

**Steens Mountain Advisory Council
Public Lands Access Subcommittee Meeting June 3, 2021 Summary Minutes – FINAL**

The Public Lands Access Subcommittee of the Steens Mountain Advisory Council (SMAC) met June 3, 2021 via Zoom from 10:00 a.m. to 3:30 p.m. PST. 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 any conflict of interest, Council members absent themselves from the meeting when the Council discusses matters in which a conflict of interest may occur.

SMAC members in attendance

- Ruthie Danielsen, Private Landowner Representative
- Rod Klus, State Liaison Representative
- Fred Otley, Grazing Permittee Representative
- Terry Turner, Fish and Recreational Fishing Representative
- Kali Wilson, Grazing Permittee Representative
- John F. Helmer, Dispersed Recreation Representative
- Jake Jakubik, No Financial Interest Representative
- Pete Runnels, Commercial Recreation Permit Holder Representative

SMAC members absent

- Eric Hawley, Burns Paiute Tribal Representative
- Leon Pielstick, Wild Horse and Burro Management Representative

Vacant SMAC positions

- Environmental interests for the State as a whole Representative
- Environmental interests from the local area Representative
- Mechanized/consumptive recreation Representative

Members of the public

- Rand Campbell, private citizen, Silvies Valley Ranch / Nature's Advocate, LLC
- Bill Marlett, private citizen, Advisor to Oregon Natural Desert Association
- Steve Ronfeld, private citizen
- Dave Haugeberg, private citizen
- Teresa Wicks, Eastern Oregon Field Coordinator, Portland Audubon, SMAC applicant for the Local Environmental representative position.

BLM

- Tara Thissell, BLM, Public Affairs Specialist
- Jeff Rose, BLM, Burns District Manager and Designated Federal Official
- Don Rotell, BLM, Andrews/Steens Resource Area Field Manager
- Lisa Grant, BLM, Planning and Environmental Coordinator
- Autumn Toelle-Jackson, BLM, Assistant Field Manager for Andrews/Steens Field Office (Range)
- Mandy DeCroo, BLM, Assistant Field Manager for Andrews/Steens Field Office (Recreation/Realty)

Tara Thissell reviewed the agenda. John Helmer reminded the group they are meeting as a subcommittee without a quorum and key positions remain vacant or unappointed. There are several

position terms coming to an end in 2021. Without any appointments, or even an opportunity to apply, the SMAC could very likely only have four appointed members at the end of the calendar years. Jeff Rose added that this situation is the same throughout all the RACs and is a continued challenge.

Designated Federal Official, Jeff Rose

- Covid: Burns District Office remains open to the public, and we are able to interact with folks during regular business hours. We have to keep employee numbers at 25 percent or less in the office at a time. Most people are teleworking, but we aren't out of reach – just in various locations. Staff has done an excellent job over the last 18 months or so trying to maintain quality public service despite all the challenges.
- Secretary of the Interior Deb Haaland was appointed in March.
- Nada Culver is the acting BLM Director (officially, Deputy Director of Policy and Programs exercising the authority of the Director).
- Tracy Stone-Manning has been suggested for nomination to the BLM Director position.
- Barry Bushue remains the OR/WA BLM State Director.
- President Biden asked that all agencies provide by mid-July a “reopening plan”. The Burns District seems to be ahead of other offices, so things may not change as quickly for us as other agencies.
- Rhonda Karges retired from the Deputy District Manager position in March 2020 and it took a bit to fill her roll permanently. Bruce Loranger, coming from Alaska, will start in this role in early July.
- Our Outdoor Recreation Planner for wilderness is currently open for application.
- Lydia Bossuot, BLM Burns District Administrative Support Assistant, is serving in a Park Ranger detail for the summer season to provide more of a physical presence on the Alvord Desert.
- Mandy DeCroo has accepted a position with the Forest Service and will be leaving the Burns District. We appreciate everything Mandy has done and wish her luck in her new job.
- Hiring remains a huge challenge for the agency overall for a number of reasons – the process, screening, finding housing, etc.
- Pike Creek: Temporary motorized closure planned for the public easement into the area to prevent resource damage and trespass onto private property. The closure is making its way through the federal process. Once it is approved it will be in place until the situation is remedied (parking or turnaround option at the end of the easement). We are still working through some of the issues with the parking area, mainly how to effectively cross the creek with the least impact.
- The large increase in recreation (starting in 2020) seems to be on the same track for 2021.
- We are working on a business plan to reevaluate the recreation fees we charge at our developed campgrounds. These rates haven't been adjusted since 1980! When that plan gets further in the process, the SMAC will have an opportunity to review and provide input.
- Currently have a contract at the State Office for processing to inventory roads/routes/etc. on the Steens for the new Travel Management Planning process. Contracting has been a challenge (like hiring) as well. Mandy DeCroo added that we are waiting for a Blanket Purchase Agreement to come through from the State Office so they can issue a Task Order on it for the inventory work. Fred Otley asked what the contract was for, specifically, and Mandy clarified that it was for a business/company/etc. to do a full, new, physical inventory of the roads/routes on the Steens. Fred wanted to make sure 1) all the historical information that was submitted in previous travel planning efforts was included – Mandy said yes, and 2) that the Steens Act requires official coordination with Steens landowners on this kind of effort – Mandy said yes,

- this will happen, and Jeff added that there will be heavy public input overall.
- Page Springs Weir project is on hold right now due to higher priority projects.

Bridge Creek Area Allotment Management Plans

This topic was briefly discussed at the December 2020 meeting. Don Rotell summarized the process from start to present and the evolution of this planning process. As written in the Bridge Creek AMP Environmental Impact Statement: In 2014, the BLM made the decision to not renew livestock grazing authorization #3602564, which covered all active AUMs in the four allotments. This decision was administratively appealed by the permittee and the Secretary of the Interior resolved the administrative appeal in January 2019, by instructing the BLM to reissue the grazing permit. The BLM reissued the grazing permit under a categorical exclusion (CX), but due to intervening on-the-ground adjustments and court orders, the grazing that the BLM authorized in the 2019 season varied from what was initially contained within the permit. The reissued permit and related Secretarial Order were vacated and remanded to the Department by the U.S. District Court for the District of Oregon in late 2019. Pursuant to an order from the Secretary, the BLM advertised a Notice of Available Forage within the allotments. Following the receipt of four applications for the forage, the previous permittee withdrew its 2014 administrative appeal in 2020, after which the Secretary issued a subsequent order authorizing the BLM to continue the adjudication process for the available forage within the four allotments. Because there were conflicting applications, BLM requested additional information from all applicants to address the factors identified in 43 CFR 4130 1-2. Three applicants provided the supplemental information, and one applicant withdrew their application. The BLM also received multiple letters from interested publics concerning the Notice of Available Forage and providing opinions on how the forage should be apportioned (i.e. how the BLM should resolve the conflicting applications).

In 2020, the BLM initiated an environmental assessment (EA) to analyze potential alternatives related to livestock grazing within this area. Following receipt of multiple protests of the proposed decision, on January 19, 2021, outgoing Secretary Bernhardt signed a decision on the EA. The decision was appealed on February 25, 2021, by the Western Watersheds Project, the Oregon Natural Desert Association, the WildEarth Guardians, and the Center for Biological Diversity. The next day, the Senior Advisor to the Secretary Exercising the Delegated Authority of the Assistant Secretary for Land and Minerals Management rescinded the decision and directed the BLM to “initiate any additional processes and opportunities for public involvement that it may determine appropriate under applicable law following a careful and considered review of the protests. Following the rescinding, BLM initiated the EIS process due to the high level of political and public concern, and to provide the most durable, thorough document with the highest level of environmental analysis that could withstand a legal challenge.

John Helmer asked for clarity on what he heard about the “department level decision to not use the required review period on the 2020 EA”. Jeff Rose stated that decisions on this process were made at the Secretarial level and that we only dealt with advisors/political appointees. The department didn’t think we were going outside of “rules” for public review and felt overall that the deadlines and policies were met with the direction the Secretary gave.

Don feels very confident with BLM staff and their ability to do a top notch EIS. It should take about a year because of all the necessary briefings and public involvement timelines, but we have great input already together in the EA and can roll that over into the foundation of the EIS.

Ruthie Danielsen asked Don about the difference between an EA and an EIS. Don said that the process

isn't really driven to gather "more" information or anything more "scientific" than would be in the EA. There is more opportunity for public input during and EIS, so that is one big difference. An EIS also doesn't have a "Finding of No Significant Impact" like there would be in a EA, because the EIS would show/analyze any impacts. Ruthie asked if the focus going forward was the EIS, and not to recruit for and review applications for forage availability again. Don said 'yes,' and that we will move forward with two decisions – one to award grazing preference (BLM administrative decision) and the other for the grazing system(s) in the Allotment Management Plans (Record of Decision for the EIS).

Fred Otley clarified/asked if the remanded decision had to do with the timeframe for public input after the documents were released, why didn't the BLM just extend the review period instead of moving to an entirely new process (the EIS)? Jeff Rose stated that the decision to finalize the decision by/on January 19, 2021 (not allowing for any extension) was made at the Secretarial level. In addition, there were other "deficiencies" identified in the document, but the inadequate public review period was the main reason the Secretary used to remand the decision.

Autumn Toelle-Jackson emphasized the difference between decisions for grazing preference, which are done through an administrative process outlined in agency grazing regulations, and a grazing permit, which has to be done through a NEPA document. Once someone is awarded grazing preference, that does not mean they have a grazing permit. Preference gives the awardee *priority* for a grazing permit, but an actual permit cannot be issued without the NEPA analysis – in this case, and EIS. Reminder that BLM's position is NOT that grazing has a significant impact on the landscape. The EIS process is being used to offer the best possible decision in a complex area and situation.

John Helmer asked about the process for SMAC input on the Bridge Creek effort – this project is within the Steens Mountain Cooperative Management and Protection Area so the SMAC needs to be involved early, regularly and consistency. We need to have plenty of time to work with our constituents, get feedback, bring it to the table for the BLM to consider for the document, etc. Don added that we are still in the early steps of getting Department approval for the EIS process; once we get that through, we will officially begin scoping. We haven't identified how/when to include SMAC yet, but it is definitely a priority. John said he really appreciates this thorough approach.

Fred Otley asked if the scoping process will be entirely new, or if the previous scoping input will be brought forward. Jeff said the answer is both – we will utilize scoping (and information from public comments, protests, etc.) from the original process as well as open the opportunity for more input from the public, applicants for forage, etc.

Recreation/Visitor Use Stats for 2020, Mandy DeCroo

Mandy read through a series of slides to show stats and data for the 2020 visitor year, which was incredibly busy! That slideshow is attached. Comments/questions/other:

- John Helmer added that many people also dispersed camp, especially in 2020 when campgrounds were full, and those numbers are nearly impossible to capture. So there are likely more people out there than the data shows.
- The BLM has a recreation business plan in progress to restructure fees for developed use in the Burns District. This plan will come before the SMAC for review. Note: the plan does not include a proposal to move any of the Burns District campgrounds to "by reservation" – reservation campgrounds need to have a person/host on site (only Page Springs has a host) and the ability for electronic payment (most of our campgrounds do not have internet service).
- John added that for the work/partnership with ONDA on the Alvord, they are doing more than just monitoring – lots of clean up and visitor contact and data collection as well!

- Mandy stated there was a 300+ percent increase in use on the Alvord Desert from 2019. Over 800 people were counted on the desert on a holiday weekend. We received a grant from Travel Oregon to provide a dumpster at Frog Springs to help with the garbage issue out there. We won't be adding additional restrooms in that area. We're even having trouble finding contractors to pump our vault restrooms on a regular schedule. We're also having trouble with large, organized – unpermitted – group activities set up for the Alvord. This is a huge workload to track down and handle.
- Ruthie Danielsen asked about signage and if it would be worthwhile to have information available about guard dogs for grazing animals on the landscape; or information for bicyclists about what to expect with guard dogs. Most people don't know about or how to interact with guard dogs. There are also a lot of people speeding excessively on the Loop Road – would more signage help with that? Mandy said the BLM is working with some offices in Idaho who also have permitted animals with guard dogs and we hope to get information available and posted in Fish Lake and Jackman Park campgrounds. The BLM is planning to place additional speed limit signs on the loop road, even though this is impossible to enforce, signs go missing, etc.
- Autumn said the BLM has talked with the landowners that are grazing sheep and have the guard dogs, and the landowners are on board with any signage or information about this.
- John mentioned that Kyle Wanner has been great to work with and is a big plus for the BLM!
- Tara Thissell will see if there is any information/data to share regarding Law Enforcement stats for the Burns District in FY2020.

Nature's Advocate LLC Inholder Access, Lisa Grant

At our last meeting, the project proponent went over a new route proposal (Coole route) they submitted in December 2020. Lisa reviewed a map showing all the routes proposed:

- Watson Route
- Reine access to Coole route (talked most about this at the December meeting)
- North Loop Road to historic grazing route

A Google Earth photo shared by the project proponent shows some roads to/through the inholding. The past ownership of the property is complicated but there is a long history of the routes proposed being used regularly for waterhole cleanout, access to salting grounds, etc. This is all evidence for the routes being used for motorized access.

Lisa stated no matter what, we need to have more concrete evidence of what routes existed and in what condition they were in at the time the Steens Mountain Cooperative Management and Protection Act was passed. To that end, we are looking into getting some Lidar data for the area. Lidar should offer us a lot of information about what is on the surface, under the vegetation. Lidar is basically a series of laser pulses that capture all the layers of terrain down to bare earth: the surface with all the above ground features removed (digital terrain models). Lidar is used for many things, like archaeology, and is a really great option for us to get solid evidence about what exists on the ground around the Nature's Advocate inholding.

Lisa asked the SMAC what they thought about the Coole route, does the group still want to support their "current proposal," have they had time to look at the Coole route proposal, etc.

John Helmer complimented Rand Campbell (project proponent) on the route proposal he provided in December. There is a lot about the "current SMAC recommendation" that John still supports – the

SMAC should definitely look over it though and give it a fresh review, though all SMAC efforts are hampered by the fact that the council does not have a quorum. All three routes that are proposed have some aspect of “landowner only access”, and even though that might be controversial, this is probably a good idea. About the Coole route, what Rand presented is compelling and the Lidar data will be great. John voiced support for improving the crossing at Dry Creek. Also, for the Coole route, it is calling for maintenance level 3. For the record, the SMAC voted for all routes being maintenance level 2. Why is a two-wheel drive pick up truck the standard? Is that really a need now? John is concerned about the Watson route and how much traffic will go through Riddle Brothers Ranch, when/how there will be crossing on the Little Blitzen River, etc. The historic grazing route is compelling but is really an awful long way to get to a very small piece of property. No matter what, we should be clear about the access needs and be as light on the land as possible.

Fred Otley inquired about the Coole route and talked about historical use and access. Having a number of different routes are vital to the landowner, both socially and economically, for a multitude of reasons. “Redundant” routes, from a landowner perspective, do not exist. Each route to a piece of property is an inherent part of the use of that property. It is important for the BLM and the public both to look at this wholistically and in the original owners’ situation and ask, “what is reasonable”. Fred is looking forward to seeing the Lidar data.

Lisa continued with her presentation and agreed that private land access is critical and important. Remember, the BLM decision must have a very clear background and documented proof of what the road conditions were at the time the Steens Act was passed. This is absolutely essential for a decision like this to hold up under litigation. John Helmer said there is a legal school of thought that the Steens Act should “come first” or “preempt” the Wilderness Act; while both should be followed, the Steens Act is very powerful. Maybe the Steens Act is primary here. Don Rotell stated that neither act trumps the other and both must be followed – it is a very fine needed to thread because of the different interpretations of the Steens Act. Evidence of use and how roads/routes were built is going to be key for the BLM to make a decision on adequate and reasonable access.

Pete Runnels is concerned about the issue with “what the roads/routes and uses looked like at the time of the passage of the Steens Act.” It doesn’t seem right. Lisa agreed that this is a tough part of the process, but the Steens Act specifically says “no new road construction,” so we need to be able to say what the access looked like prior to. Ruthie Danielsen finds it interesting that the private property owner has to provide visual documentation with 21st century tools that weren’t even available when the Steens Act was passed. It’s bothersome that the onus is on the private property owner to give “good enough” proof/information.

Rod Klus is concerned about improving the Cold Springs Road. He asked Rand Campbell if they’ve given any consideration to trading the existing parcel for something nearby that already has road access to it? Rand said they are not totally interested in a trade, but if BLM wants to bring an enticing proposal, it might be considered.

Lisa is going to continuing pursuing the Lidar data, and depending on when it comes in, that will help us determine how and when to move forward with the project. John reminded the SMAC that the group has done a significant amount of work on this issue already and that we have to consider that some things in the Steens Act and/or some things in the Wilderness Act may be compromised. John and Ruthie will get together to review the SMAC’s original recommendation on the Nature’s Advocate EA. Don Rotell thanked everyone for being patient with this very lengthy and ongoing project/process.

Public Comment

Steve Ronfeld – appreciates SMAC members and knows it is a difficult job to do; thank you to everyone trying to do the right thing and take care of Steens Mountain for the public.

Fred Otley – went out on the landscape quite a while back (regarding Nature’s Advocate inholding) and found the routes in question; some BLM staff members followed up and said they couldn’t find them and nothing else seemed to be done for follow up after that. Fred thought some mistakes were made and was concerned, but that he is looking forward to seeing the Lidar data and anything else that is available for the Nature’s Advocate inholding.

Inholder Initiative Update, John Helmer

This effort came out of strategic planning the SMAC did in 2017. The group decided to focus on a “moon shot” – something difficult to accomplish and very ambitious. Challenges were noted around balancing inholding and edgeworking needs and the SMAC decided to pursue discussions about land exchanges with willing owners of these kinds of properties. In 2018, there was an in-person stakeholders meeting to start some of these discussions. Five landowners have been part of this effort since. We haven’t had much success yet, but the discussions have been good and there could be some promising aspects. There are still projects on the books, but the SMAC has been short on personnel to continue the work.

Ruthie supports sticking with the effort and seeing if there are other people on the SMAC willing to get on board. It’s a good opportunity to work on avoiding conflicts in the future. Fred added that we should always keep doors open – when you shut doors, it’s really hard to adapt to changing situations. John said our ability to move forward could depend on SMAC membership in the future. We may even need to lean toward crafting legislation to pay these private landowners for their properties. Jake Jakubik is interested in being part of this subcommittee work but feels the group has limitations with their vacant positions. It also seems like there could be more and more conflicts in the future because of the overall increase in use on public land.

The general consensus is to keep this effort on the books and to revisit it in the future.

Alvord Allotment Management Plan, Autumn Toelle-Jackson

The Alvord AMP is for the Alvord Allotment on the east side of the Steens. The document will analyze, among other things: returning some suspended AUMs into that allotment; the grazing permit renewal and updated allotment management plan; and, opening the season of use a bit to allow more flexibility for grazing management. Additional terms and conditions are planned to ensure livestock don’t congregate in riparian areas and active management is in place to address those kinds of issues.

Subcommittee Member Reports

- Kali Wilson – nothing to report. Things are very quiet with Covid.
- John Helmer – John will be serving at Riddle Brothers Ranch again in July! Also, there is an interesting project in the works with Carolyn Temple at the BLM to do some historic structure work at Ward Cabin, Camp Gap Ranch, and potentially Riddle Brothers Ranch.
- Ruthie Danielsen – Weed spraying on the Steens this year? When, where, what was targeted, how much, costs, etc.? Don Rotell stated there was some aerial herbicide applied for cheatgrass and Medusahead in the Frazier field area. He will have to get the rest of the information after

- Pete Runnels – the Steens Mountain Running Camp is back in session this year, after taking 2020 off due to Covid. Camp will have smaller groups, more bathrooms, maybe an additional bus, etc. – lots of mitigation. Thanks to Mandy DeCroo for the great information on 2020 recreation and visitor use stats. Pete would like to share that presentation with the Running Camp staff.
- Jake Jakubik – perhaps there is a way for the BLM to share information at the main entrance signs about all the things we have discussed during this meeting – guard dogs, wilderness, snakes, gates, livestock, private property, etc. We could also talk about dispersed camping etiquette and knowing fire restrictions.
- Fred Otley – spring turnout has gone pretty well across the board; BLM has done a pretty good job communicating despite the issues with Covid. Medusahead continues to be an issue on the mountain, so BLM’s weed spraying is really important. Ventenata is also something we should be paying attention to. Also, reintroduce fire wherever and whenever you can.

Closeout

Tara closed out the meeting and noted suggested agenda items for the next session (proposed September 23-24, 2021):

- Nature’s Advocate, LLC Inholder Access EA – field tour and discussion
- Bridge Creek Allotment Management Plan and EA
- Alvord AMP
- Travel Management Planning
- Recreation use discussion – where are we at?

Follow up items:

- Mandy DeCroo will send the presentation on recreation stats and the report on recreation economic benefits to Tara to share with the SMAC
- The SMAC will provide their “reasonable use” document to the Coole route proposal
- Don Rotell will follow up on weed spraying on the Steens

Approved by:

Pete Runnels, SMAC Chairperson