

## **Steens Mountain Advisory Council**

### **FINAL September 21-22, 2017 Summary Minutes**

The Steens Mountain Advisory Council (SMAC) met September 22, 2017, in Frenchglen, Oregon. On September 21, they had 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.

#### *Council members participating:*

John Helmer, Disbursed Recreation Representative  
Nathan Hovekamp, No Financial Interest Representative  
Rod Klus, State Liaison  
Owyhee Weikel-Magden, Local Environmental Representative  
Kali Wilson, Grazing Permittee Representative  
Dave Bilyeu, Statewide Environmental Representative  
Leon Pielstick, Chairman and Wild Horse Management Representative  
Fred Otley, Private Landowner Representative

#### *Members not participating:*

Stacy Davies, Grazing Permittee Representative  
Mark Bagett, Fish and Recreational Fishing Representative  
Cecil Dick, Burns Paiute Tribe Member Representative  
Richard Jenkins, Recreation Permit Holder Representative

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

Rhonda Karges, BLM, Andrews/Steens Resource Area Field Manager  
Tara Thissell, BLM, Public Affairs Specialist  
Tom Wilcox, BLM, Outdoor Recreation Planner – Wilderness  
Carter Cranberg, BLM Intern  
Kelsey Piepkorn, BLM Intern  
Normandy Helmer, private citizen  
Colby Marshall, private citizen, Silvies Valley Ranch, Nature's Advocate  
Dan Morse, Oregon Natural Desert Association  
Pete Runnels, Harney County Judge  
Peter Walker, private citizen, University of Oregon  
Allen Schroeder, private citizen, Nature's Advocate  
Jeff Rose, BLM, Burns District Manager

Tara Thissell opened the meeting with introductions and reminded everyone to speak up due to the fans.

## **Agenda**

Basic Business  
History of SMAC  
Nomination process  
Follow up of yesterday's tour and Nature's Advocate EA  
Working lunch  
Owyhee talking about public demand/legislative fix  
Public access at Pike Creek  
Federal official update

## **Materials**

2018 calendar  
John's recreation summary  
List of recreation accomplishments  
June 18, 2017 meeting minutes  
Draft minutes from March  
DNA for Steens Mountain Riding Camp (available and out to the public)  
Road maintenance definitions

## **March Meeting Minutes**

Edits suggested by Owyhee and John were incorporated in March minutes. Owyhee asked to clarify the length of chair service. Tara will update documentation to show that Leon's term ends and Owyhee's two-year term begins as of January 1, 2018.

Minutes voted on and passed.

## **History of SMAC**

Peter Walker spoke about his work regarding SMAC history. His book project will be about collaboration in Harney County. He will talk about context including events of late 2015 to early 2016. Some folks came here and said there are problems and we have solutions. The issue seems to be disagreement about the solutions. Thanks to the SMAC for the wonderful interview and synopsis. It laid out SMAC's history since before SMAC was created. Peter offered to give SMAC either a transcript of the meeting or a paraphrased summary. Most of the SMAC agreed they'd appreciate having the paraphrased version. Peter will bring this to the next meeting.

Peter had a question for Fred about the Steens Working Group that Fred had mentioned existing before the SMAC. Peter would like to learn more about that. Fred also mentioned the Malheur Lakes Working Group and recalled a meeting on the mountain mostly focusing on the landscape vision, ecological issues, especially fire.

## **Recap of Yesterday**

Five positions expired in April. During the open nomination period, three nominations, total, were received. The Washington Office (WO) likes to have two nominations (a primary and a

secondary) for each position. Since we did not receive that many, we are waiting for a second call for nominations to those positions. It is a very slow process. The rest of the positions, except for John's, expire in March so the Bureau of Land Management (BLM) will probably be advertising all of them at once. Tara Thissell will send the link for the application, but reminded those attending that BLM can't accept the applications until the open period. A support letter from the constituents is also needed. SMAC doesn't currently have a quorum. The letter from the SMAC about advisory council meetings being delayed until September got the attention of the Director. Expired positions include:

- State Environmental Representative (David Bilyeu)
- Private Landowner Representative (Fred Otley)
- Recreation Permit Holder Representative (Dick Jenkins)
- Burns Paiute Tribe Member Representative (Cecil Dick)
- Fish and Recreational Fishing Representative (Mark Bagett)

Kali questioned whether the Washington Office will consider without two nominations. Tara said it depends. This time they want to do a second call, hoping to get at least one for every position.

Leon said they were weathered out of their tour of the inholdings on the Steens by the snow. Everyone was glad to see the trails first-hand. SMAC looked at the Nature's Advocate inholding EA and, after a big discussion, decided to change their recommendation to the BLM. They also went to see the planned site for the new horse camp and to Fish Lake to see the beaver issue. A couple sites may need to be eliminated or moved.

John agreed with Leon that it was informative to see the inholding. After the tour, Owyhee and he went to look at Home Creek and Three Mile.

David recommended a roundabout in that area so Three Mile Creek can be found more easily. Owyhee would like to see the Three Mile area left undeveloped but knows that since it's the only access to the west side, development has to happen.

Fred talked about wilderness ecological conditions, which are very pronounced on that side. He also commented on the great job BLM has done demonstrating the different options for juniper control. He is also impressed by the job BLM has done in making the road safer.

Reminder to speak up (due to background noise from the fan).

### **Nature's Advocate Inholder Access Environmental Assessment**

John spoke about the subcommittee consisting of Owyhee, Stacy, and himself and the revisions they came up with for the first chapter of the Nature's Advocate environmental assessment (EA). Owyhee said they took some stuff out and rearranged other stuff. They put comments (to do items) on the side. They feel that the EA is incomplete and think BLM and the landowner could

work some of these things out. Suggested some kind of agreement about controlling the use of the road. In June, the SMAC members that met went over this and modified the EA yet again. The subcommittee suggested style changes, too, such as equal discussion of all alternatives as well as elimination of some tables. Their version of the document tries to lay out a logical framework, starting with some history and looking at the Steens Act and the Wilderness Act. They believe that the Steens Act is primary because it is more recent and more relevant to the area. What is reasonable access and what is reasonable use? What might SMAC use as their standard? Is the use reasonable? They believe Nature's Advocate's planned use, with the possible exception of the airstrip, is reasonable. Compared the alternatives to the porridge in the Goldilocks story with alternative C being just right. Said it may not apply to all lands, but it's a place to start that may help with future decisions.

In response to page 4, comment 1, Rhonda said issues in that particular area are sage-grouse, wilderness values, and riparian. The BLM has considered these things in the resource management plans (RMP). She also told the SMAC about the sage-grouse conformance form.

The subcommittee wants to ensure that if Nature's Advocate gets access on the Renie Trail, then Trail's End will remain closed. Rhonda will ask the solicitors whether this is a possibility. If the land is sold and the new owner wants access that way, the BLM would have to do another EA to analyze it.

Tom said the Steens Act, section 112b, says no new roads. Owyhee argued that this is an existing road. Tom said the existing routes were shut down in 1972. He thinks this could be precedent setting and allow additional roads to be built. Owyhee acknowledged that the Steens Act says no new roads, but said that it also mandates reasonable access. The subcommittee thinks the best way to balance these is no new roads except where absolutely required for reasonable access for the inholder. Tom repeated that section 112b says no new roads except for safety or the prevention of degradation of wilderness. Owyhee said this issue has already been to court, and the court said reasonable access might be more than historical access.

Kali asked if closing Trail's End wouldn't qualify as preventing degradation of wilderness. Tom said Trail's End route has been closed since 1972 by executive order to prevent degradation of resources.

Rhonda pointed out there has been a lot of legislation since then. Public maps don't show these routes; for the public, they are closed. The only one of these roads that is in the travel management plan (TMP) is Cold Springs Road. Rhonda spoke to the State Office about SMAC's suggestions for the EA. A lot of the language SMAC added should be in the decision, not the EA. Regarding mitigation, BLM builds project design elements (PDE) into the project. Owyhee would like to see the alternatives that don't define mitigation have a more positive spin on the lack of defined mitigation; maybe add a statement that mitigation will be addressed for whichever alternative is selected. Fred feels that BLM needs to be clear in terms of their writing on what was done in the design of a project. He feels it's important for BLM to show the

mitigation in the analysis. Rhonda explained that the mitigation is shown in chapter 2 under the alternatives. She offered to work on clarifying it in the EA.

Rhonda said the applicant is asking for unfettered year-round access. Owyhee clarified that the subcommittee is asking BLM and the applicant to discuss whether access should be unfettered year-round or whether there should be mitigating measures in place such as using a snowmobile in the winter instead of plowing.

Colby said Nature's Advocate wants to access the road as it has been done historically. He said they don't want to tear up the roads and that they'd be responsible for maintenance. Fred still thinks it would be good to document the required mitigation measures and responsibilities.

Colby asked how it's handled with other landowners on the mountain. Rhonda said there are rights-of-way and other agreements. For maintenance level (ML) 2, BLM has to notify the public 30 days in advance that it plans to do maintenance on the road. Colby thinks ML2 is reasonable for the Renie Route. Rhonda thinks that a truck pulling a horse trailer down that road is going to require more maintenance than an ML2. Colby is open to discussion about keeping the public off the route to prevent degradation (such as a locked gate). Tom said a gate would be ineffective because people would just go around it. Colby said if you put it at Dry Creek, the public couldn't go around so access to the Renie Route would be stopped. Rhonda said that a gate would be another installation and would have to be analyzed. Owyhee reiterated that as a subcommittee in supporting alternative C, it's with the caveat of not driving on muddy roads and not plowing. She said that SMAC interprets reasonable access to include reasonable limitations. She asked, "How do we as SMAC cope with this?" Do we put it in our introduction when we say that we support alternative C? Colby says it's already covered by the IBLA decision referred to in the alternative which has clear language about what reasonable access means. Rhonda and Owyhee agree that they want the limitations to be clear in the alternative. Colby said that if limitations are put into the alternative, defining what is reasonable access, the SMAC may be setting precedent for future decisions. "Reasonable access for reasonable use, that's the IBLA decision." Owyhee said she now wants to alter the alternative to specify reasonable limitations and asked the other SMAC members what they think. Fred thinks language should be included that says site-specific management practices will be developed between BLM and the applicant. Two other SMAC members expressed support for being more specific about mitigation measures. Snowmobile access was discussed. Rhonda feels that measures should be clear in the EA or decision and then taken from that document to be put in the cooperative agreement. Owyhee wants it to be clear to the public that when SMAC supports the alternative, they aren't supporting year-round, unfettered access or degradation. Kali is concerned about SMAC defining reasonable and is afraid there could be ramifications in the future. Fred feels SMAC shouldn't get involved in use if it's not damaging the resource and that a cooperative agreement is sufficient.

John asked what Rhonda thought of SMAC's rewrite of the introduction to the EA. Rhonda is fine with most and said they retain the essence but show some rearrangement; she will take out

anything that determines that this alternative applies and this one doesn't to the Steens Act. She said that will come later. The next process will be for us to clean it up and send it to BLM's solicitors.

### **Public Comment**

Pete Runnels, Harney County Judge, said the mountain is special to this community and hasn't changed in years. He said the main word in the Steens Mountain Act is Cooperation.

Normandy Helmer said there is no substitute for seeing the site and getting a real sense of the terrain. She hopes the SMAC alternative C is included in the EA in its entirety because she feels it does a really good job of laying out the thought process and the protective views of SMAC toward both the mountain and the rights of the owners. When SMAC says reasonable use, they're saying they expect the landowner will comply with the maintenance levels of that road, that they will minimize damage and the need for unplanned maintenance. That's what makes sense economically for the landowner, too. She thinks the work on this issue will facilitate future resolutions of problems. She applauds all for working on this with so much passion and diligence.

Colby Marshall, representing Nature's Advocate, thanked the SMAC for their work, especially the subcommittee. The first conversation about this issue (access) between SMAC, Congress, and the BLM was 17 years ago. Reasonable access has been part of the conversation on the mountain since the inception of the Act and has never stopped being fundamental. That was the deal between the landowners and the proponents of wilderness was to create the first grazing-free wilderness in the history of the wilderness with reasonable access, reasonable use, and the land exchanges as part of that. The landowners on the mountain have been good stewards of the mountain, they've worked with Federal and State partners; they've worked together as a community. They want to protect the mountain for the next generation. Nature's Advocate is part of that, they're not going to go out and do things to degrade the mountain. He appreciates the subcommittee's view that the Steens Act is primary when it comes to governing and directing reasonable access for reasonable use. He appreciates their distinction between reasonable and adequate and that the committee has brought other documents before the SMAC and that the SMAC is looking to have those included in this EA. Nature's Advocate will not stop pushing for access to this property. He believes it is their right as landowners and under the Steens Act. Nature's Advocate will use all mechanisms at their disposal to gain access to this property. They support the SMAC alternative and the SMAC route. It is reasonable and would provide reasonable use to the property.

Allen Schroeder, representing Nature's Advocate, echoed Colby's appreciation. A finding under 112b that that's not reasonable access could help bridge the gap. He suggested clarifying in the EA whether the route is ML2 or ML3 and suggested looking at appendix E for definitions of maintenance levels. He thinks reasonable access trumps other things in the Act. There is consensus on the location. What are the sideboards we're going to be dealing with on the construction end? How is ML2 defined? What is reasonable use? It would be unreasonable that

any landowner should be restricted in the number and times that they can go into their property or the seasons of use of their property. Mentioned that paved road with guardrails would prevent muddy road degradation. Suggested adding the gate to all alternatives. If there's anything clear in the Steens Act as well as the Wilderness Act and the Steens wilderness plan, it's that it's hands off on what happens on private land (referring to the airstrip). It's the prerogative of the county where such things can exist.

Owyhee agreed that what they do on their land is their business, but said SMAC gets to comment on whether they support the access that supports that use. John Helmer asked what the airstrip would mean for the roads. Colby said the permits to build in Harney County are under the purview of the planning commission. The Federal Government can not dictate local land use planning laws in acts of Congress. The crafters of the Act sent a letter in 2003 that said, "It is not our intent that BLM promulgate regulations that would restrict landowner or lessee access to certain days of the week using routes that involve long detours from traditional ones or limitations on vehicle weight or limitations on economic opportunities on private land." At the end of the day, just like any other landowner in Harney County, Nature's Advocate will be governed by the decision of the planning commission. Owyhee asked if he'd made that application. Colby replied he doesn't know if they have or not. Concern was expressed by the subcommittee about the county being able to decide reasonable access.

Allen asked what the profound impact the SMAC spoke of feeling after the tour yesterday was. John Helmer said he was surprised by how little road there was and how much more development it will require to provide the access applied for. Owyhee mentioned that an airstrip would mean more air traffic, and one of the things she values out there is the lack of that traffic. It would ruin the peace and stillness of the mountain. Fred pointed out that there is a tremendous amount of air traffic on the mountain at times.

Normandy asked, assuming the road is built at ML2, what happens if ML2 ends up being inadequate for the actual use? Does the landowner have to pay for the damages? Rhonda replied it's BLM's responsibility to maintain that level 2...unless he has a right of way or something on it. If we want to change the maintenance level to level three, then we're back to what we're doing right now. This (the Nature's Advocate Access EA) is still the district's number one priority.

John expressed concern the Oregon Natural Desert Association's representative hadn't been giving public input on the issue at SMAC meetings.

### **Pike Creek**

Tara McLain gave an update on the survey at Pike Creek and the exchange proposal. The cadastral survey team marked the road and the property line boundaries. The sliver of public land next to Pike Creek where BLM hopes to build a parking lot shifted in the survey about a hundred feet to the south, which gives us more room for the parking lot. The BLM also has the parking area on East Steens Road. The BLM sprayed the potential parking area for weeds in

anticipation of possibly building. There continue to be complaints of harassment. Dave Haugeberg owns what's known as the hunter's cabin on a parcel up Wild Horse Canyon. He and his wife have owned the parcel for a long time, and they want to improve the road. Their road crosses wilderness study area (WSA) so they can apply to improve the road but the chances that BLM would let them do much improvement are not very good. His wife wants to be able to drive a two-wheel drive vehicle up there. Essentially their motivation for the proposal is they want to own the road that goes into their private parcel so they can improve it to the point that they can comfortably drive up there. They have partnered with Paul Davis, and they brought a list of lands to BLM and wanted to know if the lands were a no go or a possibility. Dave and Paul Davis told Tara McLain at that time that all of the communications should happen through Dave, not Paul. They identified a number of parcels that were inside of the CMPA boundaries. The way the RMP is written, BLM could exchange borderlands on the CMPA or WSA or lands within the wilderness, but if the proposal was essentially lands within the CMPA for lands outside the CMPA, we don't think that WO would okay it, so we told him that all those were no go's. There were some lands that he identified that were adjacent to the CMPA boundary but on the outside of it and potentially, depending on resources, some of those lands are a possibility. He's proposed giving us Little Willow Creek in exchange for the road. Tara McLain communicated with him that we could give him the road and the part to the north of the road but below the road is Willow Creek proper; we wouldn't be able to give him anything from the road south because we don't want to give up that creek. From a resource standpoint, that creek is more important than Little Willow Creek. Tara McLain hasn't heard back from him since that communication. At this point, BLM hasn't received a formal proposal. We're still in discussion.

John Helmer asked what if two landowners banded together. Tara McLain replied BLM calls that an assembled land exchange. The WO doesn't particularly like to do land exchanges unless it's for larger acreages because it takes a lot of staff time and Federal dollars to get it accomplished. If you can get more than one landowner to talk about it then it gets you to those bigger acreages.

A discussion of land values and access ensued.

Regarding the fees Paul has been charging, Tara McLain had conversations with the Sheriff's department about the issue and if someone charges you where they shouldn't be and you pay it, then it's civil and the Sheriff's office isn't going to do anything about it. But, if it's a situation where he threatens you, pay me or I'm going to call the cops on you or something along those lines, then it's possible it falls into something along the lines of extortion.

Dave said he's open to a conservation easement. Tara McLain explained to the SMAC that a conservation easement is something that can be purchased, either by private or by the Federal Government. The Federal Government does not like to do that; the current landowner may be willing, but a future one may not, and that could create a problem. It would go through the appraisal process and the appraiser would determine what damage that would do to the property



or what value that development potential would have on the property and then that's the amount they would pay for it.

Rhonda Karges reminded everyone that exchanges take three to five years. The road to Pike Creek is a public easement, we really shouldn't have any problems. The parking lot was not the solution. She thinks it helped a little bit but, based on the fact the public is still being harassed, it leaves BLM in a bad spot. SMAC said in their recommendation that the issue would be resolved by March 2017. It's September 2017 and there is really no solution. Now that we have a cadastral survey that's what BLM depends on to see how much room we have to put in a parking lot above.

John Helmer asked how the survey changes the idea of what that would look like. Is it a subtle change? I remember that area and it was pretty high. It wasn't huge.

Rhonda replied that it has increased our area. It will be easier to put a parking area in; it's in a better area. If we have a road that goes all the way through (which we do), in theory that should eliminate the problem.

Tara McLain clarified that the road would be maintained and improved, and then BLM would build a turnaround where three or four cars could park. The easement doesn't go to the WSA. The easement goes to the public domain on the south side of the creek; to get to the WSA BLM have to build a bridge across Pike Creek.

Rhonda said that what we talked about informally in the office is a hard rock crossing and then monitoring to see how much use there is across the river and at some point we might put in a bridge or something. Kali asked if much is known from the vehicle counters. Rhonda doesn't have the numbers now but will get them for the winter SMAC meeting.

David Bilyeu asked if Rhonda was asking SMAC to make a recommendation on a parking lot area and whether that would be some sort of a temporary, partial solution to the situation?

Rhonda would appreciate a recommendation but acknowledges that SMAC currently doesn't have a quorum. We have to do something else; this short term solution (parking by the highway) is not working.

David worries about a temporary solution becoming the permanent solution by default when that was never anyone's intent. He also thinks we need to look at camping facilities (or the lack of them) in this area. John doesn't support either parking or camping in the area but thinks we need more signage directing the public to established campgrounds. Tara Thissell will add this to the agenda for the next SMAC meeting for additional discussion. SMAC will probably not get to see the final survey results mapped out until sometime this winter or later.

## **Legislation**

Owyhee grouped the objectives discussed at the June meeting. How committed is the SMAC to making these things happen? It is going to be a lot of work.

SMAC should consult with Congressman Walden and seek his support before investing a great deal of time and effort. John thinks that SMAC is a finite resource and should focus on getting the biggest “bang for the buck” rather than trying to do everything at once. Owyhee thinks a subcommittee should be assembled to talk to Walden right away. Fred thinks the inholding access issue and the land exchanges are the issues to focus on first; is purchase instead of exchange a possibility? David said it could be both but that his constituents would definitely be unhappy with a ten or fifteen to one trade. Rhonda mentioned that the county might not want private land converted to public. Owyhee suggested putting together subcommittees at this meeting to begin talking with the landowners to see what they are open to and talking with Walden. Fred has specific wording for road access legislation. He would like the group to go through what he’s drafted. Owyhee pointed out that SMAC needs to confer with a very broad group of stakeholders in addition to landowners.

Kali volunteered to be on the subcommittee for land exchanges. Owyhee wants to be on the subcommittee that talks to Walden. Stacy (who was not present) was volunteered for everything.

At this point Jeff Rose, Burns District Manager, arrived and introduced himself.

Tara Thissell will add the land exchange and Walden subcommittees to the agenda for the next meeting.

## **Federal Official Update**

### *Ruby Springs Virginia Valley Number 7 Allotment Management Plan Environmental Assessment:*

Rangeland Management Specialist Autumn Toelle is working on an EA for the Ruby Springs Virginia Valley Number 7 Allotment Management Plan (AMP). Rhonda sent around maps. The no action alternative would issue the permit with everything as it is currently. Alternative B, the proposed action, would renew the ten-year permits extension, and there would be an extension of the existing livestock ally (net increase of 0.7 mile of fence), a reservoir enclosure, 0.2 mile of new fence, reservoir maintenance throughout the allotment and a culvert installed. Additionally, an unneeded enclosure would be removed and a trailing permit would be issued. Alternative C is a nonrenewable grazing permit in areas burned by the prescribed fire a few years back with 50 percent total utilization between March 1 and October 31.

Fred commented that BLM’s done a good job for Diamond Valley Ranch regarding juniper treatment.

### *Recreation Accomplishments:*

Michael Kelly put together a handout concerning 2017 CMPA recreation accomplishments. A volunteer went up to Kiger Gorge and developed a layout of that area. The recreation staff finished constructing the Levi Brinkley Trail and had a really nice dedication. Vault toilets are in the works at Frog Springs and Fields. the contract was awarded. We want to do Frog Springs and Fields at the same time so we don't have to pay set up costs and travel time twice. That should happen at the end of January or thereabouts. At South Steens Campground, we installed the round pen, signs, a kiosk, and some garbage cans. There's a lot of water for the well installed at Riddle Brothers Ranch, 200 plus gallons per minute. It's an artisan well. The BLM plans to put in water for the caretaker's cabin.

John thinks it is important to have a chart of everything that's on the recreation plan and the steps to accomplish them. He wants to have something that tracks whether it's done or not and what the status is. He will put this together himself. Rhonda reminded those present that BLM is prioritizing the rec projects on the Steens according to SMAC's recommendations.

*Litigation Update:*

Mr. Stroemple appealed the livestock grazing decision regarding the trailing of sheep into his private inholdings. He's requested an additional hearing, basically so the attorneys have an opportunity to call witnesses to get information that, potentially, is outside of the administrative record. The BLM is going to oppose the motion for that hearing. Ultimately it will be up to IBLA to decide.

*Personnel changes:*

Michael Kelly is transferring to the Northwest District Office. His report date is October 1. Emily Erwin, Environmental Coordinator, is also transferring to the Northwest District. Burns District will try to have people fill these positions temporarily in the interim, since they are GS-12s and Washington Office has to approve permanently filling the jobs, which could take many months. Michael's job title is going away; the replacement position will be for an assistant field manager. In the interim, Rhonda will be taking on the duties of the recreation program formerly handled by Michael. There's about a 12 percent cut to the budget. This will affect recreation and wilderness but there were increases in other areas such as wildlife.

*Miscellanea:*

Cutting and hand piling has been done at Riddle Brothers Ranch.

We drilled a well at South Steens but it's dry. They got into a big cavern; that's as far as we can get, empty space.

The SMAC asked Rhonda at previous meetings to check into the suspended animal unit months (AUM) in WSA issue with Paul Davis. Rhonda spoke to the solicitor and the following summarizes the questions and answers.

- May the suspended AUMs be permanently activated in the WSA under the regulations?

- Although FLPMA regulations allow us to activate suspended AUMs, BLM's policy (in the handbook) only allows us to authorize increases in grazing use within a WSA on a temporary basis through a temporary, non-renewable permit.
- Could suspended AUMs be considered grandfather use and, as such, reinstated?
  - Paul's AUMs were inactive in 1976. Since the 1,892 AUMs were suspended prior to that, they were not active use and therefore cannot be considered grandfathered use.
- Could the suspended AUMs be activated on a temporary basis?
  - Yes, BLM can activate them on a year to year authorization as long as the nonimpairment standard is met and forage is available. The authorization cannot be a permanent fixture. The standard applies only to WSA. WSAs are subject to both the WSA nonimpairment standard and the applicable rangeland health standards.

John Helmer asked Dan, representing ONDA, about ONDA's stance on the Nature's Advocate Access EA. Dan replied that ONDA is very concerned with the proposal and the extent of access requested. He said he thinks that ONDA had said before that they'd support alternative C, but now says that access is inconsistent with the law. ONDA thinks it is an incorrect interpretation of the Steens Act and Dan said even ONDA will not challenge the Wilderness Act. In his opinion this is a back hand approach to leveraging value; ONDA's disappointed that it's gotten to this point. ONDA's interpretation is that these parcels were supposed to be exchanged. John asked if Dan had any information that would help SMAC the primacy of the Wilderness Act over the Steens Act. Dan replied that he has conversed with Owyhee on this point and made ONDA's lawyer available to talk to her. Dan said there is already reasonable access and ONDA has expressed that in written comments to BLM. The current level of management of the roads (motorized, vehicular access using ATVs or 4-wheel drive pickups) is adequate and reasonable. Jeff thanked Dan for sharing ONDA's opinion. Rhonda added that she and Dan have had previous conversations about the project.

### **Round Table**

Representatives omitted had nothing further to add.

Rod Klus, State Liaison, spoke about the decline in the sage-grouse population, which has been especially high in Harney County. He will send out the recently released report.

David heard a lot about concerns over the suspension of RAC meetings; it was very concerning to environmental groups. He was very pleased to hear that that wasn't continued. There is also a lot of angst and anger over the review of the monuments.

He's been working on recruiting applicants and will continue to do so.

Leon and Stacy both worked on the Sheldon Refuge. Leon says many people agree with spaying as an effective tool for reducing wild horse population growth. Even more think that PZP is

acceptable until they come up with something better. The bottom line is the BLM has to reduce the wild horse population growth somehow.

John Helmer sent an email recreation update to SMAC prior to the meeting. Highlights based on conversations with more than 300 people during the month of July:

- Visitors expressed a lot of happiness and enjoyment of the Steens area. They love its wild characteristics and many people said they hoped it would not get built up over time.
- Visitors often have questions about where they are allowed and some suggested a "green dot" system as a low impact way to know what is open for public access.
- Some were annoyed or disappointed to find locked gates and said they wished there were more clearly marked places where they could get to public land.
- It is common for people to arrive not knowing the status of the loop road and first-time visitors are often surprised to find it closed. It would be good to find better ways to let people know early on when the loop road is closed (e.g., web site, status signs at entrances).
- Visitors that remember how Pike Creek used to be complained about the current level of access but were glad to hear we are continuing to work on that issue.
- The South Steens Equestrian campground seemed unusually busy and many riders said they loved the new round pen. They were also pleased to hear about plans for the north loop equestrian campground and Penland.
- Big Indian Trail was pretty brushy and there were complaints about that but the trail has since been cleared out.

### **Follow Up**

- Peter Walker is going to provide SMAC the abridged version of the interview transcript. He will also be getting in contact with Fred to discuss previous Steens groups.
- The Burns District will work on incorporating SMAC's suggestions into the Nature's Advocate EA.
- Stacy, Fred, John, and Owyhee are the subcommittee working on legislative issues. Leon, probably with Stacy, will research the language.
- Rod will send out the sage-grouse report.
- Leon will help Owyhee select candidates for chair elect. Owyhee will tell Tara who her nominees are before November.

Since SMAC rarely has a quorum, they have subcommittee meetings.

Leon handed off the gavel to Owyhee. The committee thanked Leon for his excellent leadership.

### **Calendar**

*Meeting dates for 2018:*

January 18 and 19, 2018 in Bend

April 26 and 27 in Burns

June 21 and 22 in Frenchglen

September 27 and 28 in Burns (tentative location)

*Next meeting agenda:*

Pike Creek - continue conversation about the exchange and parking

Update from legislative subcommittee

Nomination process

Law enforcement update

Fred motioned for adjournment. Owyhee seconded. Motion passed.