

**Steens Mountain Advisory Council
Public Lands Access Subcommittee Meeting
July 8–9, 2019 FINAL Summary Minutes**

The Steens Mountain Advisory Council, Public Lands Access Subcommittee Meeting (SMAC) met July 9, 2019, in Frenchglen, Oregon. On July 8, they took a tour on Steens Mountain. 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 absent themselves from the meeting when the Council discusses matters in which a conflict of interest may occur.

In attendance

SMAC members in attendance

- Ruthie Danielsen, Private Landowner Representative
- John F. Helmer, Dispersed Recreation Representative
- Pete Runnels, Recreation Permit Holder Representative
- Fred Otley, Grazing Permittee Representative
- Terry Turner, Fish and Recreational Fishing Representative

SMAC members absent

- Erik Hawley, Burns Paiute Tribe Representative

Vacant SMAC positions

- Environmental interests for the State as a whole Representative
- Environmental interests from the local area Representative
- Grazing Permittee Representative (second position)
- Mechanized/consumptive recreation Representative
- No financial interest in the CMPA Representative
- Wild Horse and Burro Representative

Members of the public

- Scott Campbell, Silvies Valley Ranch and member of the public
- Jake Jakubik, Riddle Ranch host and member of the public
- Colby Marshall, Silvies Valley Ranch and member of the public
- Leon Pielstick, formerly Wild Horse and Burro Representative, currently member of the public
- Andrew Shields, Roaring Springs Ranch and member of the public
- Kali Wilson, formerly Grazing permittee and member of the public, currently member of the public

BLM

- Jeff Rose, BLM, Burns District Manager

- Don Rotell, Acting Andrews/Steens Resource Area Field Manager
- Tara Thissell, BLM, Public Affairs Specialist
- Tom Wilcox, BLM, Wilderness Specialist

Housekeeping

Materials in packets:

- 2019/2020 calendar to discuss next meeting dates
- audience guidelines/public participation
- side conversations handout
- chapters 1 and 2 of Nature's Advocate EA with maps (distributed in advance to facilitate preparedness for the meeting's discussion)
- copy of the Steens Act
- email from John talking about the passage of the Steens Act, and including a summary of alternative C
- profile request – only in Ruthie's and Terry's packets. It is for new members to fill out so BLM can reimburse them for their travel expenses.
- copy of the press release for fuel breaks in the Great Basin (On the 8th when Jeff and Tara left early, it was to attend a public meeting about the Tristate Fuel Breaks Environmental Impact Statement (EIS) held at the Chamber of Commerce). Tara also has a brochure about the EIS if anyone wants to look at it.
- email from John concerning operating protocols
- copy of plans for the North Steens Equestrian Campground
- agenda

Informal Discussion of Filling SMAC Openings

John brought up that after the tour, he, Rob, Leon, Kali, Terry, and Ruth had an informal gathering to discuss electing a chair and chair elect and to talk about problems associated with the vacant positions on the SMAC. One of these is the difficulty of reaching out to the constituencies of unfilled positions. They suggested that SMAC members be more active in recruiting nominees. Tara encouraged SMAC to do talk to individuals, groups, do anything they can to recruit nominees.

Tara told SMAC that Kali's and Leon's nominations have been up in Washington since November 2018. The BLM is inquiring once or twice a week and keeps getting told they are still in vetting. A nomination period was closed in June; no applicants were received for State environmental rep or no financial interest reps (+ two others) despite lots of outreach. The BLM is following the national schedule for all resource advisory councils (RAC) throughout the west, so the next open renewal will be in October.

Tara sent SMAC members a link to the executive order that was issued in the middle of June regarding reanalyzing the advisory councils. The BLM hasn't seen any side direction or what this might mean for the groups. The SMAC is a little different from many resource councils because it's legislated and has its own public law standing behind it. The SMAC requested that if BLM hears anything they let SMAC know.

The SMAC does not currently have a quorum. They have five and need nine to act officially. The meetings since not having a quorum have had to be subcommittee meetings with online, posted membership. There has to be a great explanation for why SMAC has to have the subcommittee and a specific purpose for the group.

A SMAC member asked if the BLM listened to the committee's input without a quorum. Jeff and other BLM staff assured the SMAC that BLM does listen to the committee's input and values it greatly; Jeff particularly lauded their work on the Nature's Advocate issue.

John suggested that the current SMAC members reach out to some of the constituencies that don't currently have representatives. Terry is willing to cover environmental. Another SMAC member has some hunting contacts.

John read a prepared statement and requested that it be included in full in the minutes:

SMAC has not had a legitimate meeting since March 2017. Many meetings have been canceled and others held without a quorum. That means that we have gone well over two years without doing the work Congress intended when it formed SMAC. The failure to approve or even act on applications and reapplications of highly qualified candidates is shameful. The failure to reappoint Owyhee Weikel-Magden deserves particular mention. Owyhee was our chair, lead on the Nature's Advocate inholder initiative, and a very good representative of her constituency. She was among the best of us, a crucial part of our work, and should have been reappointed. The state of SMAC is deeply disturbing and I have given strong consideration to leaving the Council. In the end I decided to remain engaged so that I can follow through on commitments to the people I have asked to work with me on SMAC initiatives. I enjoy and respect each member of SMAC and value our work together but I have grave concerns about carrying forward with critical constituencies unrepresented and SMAC unable to meet. I just find it dishonest to pretend that this is anything close to what Congress intended for SMAC. So we carry on and work to get SMAC back on its feet but if this situation does not improve I suspect that many of us will choose to spend our time elsewhere.

SMAC would be interested to know why various applicants were rejected. John said that a lot of inquiries have been made but information is not forthcoming.

Tara said that no applicants have been rejected at the State level. The State Office forwards the District's recommendations to Washington Office (WO). At the WO level, there are multiple levels of vetting. There's also vetting from the White House.

Election of Chair and Vice Chair

Kali Wilson has been our chair but her term has expired and we have no chair-elect. As a result, SMAC needs to elect both a chair and chair-elect. John Helmer was nominated for chair and the nomination seconded. Tara asked if there were any other nominations; there were none. John pointed out that his term ends in October. John was unanimously elected.

Pete was nominated for vice chair and the nomination seconded. There were no other nominations. Pete was elected.

John thanked Kali for the great job she did as the previous chair and expressed regret that due to the expiration of her term of appointment she was not able to continue as chair.

Tour of Steens

Tara invited Fred to be the first to speak about the previous day's tour of Steens Mountain.

Fred expressed regret that he was not with the group and related some observations he had as he traveled on his own, trying to catch up. He mentioned a nice green belt in the lower country with crested wheatgrass and the positive role that can play in mitigating or preventing catastrophic fire in the low country. He asked if BLM had sprayed the medusahead infestation the previous fall. Jeff confirmed that BLM had sprayed some areas. Fred also complimented BLM on the nice job they're doing managing juniper. He spoke about the Wildlands Juniper Management Area and complimented BLM on how well the projects there had been implemented and followed through on. He was concerned that the public doesn't know what the area looked like before treatment and hopes BLM can help the public understand the benefits of the treatments. Signs that were posted previously were vandalized. Kali asked if there were before and after pictures on the website. Lastly, Fred spoke about the symbiotic relationships in land use. He saw were bare patches where snowdrifts had delayed the growing season; rodent activity in these had basically plowed the ground so that if a person were to walk across it they would sink in. He observed that within these bare areas there was quite a bit of soil erosion, but in areas that were grazed, there was hardly any.

Leon thinks that anytime SMAC can get out onto the mountain it helps them connect better with the mountain and what's happening on it. That knowledge gives them something to draw on so they can provide input.

Many expressed that they enjoyed the fieldtrip and some even got to see places they hadn't before; thanks for the tour were expressed to BLM and especially to Tom. Kali said she was a baby the last time she was on the loop road.

Ruthie commented that she had received a few questions from private property owners regarding the need for another horse camp and asked about the timeline for completion of the project. Rhonda replied that it would be completed in about two years.

Ruthie thought it was great that the Kiger area is being made more accessible, not only for the handicapped but also for seniors. She thought it was great that the road to Riddle Ranch was being graveled, but doesn't want to see the parking area graveled near the caretaker's lodge because it would change the character of the place.

John was also enthusiastic about the accessibility improvements; he leads a tour program for people with limited mobility, wheelchair bound and so forth, and commented that it's tremendously rewarding to see people get out into nature who couldn't otherwise. He thanked Tom for the map he brought; in his constituency, there is a lot of interest in equestrian groups so he'll be able to share that with them. As a host at the Riddle Ranch, John said the public asks a lot of questions about trails, where they can go, not just Riddle-related questions. He agreed it makes sense to gravel the road but hopes BLM will use an adaptive management approach, starting conservatively and looking at use before expanding. In particular, he asked that BLM not gravel the meadow above the caretaker's cottage. He also suggested not gravelling the triangle there and the turnoff to the Grey House and going light on gravelling some of the existing parking areas. "Make sure each one of the turnouts seems justified. Dip and coarse gravel instead of culverts to control speed." He listed some caretakers' concerns:

- Preventing fire
- Help in getting grass and other fuels removed around historic buildings
- Updating of interpretation (Riddle sister, Riddle uncle, Rex Clemens' role)
- Preservation (lack of windows in the upper story of Fred Riddle's house)

Jake, the May host at Riddle Ranch, felt the tour yesterday was just great. He commented that he agrees that having gravel down there would take away from the historical look but thinks it might not be a bad idea to look into putting a parking lot area further up the hill from the current location. Larger vehicles could be accommodated. Fred suggested compromising on the parking situation. He said if the gravel were worked into the soil, the grass would grow in so it would be less noticeable. Kali agreed with Fred that something would grow, but still doesn't like the idea of graveling the parking area.

Nature's Advocate - Tom Wilcox, BLM, Wilderness Specialist

Tara suggested moving on to the next agenda item: reasonable access in the Steens Act.

John said the SMAC has a tradition of choosing part of the Act to look at in every meeting. He read Section E, Prohibition of Construction. He said regarding reasonable access for reasonable use, the Act does not define reasonable. People differ in their interpretations of reasonable. He reviewed SMAC's recommendation for the Nature's Advocate Environmental Assessment (EA) (alternative C). SMAC thinks the Steens Act supercedes the Wilderness Act for managing the

Steens. IBLA says reasonable access does not mean unlimited access. Regarding current and historical character and uses, is the use reasonable, and if reasonable, what kind of access would be reasonable for the use?

Ruthie agreed John's thought process was logical but differs in her opinion of what is reasonable use of private property.

Fred discussed historical use (particularly grazing) and said there was more than one access route historically.

Kali mentioned that Owyhee, an attorney, put a lot of work into the wording (for alternative C in the EA). It would be helpful to have an attorney among the new SMAC members. This language was put into the EA and probably should be pulled out and be part of SMAC's protocols going forward.

Fred read "Advisory Role in Management Activities, section 132(a)":

The advisory committee [SMAC], shall utilize sound science, existing plans for the management of Federal lands in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—
(1) new and unique approaches to the management of the land within the boundaries of the Cooperative Management and Protection Area; and (2)
cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economical integrity of the Cooperative Management and Protection Area.

He said, "It's not a rigid role that we play." SMAC's role was formalized earlier in terms of the planning process, which also provides formal coordination with private landowners. He thinks this issue bridges between uses and management, uses and access, and that SMAC plays a very important role in it.

Leon said he was frustrated by the fear of litigation. "Why can't we just do what's right...? It's crystal clear that BLM ought to be able to go ahead with it."

SMAC discussed the difficulty of pleasing everyone in a multiple-use regimen. There are all these competing entities; how do you keep access as reasonable as possible, understanding that you're going to come into a lot of conflicts? The Steens Act put the language down as clear as possible but doesn't spell out everything. Many landowners don't have the resources to pursue legal means. John thinks SMAC can develop a structure that can apply to all parties in a fair way. Ruthie thinks part of SMAC's role is to preserve the memory of what historical use consisted of and keep it in the forefront. Jeff spoke about how it's so important that BLM shows its work when making decisions. John thinks that's a good principle for SMAC, too. Rhonda added that as new information comes in the process evolves.

Rhonda caught everyone up on where we've been in our past conversations regarding the Nature's Advocate EA to where we are now.

In 2013, SMAC recommended an alternative involving two access routes and closing one route never be used again; years later, SMAC looked at it again and made essentially the same recommendation. There were discussions about maintenance levels, and BLM is still struggling with that because the request was for a two-wheel drive truck hauling a trailer, wanting the road to be passable but without upgrading it. During that time, there were a lot of other events that took place that kept BLM from working on the Nature's Advocate EA. Then BLM passed it on to the BLM State Office Solicitor's office for review. Then BLM had a change in State Director. Finally Oregon/Washington (OR/WA) BLM got a permanent State Director, and our office wanted to brief her on this issue. It took a while to get a briefing with the State Director because she's very busy and has lots of things to consider, but we had a briefing with her and asked her if we had her permission to go forward because some of the alternatives, in some people's eyes, aren't legal, while others think that they're reasonable. That was last September, and she said let's move forward. Burns District Office was geared up to go again, and then the SMAC meeting was cancelled.

Tom, Mandy, Lindsay, and Rhonda worked on trying to get the language more consistent throughout the Nature's Advocate EA, and then Tom spent a great deal of time working with BLM's Solicitor's office, and they developed another alternative for reasonable access, which is in the document.

John asked why a fifth alternative had been developed?

Rhonda replied that in talking to our solicitors they encouraged a different alternative, one that was not motorized but that was something more than the casual person, or member of the public, could do.

John asked what happens from here. What are the next steps?

Don explained that the next step is to look at the alternatives and then start an analysis. After the analysis, which will be documented in chapter three, and completion of the EA, BLM will send the full EA out for public review. Typically, it goes out for 30 days for public review and comment. At that point in time, there may be another solicitor's review at the State Office. That typically happens at the same time as the public review. Once that happens, BLM will look at the results of that public input and make a decision. Either we prepare a finding of no significant impact (FONSI) and a decision record, moving forward with a decision using the analysis in the EA, or we determine after we receive public comment and solicitor's opinion that the analysis wasn't adequate. Don added that the Burns District Office is looking at having the draft FONSI out around September 30 and the decision, possibly, by the end of October.

Tara invited the SMAC to share their thoughts about chapters one and two.

Jeff asked Rhonda if we have a waiver on this EA. Rhonda explained we are supposed to have EAs done within 180 days; we did ask for a waiver on this EA. Jeff added that it's not all or nothing in selecting an alternative; BLM could select an alternative or could choose to implement a combination of actions from various alternatives.

John found the EA chapters much more readable than previous versions. To show the SMAC's work and the methodical nature of their development of principles for making recommendations and applying them to their recommendation, he suggested either an addition to the scoping section on page 17 where it talks about what the SMAC did or as part of alternative C. Rhonda stated that SMAC's discussion isn't really part of BLM's analysis but that all the information SMAC put together will be in an appendix to the EA. John would also like to add eight bullets of key factors to the document. Additionally, he thinks readability of the document could be improved through more attention to parallelism: analyzing the same factors under each alternative. For example, why does only one alternative include limitations on the size of a cabin?

Tom said that in chapter one of the EA, there's a section called "Decision Criteria" and those criteria are pulled directly from the Steens Act in an attempt to describe reasonable use. In order to analyze those criteria with respect to this EA, he went through all the inholdings in Steens Mountain Wilderness and all the inholdings with historic cabins on them. He has a photo and GPS point for pretty much every cabin in the wilderness. They all have similar attributes. Historical use on the mountain shows that cabins of the size Tom described are the dominant form of historic cabins on Steens Mountain. Tom stated that reasonable use analysis required him to find what that historical use was and quantify it. The historic cabins for which he has photos and GPS points are about 20 feet by 20 feet or 400 square feet. Tom asserted that a reasonable cabin size based on historical use is about 400 to 900 square feet. Scott and Fred think that the use restrictions are absurd. Fred pointed out larger historic buildings and Scott questioned whether cell phone use would be allowed since it didn't exist historically.

John said that Tom's research sounded like good information but questioned why is that in alternative E as opposed to applicable to all of the alternatives? Tom replied the alternatives don't need to analyze every single point in every single alternative. His reasonable use analysis contains all the supporting documentation for the substantive comments he put in the analysis. Leon pointed out that the project design section would contain the project design features common to all alternatives, making it unnecessary to reiterate them in each alternative. This section is on page 21.

John polled the SMAC regarding whether they still support alternative C. The poll confirmed the members still like alternative C.

Ruthie asked if the EA's focus is on access routes to specific inholdings, why would there be any specifications concerning building size. It was her understanding that private property on the

mountain fell under the jurisdiction of Harney County. So, building permits etc. would be controlled by the county, as was the case with her cabin. Fred and Colby mentioned those specific discussions took place during the origination of the Steens Act, and that private property regulations were to be governed by Harney County. Ruthie also asked why the BLM would restrict Nature's Advocate's access on Cold Springs Road in the winter and for clarification of whether the restriction on construction dates (June 15 through November 1) applies to private property or to the road. Tom clarified that these dates apply to Federal ground. As a private landowner, Ruthie wouldn't like to be restricted from going to her private property and thinks that is something all private property owners would have an issue with. Fred also disagreed with restricting winter access and suggested a cooperative agreement with the landowner rather than a restriction. Rhonda said that including this as common to all alternatives may have been an error. Fred also asked about the economic effect to the landowner. Terry asked if year-round access had been included in SMAC's previous discussions. SMAC had assumed there would be year-round access (as dictated by conditions on the mountain). Andrew questioned whether the design element that motorized access would not be permitted until after June 15, when bird nesting and deer fawning seasons are over, was grabbed arbitrarily out of thin air and doesn't have that justification for limiting access and use. Tara wrote his comment down but believes the EA will address his concerns.

John invited Colby and Scott to comment if they want.

After thanking the BLM staff and SMAC for their work on the EA, Colby asserted that when the Steens Act created the grazing-free wilderness the support of the local community was needed, and it was part of the deal that there would continue to be access to private property and the ability to use the private lands as they had been used historically under the governance of the local community or the county government.

Nature's Advocate had requested three access points, but now, based on mitigation of ecological impacts, is supportive of the SMAC's recommendation (two access points). Agreeing with Ruthie, Colby believes that access to private ground, as it was intended in the Steens Act, should not be restricted by time of the year, mode of travel, or other things that were highlighted in other discussions through the years. He asserts that parts were left out of or removed from the Act that could have set a precedent at the national level that the federal government would be dictating down to local land use planning laws. He cautions that while there's guidance in the Steens Act about planning, infrastructure, and some of those sorts of components, ultimately it's the purview of the local government to decide how they're going to implement them.

John expressed frustration that SMAC is not getting environmental input from either an environmental representative to SMAC or directly from ONDA. He thinks they could help us understand a different perspective on this EA. John's understanding is that ONDA made an early strategic decision to litigate the Nature's Advocate EA rather than invest time in SMAC's collaborative process. He encouraged them to engage with SMAC, noting that ONDA has much to add to many topics under discussion. While acknowledging that the Steens Act forbids

construction of new roads, he believes provisions for access in the Act make balancing the impacts and the right to access an important part of the discussion. He also pointed out that under alternative C the greatest impact would be very close to an edge of wilderness as opposed to the middle of wilderness.

Fred asked whether the road that he and Leon had discovered had been investigated. Rhonda replied that it had, and it doesn't go very far at all. Fred pointed out that the landowners are already compromising on access and that just because a route doesn't show on the ground now doesn't mean it didn't exist historically. Nature has a way of reclaiming ground.

John said the SMAC would like to see the EA before it's made public, with the appendices about SMAC's work in it. It is particularly important to SMAC that our work and reasoning concerning "fair access for fair use" is reflected in the EA. Don stated that the EA will be emailed to SMAC for review before release to the public, with the stipulation that they do not share the document with the public before it is released by the BLM.

John noted that SMAC had previously decided to summarize the group's analysis of "reasonable access for reasonable use" in a separate document for use when working on similar issues in the future. He'll work on that and send a draft to SMAC.

Round Table

Ruthie sent out an email with the agenda to all the private property owners on her distribution list and heard back from two of them. Relative to the traffic plan, they're wondering if it is going to be reopened to look at some of the older roads that are currently excluded on some of their private properties. She asked whether there would be any chance for the private property owners to say they want some changes or not. She planned on sending out a recap of the meeting to the private property owners prior to BLM's official notice coming out and asked if she has license to go ahead and send that. Tara replied that she has license to share what her thoughts are with her constituents. Ruthie asked if she can share the documents distributed at the meeting. Tara replied that anything shared at the meeting can go to the public. Ruthie also expressed concern over signage and asked if there was anything SMAC could do to help.

Fred read Section 113.C. Juniper Management. "The secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area...through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning." Grazing permittees and landowners are frustrated by sage-grouse land use plan amendments that restrict use of fire as a management tool for BLM. He said it is an economic burden to the landowners not to be able to use prescribed fire on both private and public land to control juniper. He said many of the areas that need treatment aren't sage-grouse habitat. He pointed out the benefits of prescribed fire in helping prevent massive wildfires, establishing a mosaic vegetation pattern, and increasing diversity.

Leon spoke about a wild horse and burro management summit he attended that was held in Reno, Nevada, in the end of May. The summit was brought together by rangeland management institutions and universities; BLM participated but did not format the summit. Attendance was limited by invitation to try to avoid grandstanding. He said there were great discussions on real issues and potential real solutions that he expects will get back to BLM as advice. He was pleased to be able to present information on spaying. He continued by talking about the hurdles BLM has and is facing in trying to get some horses spayed in the spay feasibility study and what Protect the Harvest is doing to show that spayed horses can be successful competition horses and that spayed mares can live happy lives on the range without cycling all the time.

During the summit there were some analyses of different scenarios of giving PZP vaccine to the horses every year (PZP is the vaccine that keeps them from being fertile) and a variety of different things, and spaying turned out to be the most economically effective deal.

A question was raised about how the summit did on examining resource damage associated with overpopulation. Leon answered that the main focus of the summit was the damage to resources and the effect on horses. There were many ideas about how to deal with the excess numbers of horses, with slaughter being off the table. There was a great computer generated analysis by one organization that looked at a lot of these different things and their effects.

A question was asked by a SMAC member about changes to the wild horse adoption program. Tara replied that the program hasn't been completely changed but that there is a new pilot called the Adoption Incentive Program that lowers the standard adoption fee to \$25 for select horses. If a person adopts one of the horses that qualifies for the program, they will get \$500 up front and then another \$500 when they receive title to the horse. The number of adoptions from the local corral hasn't increased (between 200–250 annually), but now adopters who would have adopted anyway are receiving \$1000. The program is being advertised on a national level, but we're not pushing it locally. The local market for adoptions is Harney County residents.

Terry spoke about Trout Unlimited, a national organization he is a member of, which is dedicated to preserving, connecting, and sustaining fish habitat and cold water fisheries. Many members, like Terry, are anglers, but not all. The mission of the organization is more about preserving and restoring fish habitat as opposed to being a fishing club. One reason he was attracted to Trout Unlimited is its long history of collaborative solutions with landowners, irrigators, and other constituencies to improve fish habitat rather than reliance on litigation to achieve its goals. There are members of Trout Unlimited who are interested in how Steens is being managed.

Kali has been working on the subcommittee for Pike Creek and spoke with Dave Haugeberg; Paul Davis requested that any conversations concerning land trades go through Dave. Dave didn't really have anything specific when they spoke; he has his own contacts congressionally and was going to work on that himself. Unfortunately, Dave wasn't able to make it to today's meeting; he was out of town. He still remains optimistic that something could happen someday.

He and the Davises definitely want to look at a trade. Kali mentioned that she drove by Pike Creek twice and didn't notice whether the sign was up. Tara confirmed it should still be there.

Kali believes that Oregon has loosened their air quality requirements, so it should be easier for prescribed burns to happen this coming year.

Kali said a lot of the area up at the turkey foot and the overlook is tundra. We want people to be able to go but those are also really fragile habitats. She visited Trail Ridge Road in Colorado's Rocky Mountain National Park that has tundra and said you absolutely could not, for any reason, go off the road onto the tundra because the mark would remain for such a long time. She suggested efforts to educate the people who care. The possibility of creating a trail to keep disturbance in one place was also brought up.

John reported that many of the visitors to the Steens are first time visitors. They love the wilder aspects and the challenge of the mountain. While happy that the visitors are enjoying the Steens, he is concerned about whether BLM can stay ahead of the curve, or if BLM is even ahead of the curve now on recreational use. He emphasized the importance of additional access opportunities at Catlow Valley and the east side.

Inholder Initiative Update - John

John started with a brief history of how SMAC got involved in the inholder and edgeholder initiative for the new SMAC members. SMAC has been working with willing landowners on the Steens to try to negotiate land trades or sales. John has an email list of 70–80 people who are interested in what SMAC is doing on this initiative. Initially, SMAC sent letters out to potential landowners and then worked with those who responded and said they were interested. SMAC formed several subcommittees to work on these.

Following the background, John began with status updates for the Stroemple, Nature's Advocate, and Roaring Springs properties. He asked that in each case, SMAC consider whether the team needed to be adjusted and whether anything needed to be done differently.

There are three groupings of land (five parcels) being discussed with George Stroemple. George asked his friend and business associate, John Freeman, to be a point person. John Helmer has been the lead for SMAC.

Along the way, John Helmer started poking around at the question of what kind of land trusts were active in the area and who might play a role in this case. Although at one time Stroemple was interested in exchange, he's currently only interested in a purchase. John Helmer thought a trust could play an important intermediary role to purchase land and then move it on to BLM ownership, perhaps funded with land and water conservation funds. He has done work with the Nature Conservancy in the Willamette Valley and has a great deal of respect for the organization; he said they don't litigate and they put together very intelligent deals. He met in

Portland with real estate staff from the Nature Conservancy primarily to pursue the Stroemple project but presented the full range of what SMAC is working on. They expressed interest. John (Helmer) emphasized that they did not say, "We're all in." They are interested and are looking. They were particularly happy to hear about SMAC's communication with political leaders and the stakeholders' meeting and feel that SMAC is doing the right things from a clarity point of view.

John Helmer had heard that George had put forward an offer that various people considered a nonstarter. The Nature Conservancy and he started meeting with John Freeman and discussed the possibility of a new appraisal of the property that was acceptable to George Stroemple with the idea that the Nature Conservancy could purchase the property, with BLM as the eventual owner. The Nature Conservancy has assigned staff to work on this and discussions are taking place concerning who might be used as an appraiser and what the protocols might be. According to John, the Nature Conservancy will not pay more than fair market value.

Ruthie asked if John was talking about all three individual sites. He confirmed that he was.

Leon asked if George was shelving his plan to build additional cabins on the property. John replied that he is not aware of any changes in George's plans.

Next, John moved on to Nature's Advocate. He mentioned that much of the work in this case had been done under Owyhee's leadership with Karl as an interface to the hunting community. Leon has stepped in as lead since Owyhee's SMAC membership was not renewed. John asked if Leon would like to give the status update. Leon had nothing new to report but said he was willing to continue to act as liaison or do anything else he could to help. John asked if Terry would be willing to assist in this case with outreach to the hunting community. Being new, Terry is reluctant to sign up for anything yet but says he will consider it.

Scott said that the public lands in question are accessible to the hunters. The problem for the Silvies is that some roads also access huge parts of the ranch. Over the years, numerous poached elk, deer, and other animals have been found on the ranch. There are alternate routes to access the public lands.

Leon said that ten years ago a few people were upset about the idea of exchanges being value for value instead of acre for acre. Fred added that access and resources are also part of the value of a property. He said the original land exchanges on the Steens tried to look at the resource values and put those in the economic valuation of the land exchange. A land parcel at 8000 feet might not have the same value acre for acre as land at 4500 feet that you can't ride a horse across. Fred emphasized that if the government restricts access and use on a parcel in the wilderness it really affects value and any potential land exchange. John said he had done some computations and, overall, the land exchanges on the Steens in 2000 were six to one plus about 280 dollars an acre.

Jeff said the way BLM does appraisals is very narrow and has a very small set of criteria. That's just the way it is. It's unfortunate.

Scott said his goal is not to trade. His goal is to keep it and enjoy it. When he bought it, BLM came to him and said will you buy this and trade it. And so he did. He bought it to trade. Since then, he has put it in his kids' names, and now they like it. They can pretty much do what they want. That's better for them anyway because the property tax on the land they trade for would be more than their BLM lease is. Really, the only good thing for them if they owned their current allotments is they could restore the creeks that are on their BLM allotments, which are next to their private land. They can't do juniper mitigation or anything else on the BLM land now.

John asked if it still makes sense for SMAC to be working on a trade with him. Scott replied, "Sure. There's a price for everything. If you want to buy the whole ranch, it's for sale." He doesn't think anybody would pay more than its value, but the good thing is the value is going up on land inside the wilderness area or next to the wilderness area.

Moving on to Roaring Springs, John is the lead. In the early days of this process, Stacy Davies indicated he would like to be part of this discussion and look at possibilities for Roaring Springs. In reality, very little progress has been made. Most of John's time has been going to the Stroemple project. John thinks it's probably time to make another outreach to Stacy and see if he's ready to talk some more, especially about public access to Home Creek. Pete and Terry said they would be glad to be involved in the discussion.

John was asked, based on the diagram, if the discussion was about all the property on the road next to wilderness or only 12 feet. John replied that he hasn't really had the discussion with Stacy. All John really knows is Stacy's not interested in purchase; he's interested in trade. Pete thinks a trade to open up Home Creek to the public would be beneficial.

John concluded that if SMAC can make any of these trades happen, at the end of the day, it will have been worth the effort. He's glad to see them moving along.

John will revise the description of Inholder teams to show a) Pete and Terry added to the Roaring Springs team, b) Pete Runnels team retired now that Pete is on SMAC and County interests can be included in regular SMAC work.

Designated Federal Official Update - Jeff

Regarding the litigation for the travel management, Jeff reported that the Ninth Circuit Panel gave us a halfway ruling on it. It wasn't an all or nothing issue, but they vacated the decision in part and then upheld some of the other things BLM did. The court said that the BLM was justified in its obligation to consult the SMAC before issuing the recreation plan, and therefore the action was not arbitrary or capricious in that respect. However, they ruled against (and this is one of the things that is confusing us) the IBLA, which is the Interior Board of Land Appeals, and they said that the IBLA acted arbitrarily and capriciously by changing its definition of roads

and trails without providing an explanation for the change. The panel vacated the IBLA's approval of the travel management plan and remanded it back; they didn't say who they remanded it back to. Our solicitor's interpretation is that it's going to be kicked back to us to redefine the definitions of roads and trails. The IBLA also acted arbitrarily and capriciously by affirming BLM's travel management because BLM failed to establish a baseline environmental condition necessary for procedurally adequate analysis of the travel management environmental impacts. Part of that was because we did not have photos of every route; we have written descriptions.

ONDA filed a motion to the Ninth Circuit for reconsideration of an injunction on the road maintenance, and we thought they were going to open that up again and further crank down our maintenance ability and, fortunately, the Ninth Circuit denied the request. Jeff was asked for the case number but didn't have it with him. John asked if the travel management plan is invalid now. Jeff replied that we're not sure; he only ruled on parts so there are parts of it that are invalid. In answer to a question from Colby, Jeff clarified that the travel management plan being discussed was the one that is part of the CRP. Fred said that the only point ONDA won in the lawsuit against the Steens Mountain/Andrews Resource Management Plan was that BLM failed to evaluate trails as a part of the transportation plan. Jeff said until we get a travel management plan, we have this injunction.

Next Jeff updated SMAC regarding personnel changes and other personnel related news.

- Rhonda has moved to a new position; she's now the associate district manager, so the Andrews/Steens Field Manager position is vacant. Don is covering the position on detail. We have a list; we're going to fill that position really quickly.
- Mandy DeCroo is up in Alaska for another 90 days; she's doing a detail up there learning about recreation in Alaska.
- Jarod Lemos, who is our riparian/fish person, is on a detail working on a special project in the Nevada State Office.
- Autumn Toelle-Jackson has also accepted another position; she is now the staff supervisor for Andrews. She'll supervise all the range personnel. She replaces Cam Swisher, who after 42 years decided to do something else. Burns District will hire another range con to fill in behind Autumn.
- Dory Seeley has moved over to a position for Three Rivers; Kyle Wanner will be the rec planner for Andrews.
- Scott Thomas retired; Carolyn Temple is stepping into his position as the District Archaeologist.
- The packer, Katie Bartsokis, has taken a job at Shasta/Trinity with the Forest Service; we're going to look to fill the packer position behind her initially for 120 days.

In NEPA news, the Alvord AMP is going to go out for comment. The BLM is working with the Fish and Wildlife Service on the Pike Creek EA; there are some issues with fish. The BLM had a win on the Serrano Point grazing permit; it was challenged by Wildlands Defense who withdrew their appeal after the response to comments. Jeff hopes to keep Autumn on the Roaring Springs

targeted grazing project. Ruthie asked what targeted grazing projects are. Jeff explained that targeted grazing aims to reduce wildfire risk by managing grazing to reduce cheatgrass and increase perennial grass. Barry Perryman at UNR has been using livestock to reduce cheatgrass and increase perennial grass and has had some success. The BLM has implemented some of that up the mountain by Warm Springs Reservoir and is seeing the same kind of results on a larger scale. Asked how success is measured (“and then you just wait until the next lightning storm and see if you get a strike?”), Jeff replied that the hardest part is measuring things that don’t happen; the goal of no data is a challenge.

On the subject of the crossing at Pike Creek, Jeff confirmed that the BLM is working with ODFW and US Fish and Wildlife. There’s an official process to be followed when listed species are involved. Jeff and Don don’t know when the crossing will be completed. The BLM is receiving fewer complaints regarding Pike Creek access.

There is now a camera on top of Steens that was set up for many different reasons but is mainly being used by BLM for fire protection; there is another camera on Riddle Mountain. It’s a system that can be called up online at alertwildfire.org. This is working with the University of Oregon and UNR. They’re doing seismology work and have built this to measure it. They use the system in the Reno area and Tahoe and in southern California. On the bottom right-hand side of the webpage is a button; if you see a fire or smoke column, you are encouraged to hit the button. It will alert dispatch that there may be a fire and go to the camera. Through the collaborative there’re a lot of things that have been identified to help keep fires small. One of them is response time. It’s a key factor because a lot of fires are hundreds or thousands of acres before dispatch even knows about them. If we can get to them quicker, we can get on top of them.

On a sideline, Jeff told the SMAC that BLM has a ten-person hand crew helping fight fires in Alaska. They’ve had over four hundred fires up there. Fred saw a map on Facebook showing the fires and said it was amazing the number of red spots in Alaska. He says the rural fire association working cooperatively with the BLM is a big benefit in the local area. He participated in a two-day training recently.

Follow-up and Planning - Tara

Next meeting:

Monday/Tuesday, October 21–22, 2019 (Tara will send out a doodle poll for later meeting dates in Burns.

Tara suggested that when thinking about SMAC’s October meeting, they consider matching the subcommittee to the main topics of discussion planned. John suggested that this Public Lands Access Subcommittee seems sufficient for the things SMAC is working on.

Fred thinks a prescribed fire subcommittee would be beneficial. He offered to chair it. He also suggested Ruthie could chair a catastrophic fire suppression and prevention subcommittee. Fred thinks SMAC needs to initiate some actions on these two issues. He said the landowner group is

working on both of them: cooperative identification of access both on private and public sides to provide safe access and follow up with safe zone type management. John doesn't think a subcommittee needs to be created for those issues to bring them to the meetings; he thinks it would just create more work for Tara.

Leon thinks that tackling the juniper issue would address fire and sage-grouse. He read from the Steens Act, Section 112(b)(2)(B), Exceptions, which allows use of motorized or mechanized vehicles in the CMPA under certain circumstances, "...is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976...." Jeff replied that other sections of the Act say he cannot drive off road to do restoration work except in an emergency. Leon questioned whether this should be considered restoration or ecological. Jeff clarified by saying he could drive a firetruck off road to put out a fire but could not drive a tractor or excavator off road to cut juniper.

Kali suggested that a tenet of the subcommittee could be to examine the elements within the Act that have contradictory language. A Council member questioned whether Fred's issues might be redundant and already being handled by the Wildfire Collaborative. Ruthie said that a couple years ago they started a project with Jeff to see if they could get funding to maintain the roads for better access during a fire. She cited an example of a fire in which such access would have been helpful. Jeff thinks the work of both can be complimentary.

John suggested that part of the discussion at each meeting could be to look at the internal inconsistency in the Steens Act.

Kali suggested it would be good to have the DFO's report sooner in the meeting in case anyone wanted to ask about it afterwards or bring up more discussion later in the day.

Ruthie asked how much public comment weighs in decisions on the EAs that BLM sends out for comment. Jeff replied that it depends on the comment.

Jeff mentioned that the Southeast Oregon RAC is meeting in Burns on October 9 and 10 and that they would be participating in a NEPA class designed to coach people about how to make a substantive comment. He asked if there was any interest from SMAC for BLM to arrange for them to have such a class. Several Council members showed interest.

Tara suggested, depending on the weather, that a trip to the east side of the Steens might be nice for the next SMAC meeting. John asked that Tara McLain be invited to the next meeting to share her realty expertise.

Follow up:

- Tara will do some research concerning whether SMAC is subject to FACA before the next meeting. She thinks that SMAC might be under FACA because of fiscal

responsibility. Since the agency is paying the SMAC members, they have to have some mechanism for reporting and tracking.

- Tara will send the SMAC members a list of current SMAC vacancies that will be recruited for in October, so SMAC can meet with individuals, talk to groups, or do anything else they can to recruit nominees.
- Tara needs to get maps for Ruthie, Pete, and Terry. The rest of SMAC already have them. RMPs, etc. are available online.
- Tara will follow up on whether Home Creek has had a cadastral survey done.
- John will put together a document on reasonable use for reference for SMAC.
- John said he also needs to see if there are any issues with the Google docs site.
- Tara will re-send SMAC's list of things they felt they could be a part of or were important.
- The BLM will come back to SMAC with a little more information on when it might be a good time to bring their inholder initiative information to the agency.
- Tara will send out a Google poll with potential 2019/2020 meeting dates that the SMAC can look at and let her know whether there are any dates that won't work.
- Tara will poll the BLM staff to see if there has been some conversation about making the Big Indian Gorge trailhead access "more developed".
- Tara will work with the BLM rec staff to get the WJMA signs removed (completely sun-bleached) and find out the condition of our sign in the Pike Creek parking area (is it still up?).
- Don will share the full version of the next draft NA EA with SMAC with two weeks to review via email. After SMAC input, our expectation is that it will then be sent for public review with possible decision in October/November 2019
- John will revise the description of Inholder teams to show a) Pete and Terry added to the Roaring Springs team, b) Pete Runnels team retired now that Pete is on SMAC and interests can be included in regular SMAC work.

Thanks to Tara for her exceptional work and patience and to the BLM folks for listening!

Meeting adjourned.