

## **Steens Mountain Advisory Council**

### **FINAL June 11-12, 2015 Summary Minutes**

The Steens Mountain Advisory Council (SMAC) met June 11-12, 2015, in Frenchglen, 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, Friday only),  
Fred Otley (Private Landowner representative),  
Leon Pielstick (Chair, Wild Horse Management representative),  
Owyhee Weikel-Magden (Local Environmental representative),  
Pamela Hardy (Dispersed Recreation representative),  
Karl Findling (Mechanized or Consumptive Recreation representative, Thursday only),  
Rod Klus (State Liaison),  
Kali Wilson (Grazing Permittee, Thursday only), and  
Nathan Hovekamp (No Financial Interest representative).

#### *Members not participating:*

Mark Bagett (Vice Chair, Fish and Recreational Fishing representative),  
Richard Jenkins (Recreational Permit Holder representative), and  
Cecil Dick (Burns Paiute Tribe Member representative).

#### *Other participants/observers/presenters:*

Jack Rinn (private citizen, Friday only),  
Dave Richie (private citizen, Friday only),  
Mike Fox (private citizen, Friday only),  
Jon Reponen (Burns District BLM Forester, Thursday only),  
Lesley Richman (Burns District BLM Weeds Specialist, Thursday only),  
Jana Wilcox (Burns District BLM Water Rights Specialist, Thursday only),  
Rhonda Karges (Burns District BLM Andrews/Steens Resource Area Field Manager),  
Stephen Baker (OR/WA BLM State Office Public Affairs),  
Brendan Cain (Burns District BLM District Manager) (Designated Federal Official (DFO), and  
Tara Thissell (Burns District BLM Public Affairs Specialist/SMAC Coordinator).

### **JUNE 11, 2015**

#### **Field trip**

Medusahead site, Lesley Richman; Wild Juniper Management Area, Jon Reponen and met Gerard LeBreque (Stewardship contract); Page Springs Weir, Jana Wilcox.

### **JUNE 12, 2015**

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. Brendan expressed his appreciation of everyone taking the time to attend the previous day's field trip and listen to the BLM staff specialists.

### **PREVIOUS DAY RECAP**

## Medusahead

- Explosion of Medusahead on North Steens Loop. BLM and SMAC also discussed other Medusahead patches. Pam Hardy expressed her opinion that Medusahead has become a huge problem, a disaster.
- Stacy shared that prescribed burning needs to be aggressively pursued. The BLM may be challenged about the burning and SMAC needs to guide and back them.
- David feels a greater sense of urgency. The biological agent that Lesley spoke of needs to be expedited. If Medusahead can't be eradicated, can we at least contain it?
- Rhonda spoke of the recent Invasive Plant Management Environmental Assessment (EA) (Weed EA) and what it will mean regarding weed treatments. The BLM has four chemicals they can use but these aren't effective on Medusahead or cheatgrass. If there are no appeals on the EA, it's just a matter of getting funding.
- Brendan brought up that Lesley has been working with scientists on a biological agent since 2004/2005. Also spoke of various international researches being done to treat invasives without affecting grain crops. Use of ten more chemicals would be permitted by the EA.
- Owyhee asked if the Imazapic was the most effective on the Medusahead. Brendan thinks that of the ten chemicals being added, the Imazapic would be most effective. Owyhee expressed concern that Imazapic is a band aid. Will we be using it for the next thirty years while we try to find a real solution?
- Nathan expressed his appreciation of the field trip and his agreement that something needs to be done about Medusahead in the short term and adds that the long term needs to be considered, too. Short term - agrees it is urgent to treat aggressively. Long term – need to look at biological or chemical controls, root causes of weed infestations. Both need to go forward.
- Brendan remarked that two protests were received when the Weed EA decision was issued. Most of the points raised by the larger protesting group were also raised in relation to the State of Oregon Environmental Impact Statement (EIS).
- A member of the SMAC questioned whether it might be a good idea for the SMAC to meet with the protesters or some sort of advisory board of citizens concerned about weed mitigation measures to discuss the benefits of weed treatment. Another SMAC member said the Chair of the SMAC could call or send a letter inviting them to meet and discuss weed control (leaving BLM out of it – BLM has to handle its own responses to protests) and explain why it's not the problem they think it is in this particular situation. Environmental concerns are dealing with their own constituency and agendas. Don't go out there thinking you can just tell them what's going on – ask them questions. What is their solution? Just the gesture of a letter might help.
- Rhonda pointed out that protests are matters of public record. Also, we don't have to resolve comments, just respond to them; we have to resolve appeals. Brendan added that if this evolves into litigation, it will be difficult for BLM to participate in this conversation (with the SMAC). BLM would have less room for open discussion. Constituents are looking forward to using the more effective chemicals in the EA. We work closely with the Harney County Strategic Weed Attack Team (County and ODOT). The new, more effective chemicals would reduce number of treatments required.

### **Juniper treatments**

- Rhonda said old growth juniper will be protected. At about 50 percent progress on the Tombstone project. Rhonda spoke of and defined IDIQ (indefinite delivery indefinite quantity) contracts for cutting/piling.
- A SMAC member expressed opinion that stewardship contracts (contractor clears and keeps the product) will always be a part of juniper control. Thinks majority of treatment will be paid contracts or fire.
- Juniper is coming in so strong that many treated places already need retreatment. Skeletons of the old trees may need to be taken out, especially near leks, to prevent them from serving as perch trees for predators of sage-grouse.
- Pam is happy to see the aspen and mahogany coming in where there used to be just juniper. Regarding juniper and the Wildland Juniper Management Area (WJMA), she encourages putting a sign regarding biodiversity up as soon as possible with a quick response (QR) code to link to a website so detailed information can be accessed immediately. Sign should read, “Biodiversity Restoration Project.” Other SMAC members expressed lots of support regarding a sign with a QR code to explain the biodiversity goal associated with WJMA to help educate people about the project and keep them from thinking the BLM is just clear cutting.
- Regarding the WJMA, Nathan thinks it is appropriate that the sign/signs is/are on the road. Likes the educational aspect of the signs and the experiment. Some concern was expressed about cars suddenly stopping to read the signs.
- A SMAC member read from the Steens Act, Section 113, “The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning.” The consensus is that there’s been substantial change/progress in control of juniper in the Steens. Brendan pointed out that BLM is coordinating with landowners to do treatments on private lands in the Steens, too.

### **Page Springs Weir**

- Nathan wondered if the SMAC can provide political cover for BLM’s decision regarding the weir, would the BLM be able to move forward on the project? This member opposes invasive heavy equipment – supports natural (pack horses, etc.) methods.
- Pam agrees with Nathan that the weir project needs to be DONE (possibly with an updated opinion from SMAC) – it has been on the drawing board for too long.
- Owyhee has many questions and feels like we don’t have the information to make a decision regarding the weir at this time. Thinks there need to be studies about the fish and their passage over the dam before we move forward with any removal/notching.

### **Signage/educational information**

- Putting information on the BLM website regarding the WJMA and interpretive panels was suggested.

- David commented that QR codes are being used in many places already by BLM – holds up his phone and has the map of the area.
- Rhonda says we will keep plugging along with the re-signing as money and staff is available. Rhonda says it is a 20-year plan.

### **Sage-grouse**

- Tara Thissell provided a handout, “Facts and Figures for BLM Conservation Plans for Greater Sage-Grouse for the State of Oregon.” Plans (97 or 98 of them) are being amended throughout the eleven states. Our Greater Sage-Grouse EIS is an amendment to all the resource management plans (RMP) in the State of Oregon (total of 8 RMPs).
- The EIS is posted on the web by chapter, and also has all the related maps. (Brendan pointed SMAC to the website). The EIS analyzed various alternatives some of which were taken from suggestions submitted during scoping. In last few months, BLM has done a proposed plan with a new alternative combining pieces of different alternatives.
- Federal Government manages 70 percent of sage-grouse habitat in Oregon (mostly BLM managed).
- There are three classifications of sage-grouse habitat: Priority habitat management areas are the primary focus and should limit or eliminate disturbance; sagebrush focal areas (strongholds identified by the Department of Fish and Wildlife (ODFW) are a subset of priority habitat management areas; and general habitat management areas which include historical sage-grouse habitat.
- Some Oregonians are upset about the sagebrush focal areas because of the increased restrictions; they feel like they didn’t get enough opportunity to comment/contribute about restrictions. Oil and gas restrictions won’t really affect us, they have more effects to other states; however, for consistence across the states, our EIS has to be comparable.
- Pages 213-253 of the EIS contain the proposed plan. Table 2.2 highlights the changes that will be implemented in various program areas such as riparian, livestock, special status species, and vegetation.
- The BLM and the State are working together to protect the bird so it doesn’t need the protection of the Endangered Species Act. To that end, permits that haven’t been renewed in a timely fashion will be examined – first for compliance with standards and guidelines (S&G), then for how grazing is affecting the sage-grouse on the allotment. Habitat indicators specific to Eastern Oregon will be used to evaluate condition of habitat and whether it is fulfilling its potential. Local data was used to set indicators. The BLM worked with the Agricultural Research Service (ARS) on these indicators.
- Travel management and rights-of-way (ROW) will have the most changes from this proposal. Travel management will be done in all areas in Burns District over the next five years. Steens has already been done. Condition of road and purpose of road will be assessed. Sagebrush focal areas will be first. Andrews has two focal areas – one in the pueblo area and the other in the Trout Creeks. No new roads will be opened within four miles of a lek. No upgrades will be allowed to primitive roads within one mile of a lek.

- Burns District BLM's view of adaptive management – assess, look at new, current science, and put heads together to come up with solutions. Science has changed over the last 14/15 years and there's still more we don't know and the changes and new data can affect our decisions/implementation.
- Triggers: soft– wildfire eliminates habitat; hard– if the bird population is destroyed, say for three years.....planting seedlings may be needed?
- Management of priority habitat areas will focus on net benefit – for instance, if we sell BLM land (sagebrush habitat) it will require conservation agreements that will ultimately add to conservation of the sage-grouse.
- Stacy asked when the maps will get cleaned up; points out that some of what's marked as priority habitat hasn't been habitat in 40 years. Brendan says he will need more information to be able to answer the question about the maps. Stacy says when the maps were developed (by local implementation teams including land owners), the intent was to update them every five years. He says habitat is added but never subtracted (regarding updates to maps). Also that the maps are so wrong and the system used to decide what was habitat was flawed.
- Stacy says it's legal to hunt sage-grouse. ODFW doesn't feel they're endangered and they manage them until sage-grouse is listed. With a tag you can hunt two a year.
- Jack Rinn, member of the public, spoke up and said the reason the maps aren't printed is that federal agencies (forest service, too) are spending all their time defending lawsuits. The BLM and other agencies just don't have the money or resources.

### **FIELD MANAGER UPDATE**

Rhonda briefed the SMAC about what's going on in the Andrews/Steens Management Area.

- Per Lisa Grant, South Steens herd management area (HMA) EA will be out soon. Currently the plan is to trap approximately 40 horses. The gather is not scheduled yet. Washington office has only given permission to bait trap and only 40 horses.
- Andy Daniels, wildlife biologist, surveyed 158 leks (309 site visits) this year. This is up from 92 last year (177 site visits). Population counts are up 30 plus percent from the previous year. Total priority areas of conservation are 61 (BLM visited 60).
- Fire suppression resources include:
  - Five engines stationed at Frenchglen
  - A B6 dozer
  - A Single Engine Air Tanker
  - A type 2 helicopter
  - Eight portable water tanks. The helicopter and portable water tanks are dedicated to sage-grouse habitat. One tank will likely be at Fields, one in South Steens in the gravel pit, two potentially on private land, and it is undecided where the other four will be located.
- The wildland fire organization is being proactive in checking conditions, water availability, etc.

A SMAC member pointed out that last year water had to be hauled to the wild horses to keep

them alive (same with the cattle). He says backup wells for fire and other purposes are needed in strategic locations. Baldheaded Camp might also be a good location for a tank (Rhonda said that was already analyzed). The SMAC member acknowledged that both Baldheaded Camp and the gravel pit wouldn't be needed but said that Baldheaded Camp would be a good alternative if the tank at the gravel pit doesn't work out. Longhollow might also be a good location for a portable water tank. If on the north side (private land), some of BLM's issues can be avoided. Two-track roads pose access problems for fire fighting vehicles; it would be better to be on highway (such as Longhollow). There's a well on Trout Creek side of the fence.

Rhonda says BLM will probably try to build a well in the gravel pit if there's funding.

Another SMAC member says we need to be proactive... if we see a big storm blowing in with lightning likely, get out there before the storm gets here.

The previous commenting SMAC member feels that any kind of development on BLM land takes forever. A solution is needed this August. Longhollow is a strategic location. Baldheaded camp, gravel pit have access to Long Dam (if there's water in it). You need to be able to get the firefighters in and out fast.

Brendan mentioned that Dave Toney (Burns Interagency Fire Zone Fire Management Officer) has also negotiated with the Boise Hotshots. If there's a storm coming our way, they'll come here and hang out here for a few days. On the national level, BLM is doing the same thing with the Alaska firefighters, pulling some to other areas (like Burns). Trying to do things differently.

- Rhonda sent a letter to Dan Morse of the Oregon Natural Desert Association regarding the Burnt Car Cooperative Agreement saying what's done and where it's at currently. Photo points were established this year and will need to be monitored in three years.
- Litigation update – The settlement agreement with Mr. Stroemple is completed. It had a June 1st effective date. The BLM is working on an EA analyzing building fencing. Among the alternatives to consider are building the fence entirely in wilderness or building it on the boundary line (and other alternatives). Also, they are analyzing materials and methods of getting materials to the site. The BLM paid Mr. Stroemple some money, as well. It's up to him to keep his cows on private land. BLM will also check periodically. We will not herd them but will let him know if they are on the No Livestock Grazing Area (NLGA) public lands and need to be returned to his private lands. As we've said all along, Mr. Stroemple has the right to graze his private land.

A SMAC member asked how long analysis will take and when would BLM be building the fence. Rhonda replied that it's a priority but the analysis is currently in review in the solicitor's office. There might be a decision on the EA in a year. It could be appealed; then it would be 2–3 years to go through IBLA. Even if the fence is on private land, effects to wilderness values have to be analyzed (sights, sounds, etc.).

There will be scoping regarding the EA coming out.

- Regarding the Comprehensive Recreation Plan (CRP), Harney County Court and ONDA raised questions about the Travel Management Plan's definition of obscure routes. During the CRP process last January, obscure routes were brought to the attention of SMAC. IBLA closed obscure routes in 2009. Issue went to District court which referred it back to IBLA (ONDA raised more issues and it was referred back to IBLA). In September, IBLA re-opened routes. Harney County has appealed and wants all the obscure routes opened. ONDA wants them all closed.

Closed routes will be removed from maps. Administrative roads will not show on maps sold to public.

The District Court of Oregon is also addressing this. On June 8th, Judge Papak closed most obscure routes, leaving eleven routes open only to administrative use.

- SMAC previously recommended that access be given to Mr. Campbell. BLM is planning to analyze the effects of the alternatives. In terms of a potential land sale or trade, BLM can only pay fair market value for property.
- Stacy wants to know what are ODFW's recommendations for redband trout regarding the Page Springs Weir. Two men from Montana came through looking for pika.
- Another SMAC member asked if the population of mountain quail that was transplanted and set loose years ago still exists?
- South Steens AMP EA has been completed. Now BLM is just waiting to implement the projects.

#### *BLM Personnel update*

- Dave Toney is now the Fire Management Officer. Shane Theall is the Assistant Deputy Fire Management Officer. Katie Bartzokis is the new Range Rider, responsible for maintenance of fences. She will meet with the SMAC tonight or at some time that's good for them. Mike Kelly is serving in a temporary promotion as Supervisor of Recreation. The position advertisement to permanently fill the position closed last Thursday. The hiring panel will start on Monday; Rhonda hopes to have a decision by June 22.

#### **ROUND TABLE**

- Leon inquired about the possibility of a wild horse stewardship contract.
- Fred asked who handles endangered species, particularly Malheur Wire Lettuce. Tara replied Caryn Burri. Fred commented that grazing was fenced off and for a while it disappeared due to BLM's attempts to protect Malheur Wire Lettuce. If you're going to fence it off, the decision should have been to fence half of it, first off, because it was a symbiotic relationship. For a while it had to be propagated in the lab. Cows should be brought back in. Tara suggested he talk to Rick Roy. Fred commented that decisions have impacts. For example, cows are removed for sage-grouse breeding season but cows in those areas are sometimes really helpful regarding predation. Some of what is done to appease groups like the ONDA is frustrating to landowners and cattle grazers. **Tara will try to find out more.**
- Stacy says the wild horse population is having a significant impact on the interests he represents. Grazing has been reduced significantly with wild horses being the primary reason. The problem is getting worse. He encourages committee members in every area to shut the factory down and deal with the excess horses. He views wild horses, Medusahead, and sage-grouse as the three big threats on the Steens right now (everything else being subjugated to benefit the sage-grouse). He reiterated his concerns about maps of sage-grouse habitat. He says maybe we can use the conflict between wild horses and sage-grouse to our benefit.

Another SMAC member commented that areas that have done best in sage-grouse conservation are being penalized by the regulations.

Rhonda commented that part of the issue with the wild horses is many people are uninformed about what BLM does with the horses. For example, a call was received from a lady in New York who thought BLM sent the wild horses to slaughterhouses. Rhonda explained to her that we don't do that and that we allocate Animal Unit Months (AUM) for various resources (e.g. wildlife, horses, and cattle). The lady then wanted to know why we didn't just haul in food for them. Rhonda explained that there's also not enough water to go around. People are commenting who do not understand the consequences of the overpopulation and that we need to seek a balance.

A SMAC member said SMAC has offered to meet protesting group in the field to discuss issues regarding the wild horses. Tara says the general population (people in New York and Australia who are simply concerned) aren't the real problem. The real problem is with the activists. A SMAC member said the lack of trust from these people towards the landowners and the BLM is a problem and maybe if they come out here and talk to us and we take them out to see it, they can understand our viewpoints.

Tara replied with an invitation to all the SMAC members to accompany her and 25 members of the public on the Kiger gather so the SMAC can talk to them (educate them).

Another SMAC member suggested making a film for people to watch to educate them about the situation with the overpopulation of the wild horses.

- David requested clarification of the meaning of the court when, in regards to litigation, says, "All parties shall confer and report to the court within the 30 days with a recommendation ...." Rhonda will get clarification. Another SMAC member spoke of summary judgment (obscure routes/CRP litigation and discussion), defining it as a brief, and said cross motion just means that both briefs come in at the same time.

David will follow up with ONDA personally to see if they are going in the direction he assumes which would be to recommend closure of the 11 administrative routes.

- Owyhee wondered if it was appropriate for the SMAC, as a council, to go out and educate or make a video (as opposed to educating as individuals). Another SMAC member replied that SMAC members are all private individuals and can do what they want.

To expend funds to make a video, SMAC has to put together a proposal to ask for the funds. Unless the individuals on the council fund it themselves as individuals.

The BLM might be interested in such a project but it would be a BLM production, which leads back to the public's trust issues with the BLM.

- Pam wanted to know what's the next thing that's coming down the pipe regarding digital maps? Is it happening for people to be able to access them with their phones? The BLM commented that digital maps are a humongous project and the current data is not all accurate.
- Pam commented that she's really happy to hear about the cool ideas that are coming around the table. She would like SMAC and BLM to get together and get creative about solutions for Medusahead and wild horses. Touching on Fred's discussion about trust, people on the council are really listening to each other with open minds and questioning what is it that the other person knows that they don't know and how can we put our two pieces of information together to come

up with the best solution. She said it's been an honor to serve with the SMAC.

- Leon commented about porcine zona pellucida (PZP) being used by BLM to prevent pregnancies in mares. According to him, PZP has basically been ineffective; he thinks that spaying mares would be more effective. If a mare doesn't get adopted, spay her. Activists have scared the BLM. He suggests tying the mares' tubes with a laparoscopic procedure. Activists say the mares need to cycle (spayed mares don't cycle). Discussed the behavioral issues with vaccinated mares continually going into heat (estrus). Can this group write a proposal about sterilization? There's a lot less physical pain involved in spaying a mare than in castrating a stallion. He discussed spaying pregnant mares during various stages of pregnancy. Sometimes foals are miscarried. Many people are terrified of being called abortionists.

Another SMAC member commented, "So maybe you don't spay them if they are in the first 70 days." There are options within this. Can we get a copy of the RAC's recommendation? **Tara offered to retrieve the Southeast Oregon RAC's recommendation letter on the spay option.**

### NEXT MEETING

The next meeting will be October 22- 23 in Burns. Some agenda items:

- NLGA fence
- Maybe inholder access for Campbell
- Potentially having a conversation about the CRP projects - input about what would SMAC like to see right away.
- Plan 2016 calendar (Tara will provide calendars and we'll discuss/plan dates)

A SMAC member commented that Pam's seat will be open and the other openings. What's our timeline? Tara replied that Pam's position isn't open for application right now. We don't have any positions/terms expiring in 2016 so we won't have any new people until 2017.

Owyhee suggested SMAC figure out which big agenda item the group wants to take on and come up with at least an outline of a strategic plan. Stacy said this is our chance to tell the BLM what to do, not them to report what they're doing. Some of these issues need creative solutions. The BLM is at a stalemate.

A SMAC member asked if there was a panel that Sally Jewel was implementing to look at the wild horse issues at a larger scale. Brendan stated there is a National Wild Horse and Burro Advisory Board and that their meeting agenda and minutes are online. The meetings are actually simulcasted on the internet.

SMAC member: I'm thinking about processes and what can the SMAC do. Agreeing with Stacy on the immediacy of some of these issues, but regarding our local issues, what can we do to solve our wild horse issues on the Steens Mountain? What can we do locally? What would we do given empowerment to act? What would we advise BLM to do over the next 12 months to handle Medusahead? So we need to come up with some creative solutions that we truly think would work. Locally? Not solving the whole wild horse problem, but focusing on the local Kiger and Steens herds.

Thanks from Tara. Round of applause. 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 October 23, 2015.

Signed by Leon Pielstick, SMAC Chair:

