

Twin Falls District
RESOURCE ADVISORY COUNCIL
SUBCOMMITTEE ON CEDAR FIELDS AND
CASTLE ROCKS PROPOSED CLOSURES
Meeting Minutes 6/05/2012
BLM Twin Falls District Office

Resource Advisory Council (RAC) Subcommittee members present:

Peggy Stanley, Chair
Denise Alexander
Katie Shewmaker
Jeff Williams
Hank Mayland
Afton Patrick
Jamey Wills
Charlie Howell
LaMar Orton
Yvette Tuell

Bureau of Land Management (BLM) representatives present:

Jenifer Arnold, Acting District Manager
Marian Atkins, Acting Associate District Manager
Michael Courtney, Burley Field Manager
L. Suzann Hendrikson, Burley Archeologist
Barbara Bassler, Planning & Environmental Coordinator

Public Attendees:

Jack Brennan, Eastern Idaho Climbing Coalition
Mike Krumberger, Eastern Idaho Climbing Coalition
Troy Neu, Eastern Idaho Climbing Coalition
Mike Mathews, Representative of U.S. Senator James E. Risch
A.J. Church, Representative of U.S. Senator Mike Crapo
Julie Ingram, Facilitator
Bev Ashton, Facilitator
Gerald Orthel, RAC member
Mike Henslee, RAC member

Note to readers: A copy of each attachment listed in these minutes is on file with the official meeting minutes in the BLM Shoshone Field Office. Persons desiring to view attachments should contact Meghan Sorensen-Pereira, (208) 732-7263.

*Copies of certified minutes are posted on the Idaho BLM website at:
http://www.blm.gov/id/st/en/res/resource_advisory/twin_falls_district/meeting_minutes.html*

Item I: Welcome and Introductions

The meeting began at 6:05 p.m. with a welcome by Chairperson Peggy Stanley. She distributed a handout from the Eastern Idaho Climbing Coalition (See handout, Critique of BLM Statistical Analysis). RAC members, BLM staff and members of the public present introduced themselves.

Acting District Manager Jenifer Arnold spoke briefly about the role of the Resource Advisory Council in the planning process. She explained that this subcommittee will make a recommendation to the full RAC, which will then make a recommendation on this issue to the Twin Falls District Manager to be considered in the environmental analysis. So far, the subcommittee has been gathering information, to make a recommendation on an alternative on the Cedar Fields, which is contained in the American Falls Archaeological District (AFAD). Facilitators Bev Ashton and Julie Ingram are here this evening to guide the discussion. This subcommittee will make a recommendation to the RAC at the September 25 RAC meeting. BLM will analyze a full range of alternatives. The RAC recommendation will not be given any special consideration above the other alternatives.

Mike Courtney, Burley Field Manager, stated that the State Historical Preservation Officer informed him that he is going to consider bolts as “adverse effects.” Therefore, any alternative that Mike selects will have to have mitigation and buyoff from the SHPO, Tribes, and the Advisory Council. If the Advisory Council believes that BLM isn’t properly managing the AFAD, they could take away authority from the field manager reporting their findings to the Secretary of the Interior. Mike handed out two case law decisions.

Item II: Public Input

At 6:10, Jack Brennan spoke. He stated he is opposed to this closure. “I was out on the tour and much was made of the erosion resulting in bare spots. The analysis put climbing in a very bad light. I found the gentleman in the Pocatello community who placed the original climbing bolts. He said that even before the bolts were put in, the area at the base was bare (over 20 years ago).”

Mike Krumberger then gave comments, referring to the handout from the Eastern Idaho Climbing Coalition that was distributed at the beginning of the meeting: “At our last meeting, the statistical analysis was presented by the BLM, saying that the area was worse (page 4). Most of the data shows significantly larger points. The variance of the vegetation is extremely large. I started wondering about this data. Why are some very different? How are you measuring the areas of de-vegetation? But what if a climbing wall is 100 yards wide versus a non-climbing wall that is 10 yards wide? Is this a fair comparison? I talked to two professors who talked about standard measures for comparing this... which was not used in this study. The total area that we are talking about is different. De-vegetation at Cedar Fields happens naturally. You can also see de-vegetation caused by man—hiking trails, ATVs etc. If you are going to isolate climbing then you need to take the other uses out. We don’t know if the de-vegetation was caused by climbing or other factors. The other concerns are with the way the data was gathered. You have to randomize your sample or you are going to introduce bias into your result. If the climbing walls are extremely accessible, and the non-climbing walls are inaccessible, if you don’t include all these factors, you don’t know what you are measuring. An analysis of this sort is more than just measuring the walls and the de-vegetation—you need to take account of all activities occurring there, the height of the wall, etc. to be able to measure effects from climbing and other uses. To do

a “t” test, as it turns out there are 3 assumptions necessary—the “t” data has to be normally distributed, the variance has to be constant and the sampling needs to be randomized. So, if you want to do this study, you need to do a non-parametric approach. Our belief is that measuring de-vegetation is good, but you need to have an unbiased group do the study. The professors at Idaho State University are interested in doing a study at Massacre Rock, with native plants. We are in favor of the study and it needs to be done right.”

Public comments ended at 6:30 p.m.

Item III. Letter from the Idaho State Preservation Officer

Mike Courtney explained that Ken Reid, the Idaho State Archaeologist was not able to attend but sent the following letter to be read:

Dear Mr. Courtney:

Thank you for the tour of the Cedar Fields area of the American Falls Archaeological District. We found the tour very helpful in understanding the Bureau of Land Management (BLM) concerns about effects from climbing activities on archaeological properties and on cultural properties important to the Shoshone-Bannock Tribes.

I also appreciate the invitation to attend the Resource Advisory Council meeting this evening in Twin Falls. Unfortunately, I will not be able to attend. However, I would like to take this opportunity to summarize BLM’s responsibilities under the National Historic Preservation Act and their interaction with the Idaho State Historic Preservation Office.

The American Falls Archaeological District was listed in the National Register of Historic Places in 1999. Properties contributing to the district include 158 archaeological sites located on lands managed by the BLM or the Bureau of Reclamation. A number of these sites are located within an area called Cedar Fields, located on the north side of the Snake River, downstream from the town of American Falls.

Under Section 110 of the National Historic Preservation Act (NHPA), the BLM, or any other Federal agency, is required to protect and preserve historic properties under their jurisdiction such as significant archaeological sites located within the American Falls Archaeological District. Section 106 of the NHPA requires the BLM to take into account the effects of its undertakings on historic properties and to consider the views of the Idaho State Historic Preservation Office (Idaho SHPO), Indian tribes, and others. As a Federal agency, the BLM also has responsibilities beyond NHPA which require little or no consultation with our office, but do require consultation with Tribes.

It is our understanding that the BLM plans to amend its Land Use Plan to address the effects it is witnessing on historic properties within the American Falls Archaeological District. The development of a land use plan, or amendment of a plan, is considered an undertaking under Section 106 of NHPA. To meet the requirements of Federal law, the BLM will initiate Section 106 Review of the plan amendment. As part of the review process, it will consult with the Idaho SHPO, the Shoshone-Bannock tribes, local governments, and involve the public.

Once Section 106 is initiated, our office will review the relevant document to enable us to comment on the plan and effects on historic properties.

Again, I appreciate the invitation to attend this evening’s meeting. Please contact me if I can provide any additional information or assistance.

Sincerely,

/s/Kenneth C. Reid
State Archaeologist and Deputy SHPO

Item IV: Discussion of rock climbing, camping, staging, trail-building and other recreational issues at Cedar Fields and Castle Rocks

Facilitator Bev Ashton explained the process to the subcommittee and went over the guidelines for the discussion which were on a flip chart: 3 questions each; 5 minutes response time per person; conference protocol (respectful and non-confrontational); seeking “win-win” creative ideas for all side of the issue; breaks before and during the conference. She also said that the questions were identified with help from BLM staff.

Yvette Tuell commented she didn't think we are going to get to the “win-win” creative situation. Julie Ingram responded that it's something to reach for. The idea is to get to something that will be acceptable to all sides.

Yvette said she doesn't think we can reach it and suggested taking off the “win-win” from the process guidelines.

Bev: So would it then be OK?

Charlie Howell: I disagree. I respect your opinion but why take it off because just one person wants it?”

Bev: We are just trying to think creatively.

Yvette: Already we're setting up the disadvantage. Why do we have to set it up to be a win or lose? Just having the word in there sets the tone. Can't we just bring it down to identify recommendations to the BLM?

Peggy: You mean consensus?

Yvette: It seems like we're setting it up for failure.

Gerald Orthel: I've been on several boards using this same process; we're just going through a process.

Bev: Sometimes we don't even put up guidelines. Can we just move forward?

Yvette: We all understand the guidelines.

Bev: Is it OK with everyone if we take the guidelines down?

Everyone agreed and the guidelines were taken down from the wall.

Bev started asking questions of the subcommittee members, about what brought them to the table, what concerns they have about the activities affecting the area and what thoughts they might have about an alternative that could be proposed to deal with the issue. She began with Afton Patrick.

Bev: Afton, I'd like to start with you. Can you tell me what brought you to this subcommittee?

Afton: I was out in this area for about 20 years ago. We started at Minidoka and 4-wheeled to the Oregon Trail, to try to find entries the pioneers wrote on the rocks. We didn't see any bolts at that time. I am interested in the historic value of the area. I am worried about the continuation of the closure, or expanding it or closing it to the public. I am concerned about that.

Bev: Katie Shewmaker, what brought you here?

Katie: I represent the State of Idaho. I work for the Department of Environmental Quality (DEQ) with surface water quality. We are out in the field to monitor the water in the area.

Bev: What concerns do you have?

Katie: It is a multiple use area. We need to look to see what would be best for the whole and see if there is something where the area could be made multiple use. I did some research in the

Section 106 guidelines. I need to do more reading.

Bev: How would you propose an alternative?

Katie: Basically, there are differences of opinions on how to use the area, but we need to follow the guidelines.

Bev: Charlie, would you like to tell us how you came here and what you represent.

Charlie Howell: My interest is general public input... not one side over the other. We need to have multiple uses within the parameters and regulations BLM must follow.

Bev: What concern do you have regarding uses at AFAD?

Charlie: I tried to explain to someone that once you notice the bolts, they are extremely noticeable. I don't understand why the bolts were put up and not removed. I believe BLM and the resource area are already dictated what can be done--they must follow the rules.

Bev: James, would you like to tell me of your interest.

James Wills: As a lifelong Idaho resident, I am interested in recreation and don't want it limited on public lands. It seems under the proposed action, there was a foregone conclusion on what was going to happen. In the baseline for the study, one single user group is being singled out. Unfortunately, BLM is being told what to do under Federal law and tribal sites. I would like to see a multiple use alternative.

Bev: LaMar, what is your role on the subcommittee?

LaMar Orton: I represent the environmental community. I am a member of the Idaho Native Plant Society and Audubon Society. I also like to wander, camp throughout the west. I really do enjoy our public lands. I've found there are only two of these archaeological historic districts in Idaho. I have certain problems with the bolts. Once you see them, you're always going to see them. That bothers me. But I also hate to see something locked up. I'd like to see a good cross-section of people using it. As long as there is no damage, then I'm okay with that use.

Bev: How would you propose to reach an agreement?

LaMar: We need to have a good understanding of what the parameters are, listening to all sides of the issue, and trying to come up with a win-win situation. Maybe it will not be a win-win for everyone.

Bev: Jack, we'd like to ask you the same questions.

Jack Brennan: I'm here to represent the climbers' issues. I guess my concern is that these are public lands and that the climbers are a very respectful group. My concern is that these closures will continue and that these lands will be closed.

Bev: What concerns do you have with the proposed action?

Jack: Just that it is a stepping stone for more closures. One of the interesting things is that the archaeological district was created. I never would have known about the history of the area until this came up. I think an education program would do a lot. Education could be part of the mitigation.

Julie Ingram took over to ask the rest of the group. Julie: Hank, what is your interest?

Hank Mayland: I grew up on an Indian Reservation in Wyoming. I have a technical background so I can relate to the issues that were brought up about the data and study. I agree that it is justifiable to take another look at the effect of climbing walls on erosion. We also have the issue of tribal laws. I would have pros and cons on a number of issues.

Julie: Do you want to list them now?

Hank: The validity of the study and the tribal aspects of the historic land uses. At the same time, I relate to others here that say this is a multiple use area. So, with guidance, we could open up some of the area for multiple uses, identify them specifically, and then reserve areas for the tribal religious uses. So, I would come up with a list of pros and cons.

Julie: When you talk, with guidance, is that may be identifying areas that would be specified?

Hank: We need to get input from the user groups, maybe the tribes, and the climbers.

Julie: What impacts are you concerned with?

Hank: I'm concerned that there need to be some areas for multiple use, and other areas where uses would be excluded.

Julie: Yvette, what brought you to the table?

Yvette Tuell: My interest is to assure that the rights and interests of Native American Tribes are preserved on public lands and upheld in this planning process.

Julie: What impacts are you most specifically concerned about?

Yvette: The impacts to the archaeological district. The BLM generally has a multiple use mandate. However, some areas already have specific guidance, such as ACECs, etc. My concern is that we do not further erode the Tribes rights by allowing adverse uses that create adverse impacts. I don't want to close it entirely, just eliminate the uses that adversely impact the archaeological district.

Julie: Do you have list of adverse impacts?

Yvette: We need to help people better understand the issues. It's not a manner of recommendations. Recommendations are merely recommendations. Allow the BLM to follow the existing guidelines. We as a tribe support information and education to tell the story of tribal issues. As far as actual mitigation, such as bolt removal, the Tribes support removal, but realize it may be difficult.

Julie: Anything else?

Yvette: Often the Tribes are considered lower and lower, but we look at it as justice. Folks are learning about things the BLM needs to consider.

Julie: Denise, tell me what brought you here.

Denise Alexander: I was born here. I love exploring all around here. I spend most of my time exploring new areas. I represent dispersed recreation. I don't support closures as it concentrates use. I am definitely for multiple uses. I believe people can share the land. I believe user groups, if we get them involved, take ownership, and police it... There's no way BLM can enforce the laws. Some of my concerns are economic concerns in Eastern Idaho. The area brings folks from outside which helps economically. I question some of the statistical methods that were used. Perhaps if some of the laws were enforced in the past, we wouldn't be in this situation now. It's not the user groups that do the damage. I would like to see the laws enforced. Maybe with that enforcement it would take care of the problem.

Julie: By enforcement, are you saying more people on the ground?

Denise: You know, I didn't even see any signs.

Julie: So more signage? How can we encourage more ownership from user groups?

Denise: Education. A number to call if users see abuse. Signage.

Julie: So signage might help? Do you have any other ideas about mitigation?

Denise: There definitely needs to be more research.

Julie: So, Jeff, what brought you to this table?

Jeff Williams: I am unique. I'm a fourth generation rancher. For generations, my family has relied on using public lands for their livelihood. I have an open mind. I am a firm believer in

multiple use, but it has to be regulated, or it gets out of hand. There has to be restrictions.

Julie: What are your concerns?

Jeff: I would be opposed to a total closure. I was unaware that a total closure was being considered.

Julie: Isn't this just specific to certain recreational uses?

Mike Courtney: Yes, rock climbing, camping, staging, and trail building.

Jeff: It seems like it's a pretty small area of public lands when you look at the amount of public lands in Idaho. I don't see where rock climbing has done the damage. Other activities have caused the damage. I think the bolts look pretty much out of place. We heard some of the tribal members speak at a previous meeting, said we could not understand their feelings. I think we need to show respect for their feelings.

Julie: You propose looking at all sides of the issue.

Jeff: I feel like we are wasting our time because if it goes one direction, it could be resolved directly, but if it goes the other way, then it would be jerked out of the hands of the local BLM, either by the SHPO or the tribes. It seems almost senseless to fight them on it.

Julie: Peggy, what brought you?

Peggy Stanley: I represent dispersed recreation. I'm a third generation Idahoan. It's in my blood.

Julie: What is your main area of concern?

Peggy: I was thinking about touring the area--I had never been out there before. I did take note of the bolts in the climbing walls. I did see de-vegetation but I don't think that can be said to be made solely by the climbers. I am opposed to the closure. I would like to see the tribes step in and help take care of the area. I hate to see the whole area shut down.

Julie: So, one of the suggestions you have is to have tribes involved in keeping it multiple use. Do you have any specific ideas about the bolts?

Peggy: One of the elders of the tribes said, we don't climb on your churches. I think removal of the bolts needs to happen, and that the climbers could still climb the rocks.

Julie: What about the vegetation?

Peggy: There was some talk about putting down some straw matting at the staging sites.

Julie: Anything else?

Peggy: I don't want to see any closures. It's just sad to me. We're all users. We need to be responsible users. We need to help police those out there who are not responsible.

Julie: Gerald, would you like to comment?

Gerald Orton: I am a member of the RAC and I represent energy. I am interested in the process, in case we have similar issues in other areas, such as the Gateway project. I participated in the tour. I just wanted to see how we can keep the area the way it is.

Julie: Did you see any impacts that concerned you?

Gerald: There was no way to see where the AFAD stopped and where we entered state lands. We could be damaging adjacent lands not protected or closed. There needs to be signage. I was thinking about the statistical analysis. There are other human activities, plant species, soil type, alignment of rocks with weather. The cumulative effects of everything will have impacts.

Julie: Do you have any ideas?

Gerald: I'd like to have information about more studies. Also, looking at the time of the year when the area is most fragile. Maybe, there would be blocks of time when it is okay to use it and then other blocks of time when there shouldn't be any use. Try to identify processes to help the area heal, and revert back to historical state. The Native American community, the BLM, and the public could ask for no better group than the climbers to help protect the area. When Mike

[Krumberger] mentioned about the bolting, Courtney could come up with some possibilities of mitigation.

Bev: Does anyone need to add anything to any of the questions? When we return after a break, we will recap the items that have been brought up.

Hank: Are there specific areas that have greater meaning to the Tribes than others?

Yvette: It is really unusual for the Tribes to support creation of an archeological district. The Tribes do not assign that level of cultural importance to an area, but for some reason in the 1990s they did. The only other area in Idaho where the Sho-Bans have established an archaeological district is near Shoup up in the Salmon River area. We've already been assigned to the reservation lands; I'm not here to question the decision in the 90s, but it's very important. The Tribes don't want to give it up. The entire Archeological District is important to the Tribes.

Hank: I don't understand the relationship between the BLM and the Tribes, and the public lands. Where is the law that establishes the relationship?

Mike Courtney: The tribes have tribal treaty rights and I have trust rights. I cannot authorize an action that affects their treaty rights. It's not my call; it's their rights. It's their call. For an example, how we authorize range improvements. Sometimes, it takes us months to decide on authorizing actions, to make sure it doesn't conflict with tribal rights.

Jenifer: The relationship is much higher. It's government-to-government consultation. It's a higher level of responsibility than that of working with a permittee or a county. Tribal consultation is at a high level of responsibility as we are dealing with a sovereign nation.

Hank: Does that level exist for all public lands?

Yvette: It depends on the reason for the public lands. Like with the Forest Service, and BLM, it is applicable to the laws, but with NPS, it is complex. When the Sovereign Nations signed an agreement with the United States, the tribes were considered a foreign government. That established that level of government-to-government. It goes back to start of the country. Treaty rights do not apply to private lands. We turn to our federal trustees—BOR, BLM, FS, NPS, BIA.

Hank: Question, we summarize our comments and then it goes directly to the RAC?

Peggy: We could discuss this again, at the June 26 RAC meeting if there is time on the agenda.

Jenifer: The subcommittee will need to meet again, before presenting the recommendation to the entire RAC at the September 20 meeting.

Item V: Recap of discussion and summary

Bev explained that the group was now at the point of the process to review what has been talked about here--the concerns and identified issues that were brought up. She and Julie summarized what they heard and reviewed the items for the group to get validation of the summary they prepared. Items were added to flip chart for everyone to see and validate.

CONCERNS:

- Signage: There was not enough identifying signage where areas begin and end. Signage is needed. Need signage to identify land management boundaries; also to educate users to the significance of the area (cultural and historical). Explain what is allowed within the area.
- Bolt Removal: Visual impacts, plus bolts are considered adverse effects by the Advisory Council.
- Seasonal usage: Detrimental impacts from uses on vegetation; need to identify what uses

- are causing the adverse effect.
- Compliance with Federal laws: OHV issues. Other laws.
- Enforcement:
- Scientific Analysis: The baseline used is of concern; bias in the study. Scientific methodology is needed.
- Total Closure for camping, rock climbing, staging, trail-building and motorized use.
- Respecting Tribal rights and uses

POSSIBLE SOLUTIONS:

- Signage
- Vegetation Mitigation (Preservation and Restoration)
- Bolts (Camouflaged, removal)
- Seasonal usage
- Impartial scientific analysis
- Enforcement (BLM, user group, reporting number, Tribal)
- Research about federal laws and regulations
- Education campaign with Internet, user groups, universities. Information and Education about ranching history, local culture, the Oregon Trail. Education can prevent abuse. Identify what uses are allowed within the area.
- Identify areas for specific uses (Look for alternatives on BLM or state lands—Courtney will talk with Idaho State Lands people)

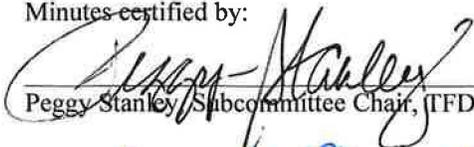
Members of the Climbing Coalition said they could help with a lot of these solutions. The next meeting of the subcommittee is scheduled to start at 6:00 p.m. Tuesday, July 10th at Rock Creek Fire Station, Kimberly, Idaho. Yvette Tuell will do a short presentation on tribal rights.

The meeting adjourned at 9:15 p.m.

Handouts provided:

1. Critique of BLM Statistical Analysis of Devegetated Zones in the American Falls Archeological District (8 pp)
2. Opinion in The Access Fund v. USDA, USFS, Mike Johanns (20 pp)
3. IBLA Order 2010-135 (8 pp)
4. Letter from Kenneth Reid to Mike Courtney (2 pp)

Minutes certified by:


 Peggy Stanley, Subcommittee Chair, TFD RAC

7-5-12
 Date


 Jenifer Arnold, Acting TFD Manager

7-6-12
 Date

Minutes recorded by:

Barbara Bassler, Planning and Environmental Coordinator