – SMAC recommended the same access but with two access points instead of three (Rainey access route and Trail's End Waterhole route). Realignment on Rainey access route would be included.
- d. BLM's historic mode and degree of access (See Map 4) – This alternative involves two access routes, Rainey access route and Trail's End Waterhole route, with existing waterhole cleanup (every five years or as needed). Dr. Rainey provided the historic mode information.

Tom says the Federal Land Policy and Management Act's (FLPMA) BLM mandate is to preserve wilderness. So BLM has to figure out how to do things in the wilderness and preserve wilderness at the same time. Wilderness is defined, in part, as roadless. Included in the packets are 43 CFR 6300 and 8560, Wilderness Management; Final Rule. On Thursday, December 14, 2000, this was published in the Federal Register in response to the publication of the Steens Act.

Rhonda said if you look at 1(b) on the back page, it says that it [the route] had to be there October

30, 2000.

Was Trail's End Waterhole route existing (touching private land) in 1980 when the Steens's Act was passed? A SMAC member argued that the route doesn't have to be visible to be a historical route. He said it requires a practical evaluation of normal, reasonable access that will be better for the objectives, including wilderness objectives, for that area. The best route for a type of use will leave less impact and fewer imprints than forcing all of the use to be on one route where there's intensified use when it's not necessary. Rhonda agreed that it has to be reasonable and more adequate access.

Stacy said the Code of Federal Regulation (CFR) on the back of the handout is about all wildernesses, not specific to the Steens. He also said that BLM should use Steens Act as well as Wilderness Act language in the analysis.

– Matt addressed Stacy's questions about the sage-grouse resource management plan (RMP) amendments.

- a. Stacy asked if there is a stubble height requirement and, if so, how will we [the ranchers] meet it? Matt's reply was that Table 2-2 (Habitat Objectives for Greater Sage-Grouse) in the Oregon Greater Sage-Grouse (GRSG) Approved Resource Management Plan Amendment (ARMPA) shows amounts of cover and indicates desirable plant height of at least seven inches at lower elevations and nine at higher elevations. These may be different based on seasonal use by the birds, potential of the land, slope, precipitation, etc. Plant height includes the seed head. Per Rhonda, stubble height is just one factor/indicator of the condition of habitat. Matt said that as far as he can tell, stubble height isn't mentioned in the document but rather grass height. The standard is geared toward perennial plant cover, not cheatgrass. The birds have lost winter habitat to agriculture. As long as an allotment is meeting rangeland health standards, sage-grouse vegetation standards won't be looked at until permit renewal time. If the allotment is not meeting rangeland health standards due to grazing, something may need to be changed. Sage-grouse focal areas (SFA) are first priority for monitoring, followed by priority habitat management areas (PHMA).

(Discussion returned to sage-grouse subject after public comment period below). Matt said as BLM, we're going to have a lot to balance. One of the things still allowed in the sage-grouse plan is vegetation treatments such as fuel breaks to prevent fires from getting as bad as they have in the past and restoration, getting sagebrush back into the burned areas, especially where it's priority habitat. After a big fire, we have emergency rehabilitation plans that usually get funding for about three years and it's not enough. Matt is coordinating with fuels staff and range staff, trying to figure out how Burns BLM is going to do all these things.

Owyhee asked for clarification regarding the table. Is over 25 percent sagebrush not good for sage-grouse habitat? Matt said at greater than 25 percent, you're starting to impact grasses and forbs, which are also important. Matt clarified that in looking at the full landscape, you're looking at the average cover. There will be patches with more and patches with less. Sage-grouse try to nest under denser canopy cover.

Rhonda said Burns BLM is putting out a fact sheet including some of the Burns BLM concerns about the RMP and what we are trying to do about them. The effect to the permittees hasn't been as great as Burns BLM thought it would be. Burns BLM is trying

really hard to work with people and Burns BLM's changes are being considered by Jim Lyons (Washington Office); Burns BLM presented issues, but with proposed solutions for each issue. We'll see what happens when the instruction memoranda (IM) come out.

Matt said the RMP instructs us to create mosaics of various sagebrush densities (1 percent up to 40 percent). There's a lot of science coming out now; it's hard to keep up with all of it. Matt said assessment, inventory, and monitoring (AIM) is the framework for now. The plan can be accessed online on the Oregon State BLM Website.

Stacy asked about the BLM's anticipation of litigation and policy over time. Rhonda thinks we would have seen litigation already if there was going to be any. The RMP will be final in September. Matt mentioned that there has been some litigation in Montana and Wyoming over the last few months. Tomorrow and Saturday there will be Harney County Soil and Water Conservation District (SWCD) meeting where litigation updates will be discussed.

Rod asked whether we are going to have to do EAs for catastrophic fire plans or are we going to be able to do more broad (programmatic) EAs. Matt brought up the fuel breaks/sagebrush EA currently being worked on to cover the District. Rhonda noted that the CMPA and wilderness study areas (WSA) are not included. Possibly later there may be a site-specific EA for the CMPA/WSAs.

Stacy thinks BLM is doing a great job with the sage-grouse issue but would like to do more than just hear about what's going on. He said put us [SMAC] to work.

- b. Stacy's second question wanted to know the annual reproductive rate of wild horses. Based on Rhonda's answer, it was determined to be about 20 percent population increase. Matt spoke about mare sterilization research.

PUBLIC COMMENT PERIOD

- Colby Marshall, Silvies Valley Ranch, representing Nature's Advocate, spoke regarding the EA, saying that Nature's Advocate wanted to base the access request off the historical routes. He said they asked: 1) for their route to be based on historical routes, 2) to make the maintenance of these routes as easy as possible (Colby mentioned Nature's Advocate had looked at the BLM maintenance categories and the travel management plan (TMP)), 3) for Nature's Advocate to be allowed to maintain the routes at the same level the BLM would; they don't want to lay gravel, etc. (Colby mentioned that there had been some misunderstanding with BLM regarding the use of the term "gravel," but it's been cleared up), and 4) a 16-foot route (wider on corners). Nature's Advocate needs to be able to get a pick-up and a trailer in there. Colby said Nature's Advocate is open to rerouting to put the route where it makes sense so there's minimal maintenance. If rerouting can prevent erosion, etc., Nature's Advocate is very open to that.

Colby argued for Nature's Advocate's request. Colby says CFRs are guidance; the law is in the Acts. Looking at provisions in the Steens Act, section 1, subsection 10, "to maintain and enhance cooperative and innovative management practices...section 4, "nothing in this act shall affect any valid, existing rights...section 102, to maintain and enhance cooperative and innovative management projects, programs,...section 102, to promote grazing, recreation, historic, and other uses that are sustainable ...section 112, ...section 202, the Secretary shall provide reasonable access to private landowner within the boundaries...." (To hear Colby's entire argument, please listen to the digital recording of this meeting available upon request at the Burns District office.)

The SMAC, on May 9, 2013, made a recommendation to the BLM to find the shortest possible routes to cause the least impact.

Nathan questioned the multiple access points. Colby said the northern point cannot be accessed any other way. Nature's Advocate's preference is the Rainey route. Rod asked if a pick-up can be driven on Cold Springs Road currently. Colby said it can. He said this road is maintenance level 2, which allows BLM to maintain the route to make it passable.

- Paul Davis of Alvord Ranch wants to keep his view. He said he doesn't want Steens Mountain developed. Paul is charging people to camp/park at Pike Creek with a conditional use permit he applied for from the County Court. The Alvord is not going to subsidize anything anymore. He said that since he's been charging, he doesn't have the squatters coming in to camp and there's less trash. Pike Creek has a public easement through it, but he will continue to trespass people for not paying to park and/or camp. He said people think it is BLM [land]; they don't think they need to pay anything for it and they think they can get up that mountain and we can't stop them. People are making wide spots because they don't realize they can't get all the way up and they're parking on the side. The easement is still there; the road has not been blocked off. He wishes the easement had not been given to the public. Paul said he's not doing anything but what BLM does charging at their campgrounds. SMAC asked Paul what he is asking for. Paul thinks that putting a parking area in there would be a mistake, that it would make a bigger mess. You're going to put a super highway in there to get up to this little spot so people can turn around and park. People don't read signs. John Doe will go up there with his fancy greyhound motor home and he won't be able to get there unless you build a nice road all the way up to it.

Paul receives an access fee from Fish and Game every year for hunter access. He wants the hikers who aren't paying fees to be locked out. He would give the combinations to people who could present a current hunting license. If you don't have one, you could buy one at the hot springs. He'd like a lock on Pike Creek so the public has to go to the hot springs and check in. According to Paul, a simple solution would be for the public to check in at Alvord Hot Springs. He can't stop them from using the easement, but he can stop them from parking along the way.

SMAC asked if overnight camping at BLM's parking lot would be acceptable to Paul. Paul asserted that nobody wants to see us improve the road; nobody wants a super highway up there. Paul discussed how the road won't accommodate large RVs. Fred asked what the maintenance needs are on this road and whether Paul had spoken to BLM on when it's appropriate to have public use up there [at Pike Creek]? Is there a seasonal issue? Paul says there are people up there year round.

- John Helmer applied for the disbursed recreation position on the SMAC. When asked by SMAC to speak about his background, he said he is educated as a librarian but has been running a nonprofit consortium of universities and colleges for the last 20 years. He gets to the Steens as often as possible and has been there three times in the past year. He is involved in land use issues around parks in Lane County. John thanked the SMAC for their service.

APRIL 29, 2016

Tara Thissell opened the meeting with an overview of the day's agenda and reminded everyone to sign in on the official attendance roster. Those in attendance introduced themselves before moving into the agenda.

PREVIOUS DAY RECAP

SMAC discussed Paul Davis' issues at dinner the previous night. Leon would like to discuss this more as well as Nature's Advocate's road access. Karl expressed concern about weekend travelers' access to information (both lack of employees to answer questions and lack of flyers in the kiosks). He thinks the community relations efforts are awesome and that it's important to be more transparent. Nathan was impressed with the work being done on the trails. Nathan and Karl are both happy to hear about the one page flyers. Nathan is interested to see how the plans for sage-grouse develop. He has a lot of questions about the Nature's Advocate EA. Kali expressed appreciation about BLM's outreach and BLM's advocacy regarding sage-grouse policies. Three SMAC members brought up Pike Creek and the issues there. One of these SMAC members would like a little more history of BLM's perspective on the Nature's Advocate access issue. Fred said BLM must embrace the full array of historical uses on all parts of the Steens Mountain. For example, the little, rough, two-track roads that were built on the Steens for access to juniper aren't available to BLM now because of third party law suits. Those should have been fully protected. This will get and is getting in the way of access.

FIELD MANAGER UPDATE

- Rhonda said John Witzel approached BLM about a land exchange regarding the Frenchglen corrals. The BLM wasn't interested because they don't typically acquire lands with infrastructure so he contacted the Oregon Parks and Recreation Department. They contacted BLM and asked, if they took the exchange, how would BLM feel about them putting in a campground. They would possibly need a right-of-way (ROW). After discussion with recreation staff, BLM replied that while BLM has no issue with the campground, a cooperative management agreement (CMA) might be better instead of a ROW.
- In December, Rhonda met with David Bilyeu (SMAC) and Steens area landowners regarding the No Livestock Grazing Area (NLGA) EA. Rhonda continued to work with Dominic Carillo regarding the NLGA EA and sheep fencing and trailing are to be added as an alternative. Nature's Advocate already has a trailing permit for sheep and goats; Stroemple doesn't. The BLM's biggest concern with that would be trailing domestic sheep through big horn sheep habitat. The alternative which had all fencing in wilderness was removed. Nature's Advocate would like the entire fence on the boundary lines. On Mr. Stroemple's property, part will be on private and part on BLM (but the acreages won't change). Cadastral surveys (which will cost up to \$240,000) will tell us exactly where boundary lines are.

The NLGA EA and Nature's Advocate access road EA are priorities for the Andrews/Steens resource area. The BLM is looking at over half a million to complete the fencing (material, cadastral, design, etc., not including labor). Mr. Stroemple was paid during some years to not graze. There have been discussions regarding potential land exchanges but the latest communication from Mr. Stroemple is that he wants to graze his land. If Mr. Stroemple doesn't use the land for agriculture (such as grazing), he will go into a higher tax bracket. Owyhee thinks BLM should look at the costs of the fencing vs. the cost to BLM of paying for the ranchers to not graze the land. Can BLM get a ten-year lease during which Mr. Stroemple wouldn't graze the land? Rhonda says Mr. Stroemple wants to sell his property. The BLM can't pay what he wants for it.

SMAC asked what about Nature's Advocate, LLC. Would they look at buying Mr. Stroemple's land? Colby says there have been conversations about the valuation of the land, conversations about land exchanges. After almost a decade of attempted negotiations, Nature's Advocate decided to go ahead with asserting their rights to use their property, which involves access and fencing. Colby said they've [Nature's Advocate] talked to Brendan, talked to Rhonda, talked to the State Director. Rhonda clarified - conversations, yes, formal proposals, no.

Nature's Advocate would have liked to exchange 1,700 acres on Steens Mountain for 8,000 acres in the Silvies. Leon said, "so you're wanting more in value on the Silvies? It's not value for value?" Rod asked, "So ...you're not able to get as much for the wilderness parcel as you would like?" Colby replied, "How do you value a world property? I mean how many other properties are there in the world that are within completely withheld [held] inside a wilderness area on the top of a gem like Steens Mountain?...So what's the value of those properties?"

Karl quoted Section 102, subtitle a, subsection one, "to maintain and enhance cooperative and innovative management projects, programs, and agreements." Karl feels it is incumbent on SMAC to mediate/get involved in something like this and offer ideas outside of formal agreement. Rhonda says BLM is dealing with Mr. Stroemple's attorney, working on a cooperative management agreement but is also going forward with the EA in case the cooperative management agreement falls through. Rhonda said it's up to the land owner. Karl said he keeps hearing that no formal proposal's been made. He said we have to build trust, we have to be transparent. Karl thinks we need to go backwards through the document and find what happened – Rhonda said if SMAC can find creative solutions, she's willing to hear them. Owyhee made a motion for BLM to make an offer to Mr. Stroemple for a lease. Another SMAC member seconded her motion. (There's not a quorum present today). Fred said the high value of the land is the reason for the original ratios in the earlier trades. The fact that these lands are landlocked by wilderness is making it difficult to get the full value for the land. Some landowners are giving millions of dollars' worth of use/access to the public. David was at the December meeting and said the inholders want the fence. He agrees SMAC needs to come back as a council and work with BLM and make an offer.

Leon said we need the language of the motion. **Owyhee clarified motion made for BLM to make a substantial offer to Stroemple for him to waive his grazing rights for ten years.** Her motion was seconded and voted on. Motion passed without opposition.

Rhonda updated the SMAC on the North Steens Transmission Line ROW lawsuit. It went before the Ninth Circuit Court in March. Possibly, there will be a ruling in 3 or 4 months.

- Regarding the Riddle Brothers Ranch EA, the previous water master said a well can't be drilled within a certain distance of the river. The new water master says as long as BLM cases the well down to a certain depth so it's not taking the surface water, it's okay to drill the well.
- The BLM has authority under FLPMA to renew grazing permits as long as standards and guidelines (S&G) are being achieved (or if not achieved, it's not due to livestock grazing). The BLM has done a lot of standards and guidelines evaluations over the last couple years. A few protests of some of the grazing permit renewal categorical exclusions (CX) issued by BLM were received from Wildlands Defense. Rhonda will be meeting with them the week after next. If the S&Gs aren't being met, BLM has to do an EA rather than a CX.
- Rhonda said the Steens Act was developed as a collaborative and there was supposed to be follow-up every year. But after the Act passed, everybody went away. We weren't there, so we don't know what their intentions were when they wrote it.

Fred asked if when the use of motorized vehicles in wilderness study areas (WSA) was appealed, was that door closed? Rhonda replied that many of the obscure routes in the WSAs are ways and can only be maintained by the passage of a vehicle.

Rhonda said that when BLM gets a proposal in, there should always be three alternatives in the NEPA analysis: the proponent's, the no action, and BLM's proposal. So that's what BLM is doing with the Nature's Advocate proposal. There's the proponent's proposal, the no action alternative, the SMAC's proposed alternative, and BLM's proposed alternative. When making a decision, BLM can pick one, or pick pieces of any of the alternatives.

- Per Rhonda, the easement on the road to Pike Creek is 16 feet wide, but some parts of the road haven't been maintained. There have been conversations about Pike Creek for some time. As it stands now, a four-wheel drive vehicle could get up there. If BLM went in to maintain the road, BLM would probably put a hardened rock crossing in the stream and move back the willows. The BLM's thought was not to interfere with Paul's idea of putting in a campground but to still give the public the opportunity to use the easement and Pike Creek. The BLM wants to put a day use parking lot up there; BLM's engineer went up with Rhonda and said it's doable. Rhonda said that was what BLM's plans were as of last week, but if SMAC wants to take this on as a project, and if they can come up with an alternative that still provides access for the public to Pike Creek, ... The BLM has put in the proposal to engineering but doesn't have the money to do anything this year. More than one SMAC member is interested in taking this on as a project. A SMAC member suggested SMAC funnel their ideas through Leon (by email) and then BLM can talk to Paul. He asked if Paul thought this would be helpful.
- Rhonda told SMAC that Brendan's (District Manager) and Andy's (Wildlife Biologist) jobs will be advertised for both government and all U.S. citizens. Burns BLM is also trying to get an announcement for a 120-day detail for a recreation specialist.
- There is public access at Stone House and Pike Creek but no easement to Indian Creek.

PUBLIC COMMENT

- Paul thinks we're doing a fine job of controlling the mountain. He fenced the county road off years ago. He thinks this contained the issue of destroying the mountain. He claims he's not stopping the public, just managing it. He doesn't want the mountain wrecked. He says, "You want to wreck something, advertise it." He asked what the difference is between Alvord putting up an outhouse and charging a fee and BLM putting up an outhouse and charging a fee. A fee is a fee. You've got to pay for your use. Indirectly or directly, it has to be paid for. He said he's made \$1,200 already this year for camping at Pike Creek. When you come at me with proposals, I'm listening, but I don't do well with the idea that you're going to get back to me and it'll be five years down the road. He said BLM needs to stop in and pay a fee if going up there or he may have to trespass BLM if BLM stops on his property. Leon asked what Paul wants the BLM to do. Paul replied that the only trouble he's got now is people going to Pike Creek and asked how [the SMAC] thinks he should handle keeping people from trespassing. It costs him money to send a caretaker up there to check the place out. Leon asked if Paul has signs up there that direct people to go pay. Paul says there are signs but they indicate free use. Leon asked if Paul is interested in a cooperative agreement. Paul asked the BLM years ago if they'd lease the property. They wanted to lease it for 20 years because of the cost of infrastructure. Paul was only willing to lease for five at a time. Leon indicated that his question hadn't been answered and he'd like to go up there. Paul would like SMAC and BLM to get on the issue sooner rather than later. Fred said it sounds like the road hasn't been maintained, and asked Paul how anyone can go up there without going on his property. He says there are a lot of open questions about the easement. Paul said the creek crossing is on private; people go that far and then hike. Fred said there are legal access issues, ecological issues, maintenance issues, and there's management of camping and economic value issues. Those are the kinds of concepts I was talking about that we could help iron out a solution

to be acceptable to you and BLM.

- Colby addressed the fencing EA, giving a bit of background, “In the Steens Act in section 113, under the land use authorities in the act... The Secretary shall be responsible for the installation and maintaining any fences required for the resource protection within the designated no livestock area.” Oregon is a fence out state. So if you have private land in Oregon and you don’t want livestock grazing on your land, you’re responsible for the fencing. Well, what ends up happening is that through the discussions about the Act and the creation of the first in the nation cow-free wilderness and that’s a really important aspect of the history on this is that the Wilderness Act of 1964 allows for one consumptive use within wilderness...and that is livestock grazing...In the negotiations, in the creation of the Steens Act and the creation of the cow free wilderness which is not all the wilderness on the mountain, it’s only a portion, it’s ninety some thousand acres of the wilderness on the mountain...In that area of the mountain that was withdrawn from grazing that was a highly grazed area for a hundred years by sheep and cow and horses and from the various ranches and whatnot... The private landowners that both had land within the wilderness area and on the boundary lines of the cow-free grazing area knew that the burden would be on them to keep their livestock off of the non-grazing area and that was going to be a huge undertaking...Congress said in this case BLM is going to be responsible for building and maintaining the fence....public comment related to the opening markup of the bill,...Congressman Walden said, “About a hundred thousand acres of this wilderness area will be cow free and the Department of the Interior will fence it to keep it that way.”...George Miller, Representative from California,...on the floor of the House in 2000 states, “Grazing is given a high priority in this bill and the promotion of grazing is made one of the objectives in the area. The Secretary is also required to construct fencing and water developments for livestock in the area.” ... There was a little bit of discussion earlier about the alternatives that the SMAC discussed in October (Forage trade, BLM provide money to a third party to build a fence, cooperative management agreement with landowners, livestock herding, private land non-grazing lease...)....Each of these has challenges that are probably not going to work for Nature’s Advocate....That’s the reason we continue to work with BLM and SMAC on the fencing EA....June 10, 2003, Senator Ron Wyden, Congressman Greg Walden, and Senator Gordon Smith sent a letter to Elaine Brong, Director of the Oregon BLM.... This letter was in regards to the Ankle Creek EA that the BLM was working on at the time...SMAC hadn’t been brought into the conversation.... “We’re writing you to express our opinion regarding the development of the Ankle Creek Inholder Environmental Assessment. Because this proposal will establish principles for the governing of inholder access within the entire Steens Mountain Cooperative Management and Protection Area, we ask you to suspend any further action on this EA pending further discussions with landowners and lessees. Furthermore, we ask that you obtain an opinion on the proposed action from the Steens Mountain Advisory Council in an effort to find a reasonable approach. Should this proposal go forward in its current form, without the SMAC’s involvement, we believe it may unnecessarily result in a further breakdown of cooperative relationships that we sought to build through the passage of the Steens Mountain Cooperative Management and Protection Act. In exchange for creating the largest single unit of wilderness in Oregon since the signing of the Wilderness Act in 1964 and the first legislated cow-free wilderness area, part of this unique Oregon solution also codified the understanding that private property owners would still be able to easily access their inholdings as they had prior to the act becoming law. It is not our intent that BLM promulgate regulations that would restrict landowner or lessee access to certain days of the week, using routes that involve long detours from traditional ones, limitations on vehicle weight, or limitations on economic opportunities on private land. We request that the BLM, before taking any further action on implementation of the Ankle Creek EA, consult with the Steens Mountain Advisory Council and develop a strategy for determining access for landowners and lessees in the CMPA that fulfills the access provisions of the Steens Act. Thank

you for your consideration of this important matter affecting Steens Mountain. We look forward to continuing to work with you on this and other issues of importance to Oregon.”... (To hear Colby’s entire background presentation, please listen to the digital recording of this meeting available upon request at the Burns District office.)

A SMAC member asked Rhonda what the difference is between a cadastral survey and a county employee survey. Rhonda believes Federal lands need to be surveyed by a Federal surveyor.

- Dan said that yesterday the BLM, both the DC office and the State Office (SO), hosted a stakeholders’ meeting to discuss the implementation of the sage-grouse resource management plan amendments. He thinks the intent was to clarify to different constituents how things are going to roll out. They talked about grazing, adaptive management, monitoring, and mitigation. He felt it was lacking in specificity on timing and in terms of what BLM has found in its monitoring so far. From the standpoint of the stakeholder and of the BLM, this is a work in progress. Apparently in at least two districts in southeast Oregon, triggers have been met. He’s interested in where those are so they can be addressed. He said it sounds as though new IMs will be coming out from Washington Office (WO) and OR/WA office. There will be about ten different teams monitoring habitat, looking primarily at SFA, then PHMA. Steve Grasty, Malheur Planning, ODFW, and John O’Keefe from the cattlemen, among others, were at the meeting.

Rhonda said BLM Burns has met a hard trigger – a wildfire. She said BLM has done everything it can to rehabilitate the area. We’ve seeded, planted sagebrush seedlings, and rested the land. Now we’re monitoring. If there’s a downward trend, we’ll have to look at other actions, adaptive management actions, to figure out if there’s anything else we can do.

Dan said there are two SFAs in Oregon: Lowes (Lowes Allotment plus) and Beatty’s SFAs (Beatty’s Allotment plus). You don’t have to be in an SFA to have a hard trigger.

Rhonda says there will be another Federal family meeting in Boise, and then another stakeholder meeting.

- John Helmer expressed his appreciation of SMACs generosity in allowing him to observe the group. He hopes SMAC will make full use of the charter to produce recommendations about management of the land.

ROUND TABLE

Rod said ODFW has been surveying sage-grouse and compiling information for our big tag game...each March and April are busy times for us, trying to come up with tag limit recommendations and at the same time count sage-grouse...we’ve increased the number of sage-grouse lek counts partly to satisfy the BLM RMP requirements...In the last couple of years, ODFW’s doubled the number of leks counted each spring. To accommodate that, BLM stepped up to help with the counting even more than previously.

ODFW’s had to hire a person to count leks full time in the spring. Rod also said they’ve met they’re new coordinator - Lee Foster, who is completing his master’s on the sage-grouse study down in the Trout Creeks.

Owyhee said she didn’t have a whole lot to add. She did have the opportunity, thanks to Stacy, to actually go up and ride the Stroemple property [rest was too low to hear].

Nathan said a lot of these situations with inholders’ land exchanges have a long history. He shares the

frustration of when the resolutions don't fit anyone's first choice or second choice. There are so many good intentions from the different direction...He realizes there are tricky issues around valuation. He's optimistic in regard to SMAC being able to help come up with something that works for everyone.

Fred – nothing

Kali – nothing

David said there are a number of interesting issues as far as protecting the wilderness characteristics of the mountain. He feels there is strong interest on the part of SMAC to honor that part of the Steens Act, the wilderness and ecological preservation of the Steens Mountain. He has a lot of interest in how actions from the sage-grouse plans may affect everything from travel and use on the mountain.

He said he's hearing from the entire environmental community because of what happened out at the Malheur on Federal lands. There's a movement to ensure that federally protected public lands remain federally protected public lands for future generations. This has heightened awareness that we need to be telling the story of these lands and showing that they are being managed well; we are caring for them.

Karl is working on an Owyhee Canyon issue. The group he's working with has a perspective on certain land use and active management of the landscape. Web site they've put out is owyheesportsmen.org. He would like to see with SMAC more promotion of their positions outwardly to the public on the Web site because he says he doesn't get constituents coming to him with concerns. He thinks the BLM outreach is a great thing.

Leon said the wild horse research project at the Burns Corrals is not yet underway. The National Wild Horse and Burro (NWHB) Advisory board met in Redmond a few weeks ago and met with Dr. Hubert and himself (the surgeons for the research) at the corrals. Regarding Pike Creek, he says Rhonda and he will probably go down and take a look and talk to Paul – he wants to try to get something done soon. He asked if SMAC had submitted a formal letter with their Nature's Advocate recommendation. Tara said she thinks it was in the minutes. Leon suggested Tara could send out an email polling the SMAC to see if they can get a quorum on the SMAC recommendation to make a substantial offer to Mr. Stroemple.

Another SMAC member would like to go to Pike Creek when Leon and Rhonda go. Leon said they may go this week. Tara asked SMAC members to please let her know ahead of time if they are going out on behalf of SMAC so they can get mileage reimbursed.

Owyhee wonders if it's appropriate to build a SMAC Facebook site. Owyhee thinks she could build the page. Tara says it's fine for SMAC to do that. Another SMAC member said the Southeast Oregon Resource Advisory Council (SEORAC) talked about doing something similar recently; maybe SMAC should contact them regarding what they're doing. Karl asked if they could use a logo so it looks official. Tara said she'll look into it. Owyhee said if there're no objections, she'll go ahead and start. There were no objections from any SMAC members.

Rhonda told SMAC she was hired to help implement the Steens Act. She knows the history of most of what BLM and SMAC have been talking about. She wanted to emphasize that, first, there're always two sides to every story, so make sure you hear all the stories and, second, all of us, BLM and this group, it's our job to manage public lands for everyone because BLM is multiple use. So we need to manage for everyone – the OHVers, the ranchers, the hikers, the hunters, etc. The BLM staff is very dedicated and willing to go the extra mile, but they have to wear a lot of different hats. We're all trying to do our very best.

Tara added, "We really want people in our district to understand that we are doing the best we can. It's easy to get lumped into the BIG BAD Government."

Paul shared a useful site: GeoCommunicator. He said it shows the private land and BLM land.

Karl thinks the data gathering that Mandy's doing is really important and that data is going to be more important in the future.

Rhonda said if any of them [SMAC] have any questions at any time, they should feel free to call her or make an appointment to come see her.

NEXT MEETING

Items for next meeting's agenda:

Pike Creek issue
Field trip (maybe stop by Pike Creek, Penland, Frog Springs)
Nature's Advocate access
NLGA fencing
Sage-grouse IMs

The June meeting may be in Fields instead of Frenchglen. June 16 and 17.

A SMAC member said they'll need an update regarding east side projects.

Rhonda said the only one on the east side is Penland campground.

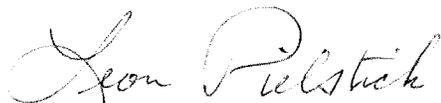
Tara will provide information regarding the visual resource short course.

Movement was made to adjourn. Seconded. Adjourned.

A full digital recording of this meeting is available upon request at the Burns District office.

The Steens Mountain Advisory Council approved these minutes on September 30, 2016.

Signed by Leon Pielstick, SMAC Chair:

A handwritten signature in cursive script that reads "Leon Pielstick". The signature is written in black ink and is positioned below the text "Signed by Leon Pielstick, SMAC Chair:".