

**USDI, Bureau of Land Management Andrews Resource Area, Burns District**

**DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT OR-04-027-069**

**INTRODUCTION:**

The passage of the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act) created Steens Mountain Cooperative Management and Protection Area (CMPA) and Steens Mountain Wilderness (Wilderness). Seven existing Special Recreation Permit (SRP) holders were recognized by the Steens Act and their permitted use analyzed in Environmental Assessments (EAs) OR-027-02-022, OR-020-03-036, OR-020-03-037, OR-020-03-038, OR-020-03-039, OR-020-03-040, and OR-020-03-041. In 1999 an EA (OR-020-99-24) analyzed commercial SRP day use trip activities on the Burns District of the Bureau of Land Management (BLM). These activities included, sightseeing, day hikes, day tours, and nature study but not overnight backpacking and camping activities.

Since that time two applications were made to the Burns District for new SRPs by commercial, educational and private organizations. These activities would take place throughout the CMPA, including the Wilderness and the Wilderness Study Areas (WSAs) located in the CMPA. These are new uses and activities and include day hiking and overnight backpacking trips by educational, commercial and private organizations.

The proposed action would provide opportunities and experiences for visitors to the CMPA, including Steens Mountain Wilderness and Wilderness Study Areas for specialized recreation activities. The proposed action would allow for new uses by the Oregon Museum of Science and Industry (OMSI) and the Desert Trail Association (DTA) providing them opportunities to hike, backpack, and camp overnight in the CMPA, including the Wilderness, with special recreation permit authorization. Evaluation of the effects associated with these activities would allow the BLM to comply with Section 115 of the Steens Mountain Cooperative Management and Protection Act of 2000 and the Wilderness Act of 1964 and to better manage the CMPA and Wilderness through SRP authorization.

The Andrews Management Framework Plan (MFP). Adopted in 1982 the MFP was developed to provide direction and guidance for specific management actions associated with the public lands within the Resource Area. While the MFP does not directly address the proposed action and alternative one of the stated objectives of the MFP is listed on page 7 of that document as: "Provide a variety of recreation opportunities including developed sites, dispersed recreation, off-road vehicles and limited access areas."

The proposed action analyzed in this EA conforms to the Andrews/Steens Proposed Resource Management Plan and Environmental Impact Statement of 2004 regarding commercial and group recreation use in Steens Mountain Cooperative Management and Protection Area and Steens Mountain Wilderness, except that party size limits in the wilderness are not in effect until approval of the Record of Decision for the RMP expected in late 2004, after the completion of these SRPs.

In addition, the actions proposed conform to the intent of Steens Mountain Wilderness and Wild and Scenic Rivers Management Plan, in progress, regarding the described activities, except that party size limits in the wilderness are not in effect until approval of the Record of Decision for the RMP expected in late 2004, after the completion of these SRPs.

#### **SUMMARY OF PROPOSED ACTION AND NO ACTION ALTERNATIVE:**

The proposed action would allow the issuing of Special Recreation Permits (SRPs) for recreational activities in the CMPA, including Steens Mountain Wilderness and all Wilderness Study Areas within the CMPA. Activities would include day hiking and backpacking trips and overnight camping by OMSI and DTA which are categorized as commercial, educational, and/or private organizations for the purpose of issuing SRPs.

No new SRPs, to include camping and overnight use in the CMPA would be issued under the No Action alternative. Only operations which currently have valid SRPs or which do not include dispersed overnight camping would continue to provide services within the CMPA, Wilderness and Wilderness Study Areas located with the CMPA. The standard special stipulations attached to current special recreation permits (Appendix 1) would remain in effect.

#### **DECISION:**

As a result of the environmental analysis presented in the Environmental Assessment (EA), it is my decision to approve the Proposed Action. The rationale for the FONSI supports this decision. The Proposed Action, coupled with the mitigation measures detailed in the EA and FONSI, has led to my decision that all practicable means to avoid or minimize environmental harm and to protect wilderness values have been adopted. Selection of the No Action Alternative would not meet the needs of the public to share in educational and group activities involving camping in the CMPA, and is not required in order to provide adequate protection of resources. This decision is consistent with the Andrews MFP (1982) and the proposed Andrews/Steens Resource Management Plan/Environmental Impact Statement and the proposed Steens Mountain Wilderness and Wild and Scenic Rivers Management Plan.

All resources have been evaluated for cumulative effects. It has been determined that cumulative effects would be negligible for all resources.

## **FINDING OF NO SIGNIFICANT IMPACT:**

Based on the analysis of potential environmental impacts detailed in the attached EA, I have determined that approval of the Proposed Action, when coupled with the mitigation measures presented and detailed in the EA, will not have a significant impact on the human environment and preparation of an Environmental Impact Statement is not required. The Proposed Action and No Action Alternative are in conformance with the Steens Act and the Wilderness Act.

### **Rationale:**

The activities described in the proposed action will not cause unnecessary and undue degradation of public land. Resources analyzed in the EA include Areas of Critical Environmental Concern (ACECs); Cultural Resources; Migratory Birds; Noxious Weeds; Threatened, Endangered, and Special Status Species; Wetlands/Riparian Zones; Wild and Scenic Rivers (WSRs); Wilderness/Wilderness Study Areas (WSAs); Recreation; Socioeconomics; Wild Horses; and Wildlife. Effects to these resources are considered nonsignificant (based on the definition in 40 CFR 1508.27) for the following reasons:

**ACECs:** Adequate trails and camp sites exist to focus use by these two groups that will not adversely affect relevant and important values of ACECs.

**Cultural Resources:** Cultural resources could be affected if the campsites are located on or near cultural sites. Disturbances could include collection of artifacts. As described in the mitigation below, systematic archaeological inventories will be conducted at campsites in order to minimize these effects.

**Migratory Birds:** Effects to migratory birds would either be short term or minimized through permit stipulations.

**Noxious Weeds:** The potential for spread of noxious weeds is always present, but the routes and trails would be monitored and treated, if needed, and minimized through preventive measures.

**Threatened, Endangered, and Special Status Species:** Effects to Threatened, Endangered, and Special Status Species would either be short term or would be minimized through permit stipulations.

**Wetlands/Riparian Zones:** Any effects would be short term and would be minimized through the use of existing trails and campsites.

**WSRs:** Effects to the Donner und Blitzen WSR system would be short term and would be minimized through the use of existing trails and campsites.

Wilderness/WSAs: There would be short-term effects to naturalness, solitude, and primitive and unconfined recreation in the Steens Mountain Wilderness and/or the WSAs. Some recreationists could be temporarily displaced to other locations within or outside of these areas.

Recreation: Some recreationists could be temporarily displaced to other parts of the Steens Mountain Wilderness, CMPA, or other areas of the Burns District.

Socioeconomics: The permittee would contribute directly and indirectly to the Harney County economy.

Wildlife: Wildlife displacement and habitat disruption would be short term and minimized through the use of existing trails and campsites.

Wild Horses: Wild horse displacement and habitat disruption would be short term and minimized through the use of existing trails and campsites.

### **Mitigation Measures:**

Approval of this proposal is subject to the following mitigation measures which will be included as stipulations attached to the SRP.

ACEC: Use of existing trails and campsites appropriate to group size will be Required.

Cultural Resources: Use of existing trails and campsites appropriate to group size will be required. Traditionally used campsites will be systematically inventoried and assessments will be made. If it is determined cultural resources are being threatened or damaged, further mitigation will be undertaken.

Migratory Birds: Camping will be limited to established campsites that are appropriate for group use. Permittee will be aware of nesting activities and will avoid disturbing nesting birds from April 15 to July 15. Permittee will be notified of specific areas to avoid as part of the pre-trip notification process, as necessary.

Noxious Weeds: To ensure that noxious weed seeds are not spread from other areas, all vehicles and equipment will be cleaned prior to entry on Burns District land. If permittee camps in or travels through noxious weed-infested areas, permittee will clean their equipment and vehicles on-site. Weed identification booklets and information will be given to the permittee. The permittee is requested to notify the BLM of the location(s) of any noxious weeds found.

Threatened, Endangered, and Special Status Species: Camping will be limited to established campsites that are appropriate for group use.

All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot.

All wildlife viewing will follow Leave No Trace wildlife viewing guidelines. These guidelines include observing wildlife from a distance and not following or approaching them. Permittee will be notified of specific areas as part of the pre-trip notification process.

**Wetlands/Riparian Zones:** All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Down trees will not be removed from streambanks.

**Wilderness/WSAs:** Camping will be limited to established campsites that are appropriate for group use. Prior to the establishment of any new campsite in wilderness or WSA, the permittee will consult and coordinate with the BLM to minimize any effects to naturalness, solitude, primitive and unconfined recreation, and supplemental wilderness values. All permittee activities will incorporate "Leave No Trace" practices. Travel will be single file on defined trails or spread out where no trails exist. All human waste will be packed out or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Cat holes will be used for solid human waste when traveling on foot. All toilet paper will be packed out.

**Recreation:** All human waste will be packed out on vehicle-supported trips or buried at least 200 feet as far as possible away from camps, trails, and water sources when traveling on foot. Water from all washing (dishes and personal) activities will be scattered at least 200 feet or as far as possible away from all water sources. Prior to the establishment of any new campsite, the permittee will consult and coordinate with the BLM to minimize any effects.

**Wildlife:** Camp tents and yurts will be taken down after each use and not left for the next trip. Camps near isolated water sources (ponds, springs) will be at least one-quarter mile from the source to allow for wildlife access to these areas.

Permittee will be aware of mule deer fawning and elk calving activities and will avoid disturbing them during following time periods: mule deer - May 15 to July 15, elk - May 1 to June 30. Permittee will be notified of specific areas to avoid as part of the pre-trip notification process, as necessary.

**Wild Horses:** All vehicles will remain on designated roads. Permittee will not attempt to drive closer to the horses. Permittee will follow Leave No Trace guidelines for wildlife viewing. These guidelines include observing wildlife from a distance and not following or approaching them.

## **Monitoring:**

In addition to standard BLM monitoring of the SRP activity for compliance with permit stipulations, the following CMPA program monitoring will be conducted.

**ACECs: RNAs** will be visually monitored periodically for natural or human-caused disturbances. Key plant species will be monitored at specific sites to determine changes in population health.

**Cultural Resources:** Traditionally used campsites will be inventoried and any effects to cultural resources will be measured.

**Migratory Birds:** Bird monitoring transects will be established according to protocol along riparian areas used by the permittee.

**Noxious Weeds:** BLM will monitor camping and parking areas for the presence of new or spreading noxious weeds.

**Threatened, Endangered, and Special Status Species:** Ongoing monitoring of known Columbia spotted frog populations will continue. Oregon Department of Fish and Wildlife (ODFW) data on male sage-grouse attending leks will be used. Traffic counters will be placed on roads near leks that receive many visits to determine the effects of visitor use on number of male sage-grouse attending those leks.

**Wilderness/WSRs:** Wilderness and WSR monitoring will be based on the nondegradation mandate and the protection of Outstandingly Remarkable Values. A Wilderness/WSR monitoring plan has been developed to survey and evaluate both commercial and public use of these resources.

**Wildlife:** ODFW big game count data will be used as an indicator of effects to wildlife.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Burns District Office, 28910 Hwy 20 West, Hines, OR 97738, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient

justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Signature: On File

Date: May 25, 2004

Karla Bird  
Andrews Resource Area Field Manager