

## **Steens Mountain Advisory Council FINAL June 2016 Summary Minutes**

The Steens Mountain Advisory Council (SMAC) met June 20 and 21, 2016, 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),  
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, Tuesday only).  
Nathan Hovekamp (No Financial Interest representative).  
Richard Jenkins (Recreational Permit Holder representative),  
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:*

Rose (Alvord Hot Springs, Monday only);  
Val Cecama Hogsett (private citizen),  
John Helmer (private citizen),  
Paul Davis (Alvord Ranch),  
Colby Marshall (Silvies Valley Ranch, Tuesday only)  
Rand Campbell (Silvies Valley Ranch, Tuesday only)  
Tom Wilcox (Burns District BLM Outdoor Recreation Planner – Wilderness, Monday only),  
Tara McLain (Burns District BLM Realty Specialist, Monday only)  
Rhonda Karges (Burns District BLM Andrews/Steens Resource Area Field Manager),  
Tara Thissell (Burns District BLM Public Affairs Specialist/SMAC Coordinator).

## **June 21, 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**

Leon said yesterday (June 20, 2016) was a great day. The SMAC went on a field trip to Pike Creek and Frog Springs.

Rhonda (about Pike Creek) said one option was for the county to put in a parking area in the right-of-way (ROW) off the county road, the second was for the Bureau of Land Management (BLM) to put in a

parking area on BLM land and grade the road so there would be full access to use of the easement. Another idea was to take the spur that goes to the right and park up in the wilderness study area (WSA) and try to move the easement to the left, building a parking area east of the county road.

The SMAC talked about limiting use, about a concessionaire, and also about a land exchange. Discussion about issues with each option: county road parking area would lose the value of the easement; a BLM parking lot would mean costs associated with construction and maintenance; regarding using the WSA – future development can't happen; parking on east side of East Steens Road would be on private land and is not something BLM would control.

Round the table regarding Pike Creek options:

Fred was surprised at the amount of use he saw on the field trip (for a Monday). He says there is a lot of use outside of the sixteen-foot easement and that turning around on the easement is impossible without going onto private land. We need to plan for accelerated use and it would be best to do that cooperatively with the private land owner.

Leon threw out a few ideas such as hiring a concessionaire to manage or locking the gate and letting people walk in.

Cecil would like to see the SMAC work towards a solution to limit/control the growth of recreation on the Steens.

Dick would like to see the parking to the north of the creek and foot traffic from before the creek. He suggested a cooperative agreement with Alvord Ranch so they can utilize the camping area on their property and use that to pay the lady they've got monitoring/policing it.

David said a new parking lot would leave a huge scar on the mountain side but agrees that some sort of free parking (at least day parking) and toilet facilities are needed. He says the recreationers could have access to camping through Paul's operation. He'd like this to be a win/win for everyone. He urged BLM to move as quickly as possible on the Penland camping area so people have an alternative for camping and suggested possible camping development at Frog Springs, too.

Fred said that everyone that goes up to Pike Creek now encroaches on private land. If people have to stop at the hot springs first, they can be informed about the limited accessibility. A swipe card check-in would be a good way to control/monitor use.

Nathan enjoyed the opportunity to see the situation on the ground. He agrees with the consensus to stay on the north side of the creek and that camping facilities at Penland and Frog Springs would be wonderful. He found it interesting to see the photos of the litter and waste that accumulate up there and said the private landowner's presence needs to be respected. Suggested clear signage at East Steens Road and above at the parking area regarding access, resource consideration, and litter, as well as "No Parking" signs and barriers to parking along the easement (rocks, boulders, berms).

A SMAC member suggested that NOT improving the road would also be valid in that it would keep down the number of visitors.

Kali agreed that signage is needed and said there needs to be a vault toilet in the parking lot.

Owyhee is also concerned about the increasing usage and, while she agrees that maintaining the easement is important, thinks that a solution needs to be found that doesn't involve vehicles crossing the creek.

Stacy is concerned about long term costs. He said we should go with private toilet, private camping, and public parking.

Rhonda said that another idea would be to acquire an easement on private lands for parking. Paul could still charge for parking and we could put up a kiosk explaining that this is on private land. We could do an easement for toilet facilities, too. But with the costs of infrastructure, an easement would need to be for 20 years (or perpetual).

Tara asked, "How do you address the loss of value to the easement where people use to be able to drive all the way up there and cross the creek??"

Rhonda replied that it would be a loss of vehicular access on the upper part of the easement but the public could still hike in.

A SMAC member expressed concern about the lack of maintenance of the road and asked if we can blade it.

Tara summarized that the consensus seems to be for a bathroom wherever the parking is and no vehicle crossing of the creek.

BLM has done a cost analysis for a hardened rock crossing and a 10-acre parking lot. Stacy and Leon think whoever bears the majority of the costs should get the majority of the revenue (whether that be the private landowner or BLM). Fred suggested that increasing the parking fee could be another way to limit usage.

Tara pointed out that there were enough people present for a quorum if the SMAC wanted to make an official recommendation.

Fred said the BLM should negotiate a five-year lease of private land to provide free parking to the public and the private land owner could continue to charge for camping. He proposed that the private land owner and BLM split the cost of the toilet and BLM pay for leasing the parking area up front each year.

Leon added that a self-pay station would simplify things for the landowner. He asked if it wouldn't make more sense to put the parking lot by the road (on flat ground) rather than up the road on the hill where people might change their mind and turn around after getting up there and finding out they have to pay.

Fred also thinks there needs to be a place where vehicles can pull off the road. He brought up the dust obscuring vision on the loop road as an example of why a place to get off the road is important for safety.

Rhonda doesn't want to have to renegotiate the easement every five years with no guarantees to protect the investment in infrastructure. She does recognize that we may have to go with an interim solution while working on a long term solution. Some of the SMAC members voiced their agreement with the desire not to have to do this every five years. Small changes to management could be made as needed. Dick said if the possibility of expansion is written in the agreement then that won't be an issue down the road.

Karl thinks it's a good idea to go with five years and see what adjustments need to be made.

After some discussion and confusion about what constitutes an easement and what constitutes a ROW, Rhonda clarified that an easement is when the government purchases the right for the government and the public to use private lands. A ROW is for private citizens to cross public lands. She also clarified that

easements don't necessarily have to be perpetual.

Leon suggested the agreement could say at the end of five years the private landowner could assume ownership of the toilet at a depreciated cost (so that the toilet could be installed right away). Or that after five years, it either goes to a permanent easement for the toilet or the private landowner pays the remaining value.

Stacy brought up Steens Act 122(c), Conservation Incentive Payments, "The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the CMPA who enters into a contract with the Secretary to protect and enhance ecological resources on the private land covered by the contract if those protections and enhancements benefit public lands." He asked if the recreational use in that area is anywhere near a point where it's detrimental to the public land. Rhonda said it's not as far as she's aware.

Stacy asked who the target users of the area are. He pointed out that if the parking lot is by the county road only avid hikers will make the hike in since it's an "ugly" mile.

Fred said that if access is improved, impact will be increased.

Karl pointed out that making access more difficult results in a loss of value to the public.

## **PUBLIC COMMENTS**

John Helmer said BLM is behind the curve on providing access and facilities on the east side of the Steens. He thinks usage is going to increase and we should get the vault toilet installed at Frog Springs and put in the facilities at Penland as soon as possible.

He was disturbed to see the misuse and the overuse at Pike Creek and Frog Springs. He thinks management of Pike Creek should focus on five principles: public access; enhancing and improving the use (trash, toilet, and the degree of off-road use); cooperation with the private landowner; making use of the existing construction/disturbance; and parking from the rock on down. He suggested a subcommittee to work on the Pike Creek issue and report back to the SMAC. He reminded everyone about SMAC's charter which talks about creativity and cooperation. He also thinks a lot of effort is being put into the symptoms and that the underlying causes need to be addressed.

He said the public is confused about where they can and can't go and suggested addressing this through maps or signs. Thanks to all for letting him attend.

Colby also offered his appreciation to the SMAC and BLM for their efforts regarding both short and long term issues on the mountain. He spoke about three items: 1) SMAC review of some upcoming environmental assessments (EA), 2) the Steens Mountain Landowner Group cooperative management agreement, and 3) SMAC's participation in those things going forward.

Colby encouraged the SMAC to review the upcoming Nature's Advocate Access EA and the No Livestock Grazing Area Fencing EA before they are released to the public. He would also like them to ask BLM for regular updates on the process and progress being made on these EAs.

In 2005, BLM and Steens Mountain Landowner Group had a cooperative management agreement (which expired at the end of 2011). Colby would like to see a new agreement put in place. He would like the BLM to meet with the Steens Mountain Landowner Group on a regular basis to talk about prescribed fire on the mountain, mechanical and biological thinning, noxious weed management, juniper encroachment,

wild horse management, road maintenance, water infrastructure maintenance, fence maintenance, and access to private lands. He supports renewing the permit for the running camp.

Rhonda asked if he meant for the BLM to hold off on sending out the EAs until after the next SMAC meeting in September and Colby confirmed this, stating that if the SMAC isn't given the opportunity to review them we are going against Congress' intent in establishing the SMAC.

Paul is charging five dollars for parking and thirty for camping near Pike Creek (on his land). He says the camping fees are high because he is saving to put in a toilet there. He stated his fees are like BLM's charges for using a campsite. Tara pointed out that BLM doesn't have day use charges or parking fees at their Steens campgrounds, only a charge for camping overnight. Rhonda pointed out that Mann Lake has a campground with no charges at all. Paul said he's open to not charging the people who come to Pike Creek for a day hike but he wants a locked gate and for them to check in at the hot springs so usage can be monitored.

A SMAC member questioned how a locked gate would work for egress. Paul replied that's something to maybe work on. He's more concerned with the wide spots that parking on the roadside are causing and the unauthorized parking that is going on. He wants to put a sign on the kiosk in the lower parking area that \$150 will be charged for unauthorized parking.

A SMAC member asked Paul if he has a preference regarding charging a fee for parking or being paid through a lease. Paul wouldn't say. He emphasized that he doesn't and never has stopped anyone from going up there. He repeated his concern about people just parking wherever and said somebody has to pay (for maintenance, toilet) even if BLM were to put up a facility and manage it. SMAC acknowledged that if BLM were managing it, we would all be paying for it through our taxes. Paul is concerned that someone will drive up the easement in a vehicle that can't get turned around or will break down and be unable to get a tow truck up there. He feels that if they check in at the hot springs, they can be told the condition of the road and make an informed decision.

Rhonda said a locked gate is not an option because it's a public easement.

Paul questioned Rhonda and Tara about who manages the people. Tara replied that BLM manages resources. Paul asked who a private landowner should call if there's a problem (from people using their land). Rhonda said the Sheriff's department handles legal issues on private lands.

SMAC asked about alternate ways to get information out to people (besides a sign). Tara said ninety percent of our information is going electronic and people will access it online or with their smartphones. Leon asked if we could go back to brochures and information packets and suggested both printed information and online. He also pointed out that BLM is closed on the weekend when most people travel. The SMAC council members frequently act as ambassadors providing Steens information to travelers.

SMAC asked Paul what he thought of being compensated for a couple of turn around areas along the easement. Paul replied that a lower parking spot is needed for vehicles that can't get up the easement and that there should be a lower campground and an upper campground. He said the campgrounds are what he's proposing.

Tara said, "There were a few things that you guys agreed about: no motorized crossing of the creek, having bathrooms, and, like John suggested, it might be a good idea to have a subcommittee to come up with some kind of an agreement. There's been a lot more discussion since our fieldtrip. John also outlined some principles that he thought would be good guidance for the subcommittee. Do you guys want to talk more about it? Where are you at? Are you ready to make a recommendation? What are your thoughts?"

**Stacy motioned that BLM not pursue fixing the road across the creek and that a turnaround parking area be installed south of the creek while other options are thoroughly explored.**

Paul expressed concern about the weight carried by a recommendation. Leon, Stacy, and Tara assured him that a SMAC recommendation does carry significant weight.

Owyhee seconded Stacy's motion and a vote was taken. The motion passed.

**Stacy motioned that a subcommittee be appointed to work with Alvord Ranch, the Davis family representative, and BLM to negotiate a deal for a parking area and restroom facility on private land.**

The motion was seconded and passed.

**Stacy motioned for a SMAC representative to negotiate a short term agreement between Paul and the BLM within the following two weeks.** Tara asked if that would be a fee or a no fee site. Stacy clarified that BLM should lease the land for the term (three months, six months, or a year) and provide free parking to the public.

Owyhee seconded the motion, the motion passed, with Leon, Rod and Kali to comprise the subcommittee on this issue. Kali was appointed to be the negotiator.

### **FIELD MANAGER UPDATE**

The BLM plans to do wild horse bait trapping in the South Steens area in the end of August/first part of September. The idea would be to capture two hundred horses; a hundred of these horses would be removed. The appropriate management level for this herd management area is 304 and the herd size was estimated at approximately 600 in 2013. The South Steens herd is somewhat adoptable and BLM hopes to be able to adopt out the hundred horses removed. The corral facilities are full.

Status of the No Livestock Grazing Area EA: Rhonda incorporated the suggestions made by the SMAC. She planned to finish the EA soon and then it would be sent it to the BLM State Office on one of the following two days. They would have a couple of weeks to review it. When it came back, Rhonda would make the suggested changes and then it would go out for public comment. Rhonda cannot wait for SMAC to review this one before sending it out because there is a lot of pressure to get it done. (After some discussion and looking at the timeline, it was agreed that there would be time for SMAC to review and give their input for this EA, as well.)

Inholder Access EA: This EA is still being worked on. Right now it's just being fine-tuned, but Burns District will hold it until such time as SMAC can talk about it in September. The Comprehensive Recreation Plan (CRP) continues to be implemented.

The BLM has a contract out right now for well drilling at the North Steens Equestrian site. They also have the well drilling at Roaring Springs Butte and at Riddle Brothers Ranch. The BLM is working on updated signs. There are work orders in to place to install the toilets and expand the parking areas but much of the CRP falls in with BLM's engineering operations people. Burns District has a couple issues right now – one of them being their grader is broken (needed to upgrade parking areas).

The BLM is working on the North Steens Transmission Line ROW. The BLM got a ruling back from the ninth circuit court and is not sure what to do with it. They are still having conversations. The judge said

that there're two issues. One was sagebrush connectivity and the judge ruled in BLM's favor for that and the other one was winter habitat on the actual Echanis site on private lands. The BLM had correlated that to East and West Ridges, which are lower elevation, and said that it wasn't habitat; the judges thought that rather than extrapolating information BLM should have done winter surveys on top of the Steens (BLM didn't do these). The judge thinks BLM should do surveys for sage-grouse, but they didn't remand the decision, and they didn't vacate the decision. The BLM is unsure what that means and is working with the Department of Justice to try to figure that out.

The BLM is continuing to implement the sage-grouse resource management plan (RMP); it is consuming a great deal of time. For every project BLM does they have to fill out a form that says whether it's priority habitat or general habitat and how much area has been disturbed; that form has to go to BLM's State Office, and the State Office has to say yes or no to whether it conforms to the sage-grouse RMP before it comes back to the Burns District.

Rhonda told Colby that she had thought the Steens Mountain Landowner Group, based on discussion with Fred a couple years ago, wasn't very active. Fred said it is now. He said they voted to renew the agreement and to meet with BLM as soon as possible. He said they sent a letter to BLM the other day and they'd like BLM to look at the agreement. Fred hopes formally renewing the agreement will help BLM and the Steens Mountain Landowner Group to communicate better.

Personnel: Jeff Rose is Burns District's Acting District Manager and an announcement to fill behind Jeff as the Associate District Manager has been put out. The permanent position closes for applications on July 5th, but it may take some time before a new District Manager is decided upon.

Owyhee asked if there has been any progress on the vote regarding Mr. Stroemple.

Tara replied that she has the 27-page email screen. She didn't think they'd reached nine people (Rod is a non-voting member).

Owyhee asked if a revote could be done. **The motion for BLM to make a substantial offer of a 10-year grazing lease on the Stroemple property** was seconded and passed with nine affirmative votes received.

Tara said she will be waiting for a letter from Leon that includes all the recommendations from the meeting.

Rhonda said that BLM has cadastral survey personnel in the Steens working on Campbell's. Following Campbell's they'll go to Stroemple's, and if they have time, then to Pike Creek.

Rhonda reminded SMAC that they did make a recommendation already on the Inholder Access EA, and one of the alternatives in the document is their recommendation.

Stacy brought up that he would like at least one more running camp and would like to add that to the agenda for the next meeting. He spoke to Harland and says that the running camp does not have a negative impact on the wilderness. Stacy said if it's a negative impact to wilderness users, we can ban the public from using the mountain during the six-week period of the running camps. He wants to start now because he thinks the permit is up for renewal in 2018 and he anticipates resistance.

Rhonda said Harland doesn't need to wait for permit renewal time; he just needs to make the request. There's been talk, but nothing official.

Fred shared some history of the running camp with the group.

**NEXT MEETING**

Tara summarized points for the next meeting's agenda. The SMAC will review the No Livestock Grazing Area EA a couple weeks before the next meeting, and BLM and SMAC will talk about it at the meeting. Same with the Inholder Access EA. We'll also need to discuss whatever the Pike Creek subcommittee comes up with.

Stacy said he will follow up with Harland, and Rhonda let him know that the person to contact at BLM would be Michael Kelly.

The next SMAC meeting will be in Burns on September 29th and 30th.

Tara will send the SMAC members links to the EAs.

Fred brought up that when BLM is analyzing water developments, they should look at different uses for the water developments. For example, he thinks that the North Steens Equestrian site would be a good place for a big tank that could possibly provide water for fire protection.

Tara told the SMAC about a county court meeting that they were welcome to attend and asked if anyone else had anything else they wanted to discuss.

Fred thanked a young lady for visiting and attending the SMAC meeting and told her SMAC is concerned for the wild horses and about a lot of ecological impacts. The young lady expressed her interest in learning more about the situation of the wild horses.

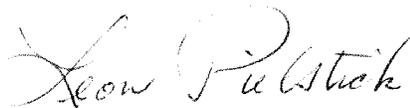
Tara reminded everyone to submit their paperwork for mileage and hotel reimbursement.

The meeting was 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:".