

Wilderness Inventory Unit Index of Documents  
**Lower Cow Lake OR-036-052, 22 total pages**

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**Prepared by:**  
**U.S. Department of the Interior**  
**Bureau of Land Management**  
**Vale District Office**  
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## **H-6300-1-WILDERNESS INVENTORY MAINTENANCE IN BLM OREGON/WASHINGTON**

### **APPENDIX B – INVENTORY AREA EVALUATION**

#### **Evaluation of Current Conditions:**

- 1) Document and review the existing BLM wilderness inventory findings on file, if available, regarding the presence or absence of individual wilderness characteristics, using Form 1, below.
- 2) Consider relevant information regarding current conditions available in the office to identify and describe any changes to the existing information (use interdisciplinary (ID) team knowledge, aerial photographs, field observations, maps, etc.), and document your findings on Form 2, below.

When Citizen Information has been submitted regarding wilderness characteristics, document the submitted materials including: date of Submission; Name of District(s) and Field Office(s) Affected; Type of material Submitted (e.g. narrative, map, and photos). Evaluate any submitted citizen information regarding the validity of proposed boundaries of the unit(s), the existence of roads and other boundary features, the size of the unit(s), and the presence or absence of wilderness characteristics based on relevant information available in the office (prior BLM inventories, ID team knowledge, aerial photographs, field observations, maps, etc.)

Conduct field reviews as necessary to verify information and to ascertain current conditions. Reach conclusions on current conditions including boundaries, size of areas and presence or absence of wilderness characteristics. Fully explain the basis for each conclusion on form 2, including any critical differences between BLM and citizen information.

Document your findings regarding current conditions for each inventoried area. Describe how the present conditions are similar to, or have changed from, the conditions documented in the original wilderness inventory. Document your findings on Form 2 for each inventory area. Cite to or attach data considered, including photographs, maps, GIS layers, field trip notes, project files, *etc.*

Year: 2011 Unit Number/Name: OR-036-052 – Lower Cow Lake

**FORM 1 -- DOCUMENTATION OF BLM WILDERNESS INVENTORY  
FINDINGS ON RECORD**

**1. Is there existing BLM wilderness inventory information on all or part of this area?**

Yes  No  (If yes, and if more than one unit is within the area, list the names of those units.):

**A.) Inventory Source(s) -- (X)** Denotes all applicable BLM Inventory files, printed maps, or published BLM Decision documents with information pertaining to this unit.

**Wilderness Inventories**

- (X) 1978-1980 – BLM Wilderness Inventory Unit OR-03-09-16 Cow Butte; and 3-128 of OR-03-09-15 Jordan Craters (unpublished BLM documents stored in Vale District case files)
- (X) April 1979 – *Wilderness -- Proposed Initial Inventory – Roadless Areas and Islands Which Clearly Do Not have Wilderness Characteristics, Oregon and Washington*

**Wilderness Decision Documents**

- (X) August 1979 – *Wilderness Review – Initial Inventory, Final Decision on Public Lands Obviously Lacking Wilderness Characteristics and Announcement of Public Lands to be Intensively Inventoried for Wilderness Characteristics, Oregon and Washington* (green document)
- ( ) October 1979 – *Wilderness Review – Intensive Inventory - Oregon, Proposed Decision on the Intensive Wilderness Inventory of Selected Areas* (grey document).
- (X) March 1980 – *Wilderness Review – Intensive Inventory; Final Decisions on 30 Selected Units in Southeast Oregon and Proposed Decisions on Other Intensively Inventoried Units in Oregon and Washington* (orange document)
- (X) November 1980 - *Wilderness Inventory – Oregon and Washington, Final Intensive Inventory Decisions* (brown document)
- ( ) November 1981 *Stateline Intensive Wilderness Inventory Final Decision, Oregon, Idaho, Nevada, Utah* (tan document).

**B.) Inventory Unit Name(s)/Number(s)**

BLM OR-03-09-16 Cow Butte; and 3-128 of OR-03-09-15 Jordan Craters

**C.) Map Name(s)/Number(s)**

- (X) Final Decision – Initial Wilderness Inventory Map, August 1979, Oregon
- (X) Proposed Decision -- Intensive Wilderness Inventory of Selected Areas Map, October 1979, Oregon
- (X) Intensive Wilderness Inventory Map, March 1980, Oregon
- (X) Intensive Wilderness Inventory --Final Decisions Map, November 1980, Oregon.
- ( ) November, 1981 *Stateline Intensive Wilderness Inventory Final Decision, Oregon, Idaho, Nevada, Utah* (tan document).

**D.) BLM District(s)/Field Office(s)**

Vale District Office

Jordan Field Office

**2. BLM Inventory Findings on Record**

(Existing inventory information regarding wilderness characteristics (if more than one BLM inventory unit is associated with the area, list each unit and answer each question individually for each inventory unit):

**Inventory Source:** See above.

Unit# / Name	Size (historic acres)	Natural Condition? Y/N	Outstanding Solitude? Y/N	Outstanding Primitive & Unconfined Recreation? Y/N	Supplemental Values? Y/N
OR-03-09-16 Cow Butte	1,040	*	*	*	*
3-128 of OR-03-09-15 Jordan Craters	31,130	Y	Y	Y	Y
<b>TOTAL</b>	32,170				

\*-These criteria were not addressed during the inventory of this unit.

## **H-6300-1-WILDERNESS INVENTORY MAINTENANCE IN BLM OREGON/WASHINGTON**

### **APPENDIX B – INVENTORY AREA EVALUATION**

#### **Evaluation of Current Conditions:**

1) Document and review the existing BLM wilderness inventory findings on file, if available, regarding the presence or absence of individual wilderness characteristics, using Form 1, below.

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When Citizen Information has been submitted regarding wilderness characteristics, document the submitted materials including: date of Submission; Name of District(s) and Field Office(s) Affected; Type of material Submitted (e.g. narrative, map, photo). Evaluate any submitted citizen information regarding the validity of proposed boundaries of the unit(s), the existence of roads and other boundary features, the size of the unit(s), and the presence or absence of wilderness characteristics based on relevant information available in the office (prior BLM inventories, ID team knowledge, aerial photographs, field observations, maps, etc.)

Conduct field reviews as necessary to verify information and to ascertain current conditions. Reach conclusions on current conditions including boundaries, size of areas and presence or absence of wilderness characteristics. Fully explain the basis for each conclusion on form 2, including any critical differences between BLM and citizen information.

Document your findings regarding current conditions for each inventoried area. Describe how the present conditions are similar to, or have changed from, the conditions documented in the original wilderness inventory. Document your findings on Form 2 for each inventory area. Cite to or attach data considered, including photographs, maps, GIS layers, field trip notes, project files, *etc.*

## **FORM 2 -- DOCUMENTATION OF CURRENT WILDERNESS INVENTORY CONDITIONS**

**Unit Number/Name – OR-036-052-- Lower Cow Lake (Contiguous)**

**Note:** In February, 2004, the Vale District received from Oregon Natural Desert Association (ONDA) its evaluation of wilderness characteristics for the Association's 1,992 acre "Lower Cow Lake proposed WSA Addition". The boundaries of the association's proposal and of BLM unit OR-036-052 are quite different. BLM has included seven separate areas that form the Lower Cow Lake Contiguous unit for a total of 1,731 acres. BLM has not included an area south and east of BLM Road 036-RT5 as part of the unit. ONDA's has included the area south of BLM Road 036-RT5 that forms a boundary for BLM Unit OR-036-052 in their Lower Cow Lakes proposed WSA Addition and described BLM Road 036-RT5 as a "way" designated by their routes JC11, JC12, and JC13a. This presents a problem of whether ONDA is correct in calling this section of BLM Road 036-RT5 an actual road or a way. Please refer to BLM's Road analysis for Road 036-RT5 where BLM has provided information about ONDA's routes JC11, JC12, and JC13a and has determined that it meets the definition of a road for inventory purposes. For reference, a hard copy of ONDA's proposal is retained in this unit's file.

**Description of Current Conditions:** [Include land ownership, location, topography, vegetation features and summary of major human uses/activities.]

### **1. Is the unit of sufficient size?**

Yes   X   No           

**Description:** Refer to Lower Cow Lake inventory unit's associated Map 1 for its location. Unit OR-036-052 is comprised of seven parcels totaling 1,731 acres of public land that are contiguous with Jordan Craters WSA. The largest parcel is comprised of 972 acres, the next largest is about 659 acres while the remaining five small parcels total approximately 100 acres. Acreage for unit OR-036-052 is calculated from BLM GIS information. The 32,170 acreage in Form 1 reflects the final extent of the Jordan Craters 3-128 unit (currently the Jordan Craters WSA) as described in Oregon's November, 1980 Intensive Wilderness Inventory -- Final Decisions Map document. Present inventory acreage is a function of improved technology and the difference between methods and maps used in the initial inventories.

The majority of the acreage within BLM Unit OR-036-052 was previously excluded from Unit 3-128 during the 1980 final inventory or from the Jordan Craters WSA when proposed by BLM in 1980s. A common contiguous boundary of each of these seven parcels with the Jordan Craters WSA exists because the boundaries of the seven parcels are either a vehicle road that, in

the late 1970's BLM described as a boundary roads or is now the extreme high water level contour of Lower Cow Lake. The OR-036-052 Unit's boundary around Lower Cow Lake now excludes only that portion within the lake that is under the jurisdiction of the State of Oregon. For this wilderness characteristic inventory maintenance, both the roads and the extreme high water extent of the water level of Lower Cow Lake are valid boundary features for the inventory unit. Thus -- being contiguous to the WSA -- regardless of its size -- each of the seven contiguous parcels meet size criteria.

Besides the original boundary of the Jordan Craters WSA on the north and northwest, and west sides of the unit, the remaining boundaries of BLM Unit OR-036-052 are the utility/road corridor of BLM Road 7309-0-00 for the largest parcel on its east side and private land parcels on its east side for the southern and next largest parcel, BLM Road 7304-0-00 on its southwest side, and a short section of a BLM un-numbered road on its west side extending from BLM Road 7304-0-00 northward to the Jordan Craters WSA. The new contiguous unit in conjunction with the existing boundary of the Jordan Craters WSA borders a block of private land parcels totaling 320 acres in the central west portion of the unit. County Road 798 and BLM Roads 7304-0-00 and 7309-0-00 receive mechanical maintenance as needed to provide for on a regular and continuous (seasonal) use.

## 2. Is the unit in a natural condition?

Yes  No  N/A

**Description:** The unit is dominated by a ridge of low profiled rolling hills throughout the center of the unit from east to west while to the north and south of these hills the remaining land form of the unit consists mainly of nearly flat terrain. The northern portion of the unit entirely surrounds Lower Cow Lake that is under the jurisdiction of the State of Oregon. Elevations within the unit range from 4,300 feet at the tip of the most southern parcel to 4,389 feet located just south of the southern shoreline of Lower Cow Lake. Most of the unit's drainage flows into Lower Cow Lake. Lower Cow Lake then spills into a canal that flows southward as Cow Creek through private irrigated lands south of the unit. Vegetation on the uplands consists predominately of big and low sagebrush with native grass species. Areas within the unit surrounding Lower Cow Lake contain palustrine wetlands consisting of marshland with riparian shrubs species and emergent vegetation (vegetation that is rooted below water but grows above the surface). These wetlands range from permanently saturated or flooded land (marshes) to land that is wet only seasonally or intermittently flooded because of irrigation demands upon the lake from late spring throughout the summer.

Refer to this inventory unit's associated Map 1 and Map 2 for its human developments. They include 0.2 miles of fence, 1.1 miles of five motorized primitive trails (MPTs) and the Lower Cow Lake dam, spillway, and canal system. Combined with the natural condition of the contiguous WSA, and the imprint of mankind being substantially unnoticeable to the average visitor the seven parcels contiguous with the WSA are overall, affected primarily by the forces of nature.

### 3. Does the unit have outstanding opportunities for solitude?

Yes  No  N/A

**Description:** Unit OR-036-052 consists of seven parcels of various shapes and acreages. All six parcels are contiguous with the Jordan Craters Hills WSA. For the Jordan Craters WSA, BLM previously determined that outstanding opportunity for solitude exists within the WSA. Topography along the northern, western and southern boundaries provides less effective screening. These areas, along with Coffee Pot Crater, Cow Lakes, Crater Lake and Batch Lake, receive the highest visitor use; consequently, opportunities for seclusion are not as great here. Sights and sounds of activities outside of the WSA include vehicle travel on boundary roads and dead-end access roads, recreation at Cow Lakes, ranching activities to the east and southeast of the WSA, and military aircraft training flights overhead. These intrusions are generally brief or distant and do not penetrate far into the WSA. The WSA's outstanding opportunities for solitude are provided primarily by its rolling volcanic lava field terrain sufficient to provide screening between visitors.

Although each of the seven parcels where natural condition is present in unit OR-036-052 they do not individually possess outstanding opportunities for solitude, but are a contiguous extension in area for those opportunities for solitude identified within the Jordan Craters WSA. BLM concludes that these identified parcels in a natural condition do provide a very slight enhancement of the outstanding opportunities for solitude with the contiguous WSA. BLM concludes that unit OR-036-052 does provide outstanding opportunities for solitude.

### 4. Does the unit have outstanding opportunities for primitive and unconfined recreation?

Yes  No  N/A

**Description:** Unit OR-036-052 consists of seven parcels of various shapes and acreages. All five parcels are contiguous with the Jordan Craters Hills WSA. For the Jordan Craters WSA, BLM previously determined that outstanding opportunity for primitive and unconfined recreation exists within the WSA. The eastern three quarters of the Jordan Craters WSA offer excellent opportunities for spelunking. A complete inventory of the lava caves has not been conducted. Only the caves near Coffee Pot Crater have been explored. The scenic quality in this portion of the WSA is outstanding because of the variety of scenery due to the lava flows. The WSA offers exceptional



sightseeing of the botanic, geologic and ecologic features throughout the lava field area. Excellent opportunities for bird watching and nature photography are available around Batch Lake, and day hiking, backpacking and camping are usually associated with these activities.

Because the unit is contiguous with the Jordan Craters WSA opportunities for primitive and unconfined types of recreation are the same as those previously determined by BLM to be present in the contiguous Jordan Craters WSA. Recreational opportunities within the unit include hiking, camping, horseback riding, photography, bird watching, general sightseeing, and hunting of common game species (chukar, antelope, and deer). These recreation opportunities -- individually or in combination -- are not considered to be outstanding but because the unit is contiguous with the WSA, BLM concludes that unit OR-036-052 does provide outstanding opportunities for primitive and unconfined recreation.

#### 5. Does the unit have supplemental values?

Yes   X   No \_\_\_\_\_ N/A \_\_\_\_\_

**Description:** Unit OR-036-052 consists of seven parcels of various shapes and acreages. All five parcels are contiguous with the Jordan Craters Hills WSA. For the Jordan Craters WSA, BLM previously determined that supplemental values (such as geologic, fauna, and flora) exist within the WSA. Because the unit is contiguous with the Jordan Craters WSA supplemental values is an extension of those previously determined by BLM to be present with in the contiguous Jordan Craters WSA.

The area in the eastern three-quarters of the WSA represents a preserved example of the volcanic aspects of geologic history. This area contains basaltic lava that may be between 4,000 and 9,000 years old. Because the lava flow is relatively geologically recent, there has been minimal erosion of the unique volcanic features such as kipukas (isolated islands of exposed lava that are older than the surrounding lava flows), pahoehoe (smooth) lava, pressure ridges, lava channels, pits, tubes and blisters, spatter cones and a large cinder cone.

BLM has identified more than 300 species of wildlife as well as numerous plant species, and five unique and unusual habitats that are associated the Jordan Craters lava flow within the Jordan Craters WSA (Wilderness Study Report October, 1991). A number of plant species are uncommon to this area and are of special interest within the WSA. An estimated 200 species of birds use the open water areas within and immediately adjacent to the study area. A wide variety of spring and fall migrating birds are temporary occupants. Several unusual bird species are drawn to the area at various times of the year, including white pelican, black-crowned night heron, sandhill crane, long-billed curlew (a Federal candidate for listing under the Endangered Species Act), and northern bald eagle (Federally listed as threatened in Oregon) which uses Batch Lake during fall

and spring passage. Townsend's big-eared bat, which inhabits the caves in the WSA, is a Federal candidate for listing under the Endangered Species Act.

The unit also contains a portion of the 29,785 acre Jordan Craters Area of Critical environmental Concern/Research Natural Areas (ACEC/RNA). This ACEC/RNA has been identified for its historic, cultural, and scenic values; special status plants; vegetation community type of big sagebrush/bluebunch wheatgrass; outstanding geologic features of recent lava flows; relict vegetation sites; wildlife habitat including high-quality riparian areas; natural hazards from collapsed lava pits and contraction cracks.

ONDA has identified a list of plant and animal species that occur within their Lower Cow Lake proposed WSA Addition area. Most all of these species are identified within the Jordan Craters WSA. ONDA states that its Lower Cow Lake proposed WSA Addition may provide habitat for the Ferruginous Hawk, Pygmy Rabbit, and White-tailed Antelope Squirrel, and are all "sensitive species" by the State of Oregon. BLM recognizes – at this point in time -- the Pygmy Rabbit as a BLM special status animal species and acknowledges that habitat requirements may exist for the ferruginous hawk and the white-tailed antelope squirrel; however, neither ONDA nor any other entity has provided BLM official documentation of the presence of these mentioned species, or of the Pygmy Rabbit, in this inventory unit. ONDA also stated that they have identified a Horned Lark within the unit and referred to it as a sensitive species in Oregon. BLM agrees that the horned lark is native to the area but upon further review has determined that the only horned lark listed by the state is the streaked horned lark that occurs mostly on private land in western Oregon and would not be found within the unit. ONDA also states that the SEORMP notes sage grouse leks in Lower Cow Lake proposed WSA Addition. BLM has identified a sage grouse lek near but adjacent to the OR-036-052 unit that is located within the utility corridor that forms the eastern boundary of the unit.

**Summary of Findings and Conclusion**

**Unit Name and Number:** OR-036-052 – Lower Cow Lake

**Summary Results of Analysis:**

- 1. Does the area meet any of the size requirements?   X   Yes        No
- 2. Does the area appear to be natural?        Yes   X   No
- 3. Does the area offer outstanding opportunities for solitude or a primitive and unconfined type of recreation?        Yes   X   No        NA
- 4. Does the area have supplemental values?        Yes   X   No        NA

**Conclusion -- check one:**

  X   The area, or a portion of the area, has wilderness character.

       The area does not have wilderness character.

**Prepared by:** Jack Wenderoth 4-5-11  
Jack Wenderoth, Planning Contractor

**Team Members:**

<u>Aimee Huff</u> Aimee Huff, Rangeland Management Specialist	<u>4/5/2011</u> Date
<u>Eian Ray</u> Eian Ray, GIS Specialist, Contractor	<u>4-5-11</u> Date
<u>Garth R. Ross</u> Garth Ross, Wildlife Biologist	<u>4/5/2011</u> Date
<u>Brent Grasty</u> Brent Grasty, GIS Coordinator	<u>4/5/11</u> Date

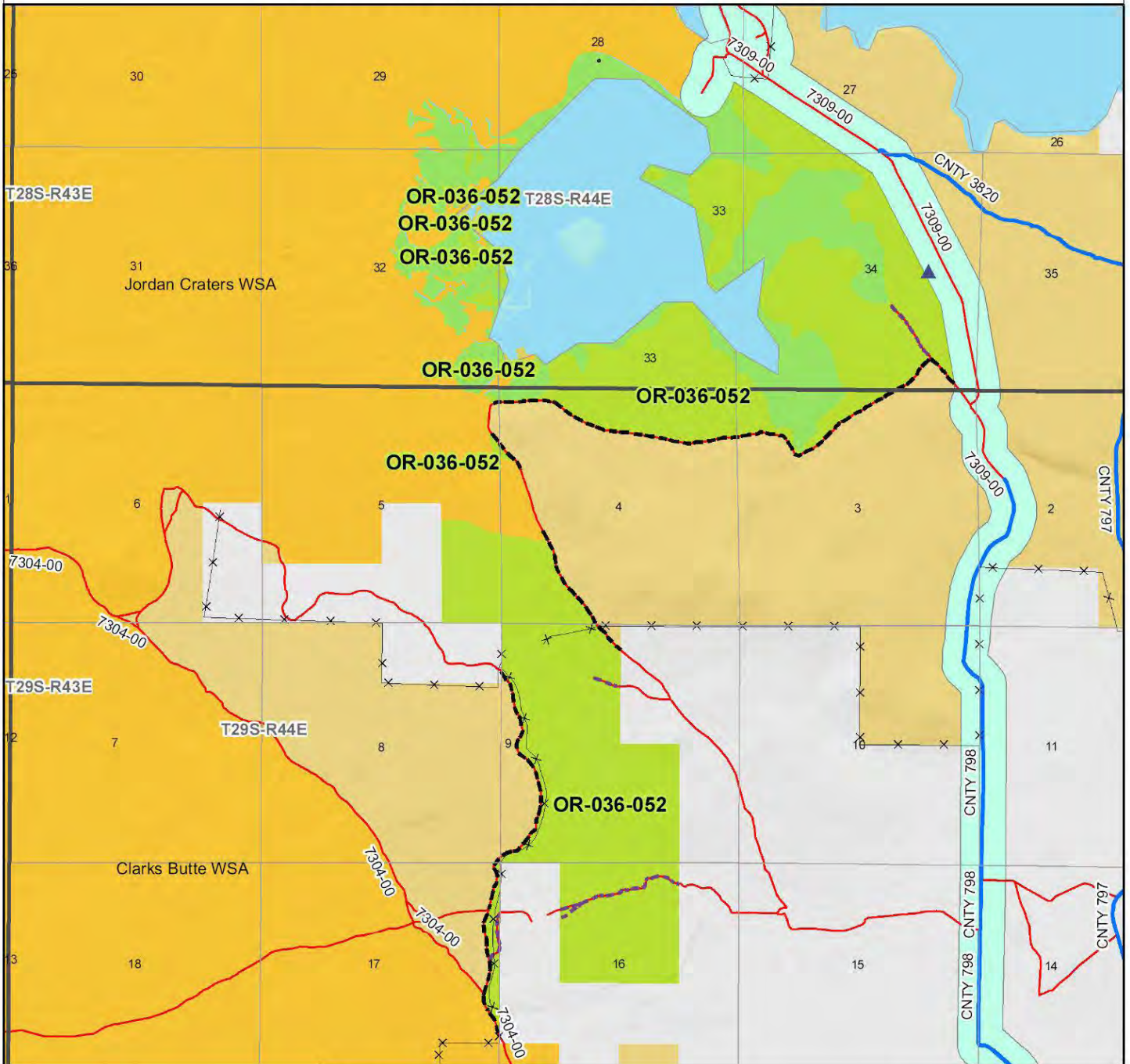
**Approved by:**

Carolyn R. Freeborn 4/5/2011  
Carolyn Freeborn, Jordan Resource Area Field Manager Date

*This form documents information that constitutes an inventory finding on wilderness characteristics. It does not represent a formal land use allocation or a final agency decision subject to administrative remedies under either 43 CFR parts 4 or 1610.5-2.*

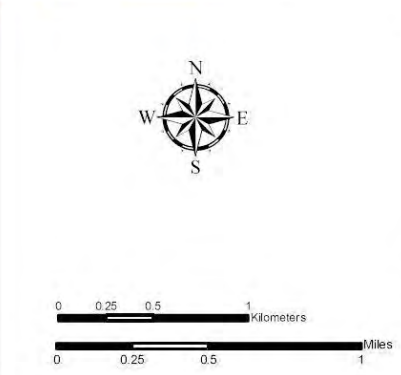
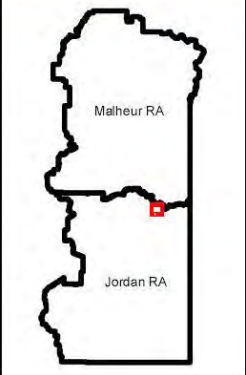
# Wilderness Characteristics - Overview


## Lower Cow Lake - OR-036-052 - Map 1A of 1



**Legend**

<ul style="list-style-type: none"> <li> Developed Spring</li> <li> Wildlife Guzzler</li> <li> Earthen Reservoir</li> <li> Pipeline</li> <li> Trough</li> <li> Fence</li> <li> Storage Tank</li> <li> Surface Mining Disturbance</li> <li> Sage Grouse Lek</li> <li> Special Status Plant</li> <li> BLM Wild Char Inventory Unit</li> <li> Wilderness Study Area</li> <li> Mineral Material Site</li> <li> Road/Utility Right-of-Way</li> <li> Major Water Body</li> </ul>	<ul style="list-style-type: none"> <li> Route Types - BLM Determination</li> <li> Boundary Road</li> <li> Motorized Primitive Trail (MPT)</li> <li> Discontinued Use</li> <li> Routes - Outside Wild Char Unit</li> <li> Major Highway</li> <li> BLM Numbered &amp; Other Routes</li> </ul> <p><b>Land Ownership</b></p> <ul style="list-style-type: none"> <li> Bureau of Land Management</li> <li> State</li> <li> Private</li> <li> Other Federal Land</li> </ul>
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**VALE DISTRICT**  
 January 6, 2011

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--FINAL--

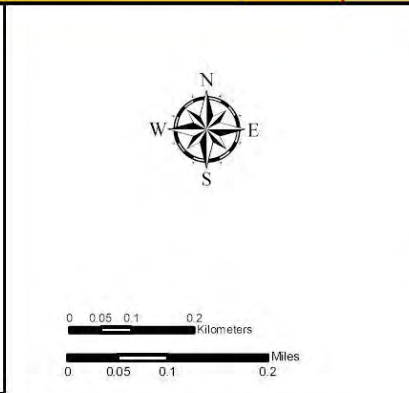
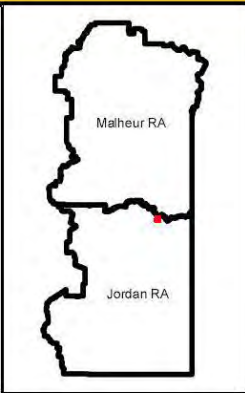
# Wilderness Characteristics - Overview

## Lower Cow Lake - OR-036-052 - Map 1B of 1



**Legend**

<ul style="list-style-type: none"> <li> Developed Spring</li> <li> Wildlife Guzzler</li> <li> Earthen Reservoir</li> <li> Pipeline</li> <li> Trough</li> <li> Fence</li> <li> Storage Tank</li> <li> Surface Mining Disturbance</li> <li> Sage Grouse Lek</li> <li> Special Status Plant</li> <li> BLM Wild Char Inventory Unit</li> <li> Wilderness Study Area</li> <li> Mineral Material Site</li> <li> Road/Utility Right-of-Way</li> <li> Major Water Body</li> </ul>	<ul style="list-style-type: none"> <li><b>Route Types - BLM Determination</b></li> <li> Boundary Road</li> <li> Motorized Primitive Trail (MPT)</li> <li> Discontinued Use</li> <li><b>Routes - Outside Wild Char Unit</b></li> <li> County</li> <li> Major Highway</li> <li> BLM Numbered &amp; Other Routes</li> <li><b>Land Ownership</b></li> <li> Bureau of Land Management</li> <li> State</li> <li> Private</li> <li> Other Federal Land</li> </ul>
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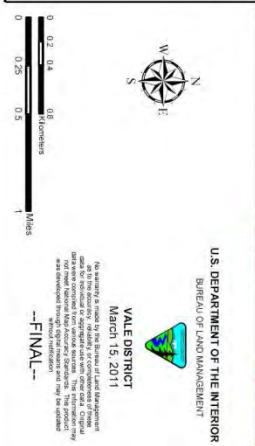
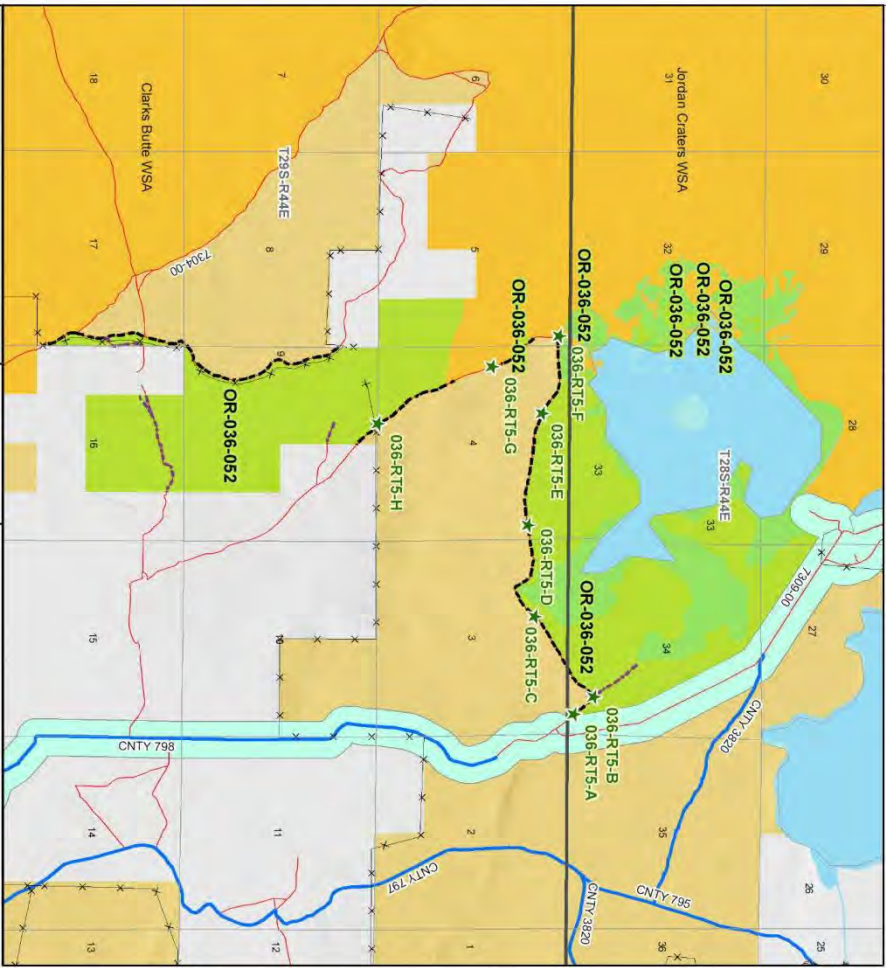
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**VALE DISTRICT**  
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--FINAL--

Wilderness Characteristics - BLM Photo Points  
Lower Cow Lake - OR-036-052



Wilderness Characteristics - BLM Photo Points  
Lower Cow Lake - OR-036-052

PHOTO LOCATION	DIRECTION	PHOTO TYPE	PHOTO DATE	COMMENTS
036-RT5-A	NW	Route	20080821	Front, beginning of 036-RT5
036-RT5-A	SE	Route	20080821	Back, beginning of 036-RT5
036-RT5-B	SW	Route	20080821	Front, intersection
036-RT5-B	SE	Route	20080821	Back, intersection
036-RT5-C	SW	Route	20080821	Front
036-RT5-C	NE	Route	20080821	Back
036-RT5-D	W	Route	20080821	Front
036-RT5-D	E	Route	20080821	Back
036-RT5-E	W	Route	20080821	Front
036-RT5-E	E	Route	20080821	Back
036-RT5-F	N	Project	20080821	OR-036-052-F-N, Parks Dam
036-RT5-F	E	Route	20080821	Front
036-RT5-G	NW	Route	20080821	Back
036-RT5-G	SE	Route	20080821	Front, end of 036-RT5, cattle gate
036-RT5-H	NW	Route	20080821	Back, end of 036-RT5

Note: The BLM Wild Char PhotoPoints displayed on the map are labeled with their Photo Locations. The BLM Photo Log table shown above lists the photos taken at their respective Photo Locations. Multiple photos may be taken at each Photo Location. Scenery and Project Photo Type pictures have their photo names provided in the Comments field.



036-RT5-A-NW.JPG



036-RT5-B-SW.JPG



036-RT5-D-E.JPG

OR-036-052 Lower Cow Lake Page 1



036-RT5-A-SE.JPG



036-RT5-C-NE.JPG



036-RT5-D-W.JPG



036-RT5-B-SE.JPG



036-RT5-C-SW.JPG



036-RT5-E-E.JPG



036-RT5-E-W.JPG



036-RT5-H-NW.JPG

**OR-036-052 Lower Cow Lake Page 2**



036-RT5-G-NW.JPG



036-RT5-H-SE.JPG



036-RT5-G-SE.JPG



OR-036-052-F-N.JPG



**H-6300-1-WILDERNESS INVENTORY MAINTENANCE  
IN BLM OREGON/WASHINGTON**

**APPENDIX C – ROAD\* ANALYSIS**

(Factors to consider when determining whether a route is a road for wilderness inventory purposes)

**Wilderness Inventory Unit Name/Number (UNIT\_ID): OR-036-052 – Lower Cow Lake**

**NOTE:** This unit is affected by ONDA’s proposed Lower Cow Lake proposed WSA Addition

**Route Name and/or Identifier** (*Include Transportation Plan Identifier, if known; include route number supplied by citizen information when available*):

BLM Road 036-RT5

ONDA designated BLM Road 036-RT5 as routes “way” JC11, JC12, and JC13a

- I. LOCATION:** See attached map. BLM Unit OR-036-052 contains BLM Road 036-RT5 as the Southeast boundary of the unit.

**List photo point references:**

BLM Road 036-RT5 photos 036-RT-A – 036-RT5-H (16 photos); photo OR-036-052-F-N (photo of dam outlet)

ONDA route (way) JC11 photos CB 027, CB 035-038, and CB 018 (CB19 mislabeled [canal]); ONDA route (way) JC12 photos CB 019 (CB018 mislabeled), CB 022-023, CB 025, and CB 028; and ONDA route (way) JC13a photos 002 and CB020

**II. CURRENT PURPOSE OF ROUTE:**

*(Examples: Rangeland/Livestock Improvements (stock tank, developed spring, reservoir, fence, corral), Inholdings (ranch, farmhouse), Mine Site, Concentrated Use Site (camp site), Utilities (transmission line, telephone, pipeline), Administrative (project maintenance, communication site, vegetation treatment)*

**Describe:** BLM Road 036-RT5 is utilized mainly for reservoir dam and outlet administration and maintenance by the local irrigation users on an annual basis and by ranchers and BLM staff for the administration of rangeland resources and livestock grazing. The road is also used on a seasonal basis during the summer all months by hunters and recreationist to access Lower Cow Lake. BLM Road 036-RT5 photographs 036- RT5-A– 036-RT5-H (16 photos) and photograph OR-

036-052-F-N indicates that BLM Road 036-RT5 receives a level of use along its course and most probable by those people described above.

ONDA describes BLM Road 036-RT5 as three sections of “ways,” JC11, JC 12, and JC 13a. ONDA states that the JC11, JC 12, and JC 13a routes of the Lower Cow Lake proposed WSA Addition are, partly overgrown, not improved, rutted, rocky, little sign of use (see photos CB 002, 018-020, 022-023, 025, 027-028, and 035-038) is used for spring/reservoir and ranch/farm use, and goes to Parks Dam. ONDA further goes on to describe the boundaries of their proposed unit as, “Lower Cow Lake proposed WSA Addition is bounded by Lower Cow Lake RD to the north and east, private property to the south, and JC11 and JC14 to the west. Within this unit, there are no roads.” These are both ways and do not constitute a boundary. Therefore, Lower Cow Lake proposed WSA Addition is contiguous with Jordan Craters WSA.

Although BLM agrees with ONDA that the Lower Cow Lake unit is contiguous with the Jordan Carters WSA, BLM disagrees with ONDA’s description of use for BLM Road 036-RT5 because of the information BLM has presented above stating who and why the road is traveled in addition to the photographs indicating that the road is traveled on a regular and continuous basis.

### III. ROAD RIGHT-OF-WAY:

**Is a road right-of-way associated with this route?**

Yes \_\_\_\_\_ No  X  Unknown \_\_\_\_\_

### IV. CONSTRUCTION

Yes  X  No \_\_\_\_\_

**Examples:** Paved \_\_\_\_\_ Bladed  X  Graveled \_\_\_\_\_  
Roadside Berms  X  Cut/Fill \_\_\_\_\_ Other \_\_\_\_\_

**Describe:** BLM Road 036-RT5 was constructed or improved most probably by BLM sometime with heavy equipment during the 1950s-1960s. The road was first bladed by private land owners and contractors in 1916-1917 to access the Lower Cow Lake dam site to construct the retention dam and outlet structure. No exact date for road construction can be found for either action. BLM Road 036-RT5 consists of natural on-site material.

BLM Road 036-RT5 contains berms along section of both sides of the bladed roadbed. The majority of the berms along the roadbed are now covered mostly by perennial vegetation along with minor amounts of annual plants since the berms have not been bladed for many years. Currently in an effort to reduce weed establishment along roads on public land the BLM blades only the roadbed when performing maintenance and not the entire width of the road that included berms and ditches when the road was originally constructed.

Existing roadside berms are not particularly pronounced in some segments of BLM Road 036-RT5, especially in areas where the roadway travels over small hill tops (BLM photos 036-RT5-C-NE and 036-RT5-E-E) or in relatively flat topography (BLM photos 036-RT5-A-NW and 036-RT5-B-SE) since these areas require little maintenance to remain passable by vehicles. In other areas along BLM Road 036-RT5 some of the berms are covered with brush as well as sediment filling in the some of the remaining depth of ditches (BLM photo 036-RT5-E-W).

ONDA's information about roads in their 2004 document for the Lower Cow Lake proposed WSA Addition referred to their routes JC11,12, and 13a photos CB 002, 019, 020, 022, 023, 025, 027, 028, 035-038 that cover sections of BLM Road 036-RT5. Based on these photographs and field information, ONDA determined that BLM Road 036-RT5 was not a road but a way. BLM does not support ONDA's conclusion based on BLM photographs and on field reconnaissance. ONDA's photographs and information for BLM Road 036-RT5 were recorded during in May of 2004 when roads are not as well traveled as they are in the summer and fall. ONDA's photographs (CB 002, 019, 035, ) record various quantities of annual plants that cover the roadway and make it appear that BLM Road 036-RT5 is not well used, has not received maintenance, and contains plants. BLM has observed that the vast majority of annual plants covering the roadbed die off by early summer and disappear once vehicle use increases (BLM photos sets 036-RT5-B, C, and E) by recreationist, ranchers, BLM staff, and then by hunters during the fall period of use.

## V. IMPROVEMENTS

Yes  No

By Hand Tools  By Machine

Examples: Culverts  Stream Crossings  Bridges   
 Drainage  Barriers  Other

**Describe:** A few sections of BLM Road 036-RT5 (BLM photo 036-RT5-E-W) contain ditches along the roadbed to drain water from the road and are usually part of the original construction. Therefore, the drainage ditches are considered an improvement even through many roads throughout the Vale District may not contain this feature.

## VI. MAINTENANCE:

**A. Is there Evidence or Documentation of Maintenance using hand tools or machinery?** Yes  No

If yes: Hand Tools (Y/N)  Machine (Y/N)

**Explain:** Up until now BLM has been unable to locate a written record of when maintenance was last performed on this section of BLM Road 036-RT5. The roadway has received maintenance as needed throughout the past 10 years as evident by BLM photographs of the road width and the vast majority of the roadbed and some berm remnants being void of perennial vegetation.

BLM has conducted maintenance to BLM Road 036-RT5 over time as needed to keep this route passable. Earthen berms and drainage ditches on the edge of the road in photographs 036-RT5-set B and E-W show maintenance work that has been performed on BLM Road 036-RT5 in the past since the road was constructed. Although it has been many years since maintenance has been performed on the entire length of BLM Road 036-RT5, it is evident from photographs BLM has taken, that little to no maintenance is needed to keep the roadbed in good operational condition.

**B. If the route is in good condition, but there is no evidence of maintenance, would mechanical maintenance with hand tools or machines be approved by BLM in the event this route became impassable?**

Yes   X   No       

**Comments:** Although there is no recent (1-3 years) evidence of maintenance on BLM Road 036-RT5, BLM will approve maintenance with hand tools or machine as needed when road conditions warrant actions to keep it in a usable condition. Maintenance will be conducted in this road because it is a well-used access loop road for annual operation and maintenance of the irrigation outlet of the Lower Cow Lake dam, access to the lake by recreationist, and access for ranchers and BLM staff for administration purposes.

BLM Road 036-RT5 receives annual use, as evidence by the lack of brush in the roadway and by well-used bare ground where vehicles travel. It should be noted that amounts of brush occur throughout the length of the road along berms. Vale District has reduced road maintenance needs on roads to only the roadbed and does not blade originally constructed berms unless vegetation encroachment on berms tend to restrict vehicular travel or blade ditches unless drainage from roadways is impeded (as evident in all photos for BLM Road036-RT5).

To reduce the potential for erosion and the establishment of invasive plant and weed species, BLM emphasizes minimal ground disturbance for road construction and maintenance, through Best Management Practices (BMPs) as described in the SEORMP, Appendix O. BMPs are designed to assist in achieving land use objectives for maintaining or improving water quality, soil productivity, and the protection of watershed resources from ground disturbing activities. Therefore, BLM does not grade many roads unless obstruction to vehicle passage is evident. To further reduce ground disturbance and to minimize disruption of natural drainage patterns, roads are kept to the minimal width necessary. Additional precautions are taken to reduce vegetation removal by retention of vegetation on cut-slopes unless it proposes a safety hazard or restricts

maintenance activities, and by conducting roadside brushing of vegetation in a way that prevents disturbance to plant root systems and does not create visual intrusions.

## VII. REGULAR AND CONTINUOUS USE:

Yes   X   No       

**Describe evidence (vehicle tracks observed) and other rationale for whether use has occurred and will continue to occur on a relatively regular basis:**

BLM Road 036-RT5 has received regular use each year and will continue to receive use by ranchers (as observed by current BLM staff) for the administration and project maintenance of a livestock grazing allotment, by BLM staff for administration of an allotment and WSA monitoring, by hunters during the fall months, by recreationist to access Lower Cow Lake, and by ranchers for irrigation control and maintenance as evident from the roadway and tire disturbance indicating continual use. This road is well traveled as indicted by all BLM photographs listed above and the minimal quantity of perennial plants that inhabit the roadbed of BLM Road 036-RT5. BLM Road 036-RT5 is wide along most of its length, and is clearly defined on the landscape.

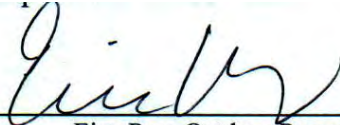
## VIII. CONCLUSION:

**To meet the definition of a road, items IV or V, and VI-A or B, and VII must be checked yes.**

Road: Yes   X   No       

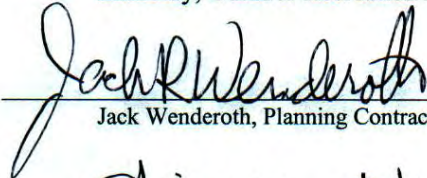
**Explanation:** BLM has determined that BLM Road 036-RT5 meets the definition of a road as stated in Sections IV, V, VI-A, VI-B, and VII above. BLM Road 036-RT5 was constructed by mechanical equipment, receives continuous seasonal use, and has been maintained since being constructed. BLM Road 036-RT5 would be approved by management for maintenance as needed if the road base became impassable to allow for future and continuous use on a regular basis.

Evaluator(s):



Eian Ray, Outdoor Recreation Planner

Date: 4-5-11



Jack Wenderoth, Planning Contractor

Date: 4-5-11



Aimee Huff, Range Management Specialist

Date: 4/5/2011

*Following is the definition from Glossary of OSO 7-3-2007 Draft H-6300-1:*

**\*road:** An access route which has been **improved and maintained** by **mechanical means** to insure **relatively regular and continuous use**. A way maintained solely by the passage of vehicles does not constitute a road.

The BLM will continue to base the definition of what constitutes a “road” from the FLPMA’s legislative history. The language below is from the House of Representatives Committee Report 94-1163, page 17, dated May 15, 1976, on what became the FLPMA. It is the only statement regarding the definition of a road in the law or legislative history.

“The word ‘roadless’ refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road.”

The BLM previously adopted and will continue to use the following sub-definitions of certain words and phrases in the BLM road definition stated above:

a. **“Improved and maintained”** – Actions taken physically by people to keep the road open to vehicle traffic. “Improved” does not necessarily mean formal construction. “Maintained” does not necessarily mean annual maintenance.

b. **“Mechanical means”** – Use of hand or power machinery or tools

c. **“Relatively regular and continuous use”** – Vehicular use that has occurred and will continue to occur on a relatively regular basis. Examples are: access roads for equipment to maintain a stock water tank or other established water sources; access roads to maintained recreation sites or facilities; or access roads to mining claims.

A road that was established or has been maintained solely by the passage of vehicles would not be considered a road, even if it is used on a relatively regular and continuous basis. Vehicle roads constructed by mechanical means but that are no longer being maintained by mechanical methods are not roads. Sole use of hands and feet to move rocks or dirt without the use of tools or machinery does not meet the definition of “mechanical means.” Roads need not be “maintained” on a regular basis but rather “maintained” when road conditions warrant actions to keep it in a usable condition. A dead-end (cherry-stem) road can form the boundary of an inventory area and does not by itself disqualify an area from being considered “roadless”.