

APPENDIX F  
Public Comments and Responses to Comments

The 30-day comment period for the Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 Environmental Assessment (EA) ended on May 25, 2001. At that time, a combination of 24 letters, email and phone calls had been received in the BLM, Burns District Office. Of those, 13 respondents had no comments other than to request a copy of the final EA and Decision Record. Eleven letters had comments on the content of the EA and are presented in this appendix along with the responses to those comments. The following is a list of the comment letters and commentors:

<u>Letter</u>	<u>Commentor</u>
A	James F. Curtis
B	Rachel James
C	Tomas Suk
D	Western Land Exchange Project
E	Wild Wilderness
F	Wards of Aggregate Stewardship Practices (WASP)
G	Wilderness Watch
H	Steens - Alvord Coalition
I	Oregon Department of Fish and Wildlife
J	Fred I. Otley - Otley Brothers, Inc.
K	Stacy L. Davies

A

James F. Curtis  
1318 Khanabad Drive  
Missoula, MT 59802-3454

April 19, 2001

RECEIVED  
MAY 23 2001  
BURNS DISTRICT  
BLM

Mr. Miles Brown  
Andrews Resource Area Field Manager  
Burns District Office  
Bureau of Land Management  
HC 74-12533 Hwy 20 West  
Hines, OR 97738

Dear Sir:

It has just come to my attention that your office has issued an EA concerning work that you are proposing to implement the requirement that 98,000 acres of the Steen Mountains Wilderness be managed as a "cow free" area.

I am highly in favor of the proposal to modify the existing fencing of the area that is necessary to assure that the area can be properly managed. However, I seriously object to (1) the proposed means of accomplishing the work by the use of helicopters to transport workers and materials, and (2) the proposal to "upgrade" a trail to provide motorized access for future maintenance of the fence. A-2

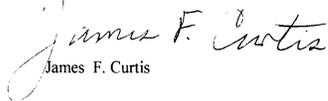
A-1

Both of these proposed management actions would be direct violations of the 1964 Wilderness Act, and, if adopted as part of the management plan, would necessarily lead to formal appeal of the management plan by persons and organizations concerned with proper and legal wilderness management.

The Wilderness Act provides for the use of motorized equipment only when such use is necessary to provide for maintenance of the wilderness character of the area. The proposed use of helicopters and motorized ground transport are not the minimum tools for accomplishing the needed management actions, and are therefore illegal.

In my considered opinion the EA should be withdrawn and a complete EIS for the proposed action should be prepared.

Sincerely yours,

  
James F. Curtis

## COMMENT LETTER A (James F. Curtis)

A-1. The Wilderness Act of 1964 sets limits on management of wilderness areas. Section 4 (c) states, "...there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any [wilderness]. There is, however, a variation to this rule in 43 CFR 6303.1(a) "...except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act." In the above language, Congress acknowledged that even though certain activities are prohibited, there are times when exceptions to these prohibitions will need to be made for administration of the area.

Removal of nonfunctional fences within wilderness, while desirable to restore wilderness character, is not an emergency, and can be accomplished over several years. In each case, the chosen tool must be the one that least degrades wilderness values temporarily or permanently. Based on these prescriptions and from comments received, the method chosen for fence removal in Steens Mountain Wilderness will not include motorized or mechanized transport.

Methods for constructing fences in the wilderness area will not include motorized or mechanized transport.

B



**Miles Brown**  
05/21/01 09:25 AM

To: David Blackstun/BUFO/OR/BLM/DOI@BLM, Matt  
Obradovich/BUFO/OR/BLM/DOI@BLM, Mary  
Emerick/BUFO/OR/BLM/DOI@BLM  
cc:  
Subject: Steens Mnt. Wilderness Area

----- Forwarded by Miles Brown/BUFO/OR/BLM/DOI on 05/21/01 09:42 AM -----



**Doris Cooper**  
05/21/01 08:45 AM

To: Miles Brown/BUFO/OR/BLM/DOI@BLM  
cc:  
Subject: Steens Mnt. Wilderness Area

----- Forwarded by Doris Cooper/BUFO/OR/BLM/DOI on 05/21/01 09:03 AM -----



"Rachel James" <arkose\_ridge@hotmail.com> on 05/18/2001 01:29:28 PM

To: or02omb@or.blm.gov  
cc:

Subject: Steens Mnt. Wilderness Area

Mr. Brown,

B-1

I am writing to you concerning Steens Mnt. Wilderness Area and the proposed use of helicopters to remove fencing. I urge you to use less-impactful means to deconstruct and remove the fencing. It sounds as though it is physically possible to move the fencing on packstock, isn't that how the fences were originally constructed? The BLM should strive to manage wilderness for the sake of wilderness values, not as fragmented psudo-wilderness.

Please re-consider the use of helicopters and ATV's.

Thank you, Rachel James

Get your FREE download of MSN Explorer at <http://explorer.msn.com>

## COMMENT LETTER B (Rachel James)

B-1. Refer to comment response A-1.

C



**David Blackstun**  
05/18/01 10:34 AM

To: Matt Obradovich/BUFO/OR/BLM/DOI@BLM  
cc:  
Subject: Comments on EA for Steens Mtn Wilderness

----- Forwarded by David Blackstun/BUFO/OR/BLM/DOI on 05/18/01 11:56 AM -----

**Kay Campbell**  
05/18/01 06:01 PM

To: Miles Brown/BUFO/OR/BLM/DOI@BLM, David  
Blackstun/BUFO/OR/BLM/DOI@BLM  
cc:  
Subject: Comments on EA for Steens Mtn Wilderness

----- Forwarded by Kay Campbell/BUFO/OR/BLM/DOI on 05/18/01 10:16 AM -----



**Tom Suk <tsuk@idiom.com> on 05/17/2001 07:06:29 PM**

To: or020mb@or.blm.gov  
cc:

Subject: Comments on EA for Steens Mtn Wilderness

May 17, 2001

Miles Brown  
Andrews Resource Area Field Manager  
Burns District Office  
Bureau of Land Management  
HC 74-12533 Hwy 20 West  
Hines, OR 97738

Dear M. Brown,

C-1

Please remove the fences in the Steens Mtn Wilderness using primitive means (i.e., no helicopters, no ATVs, no trucks). It can be done with packstock.

Thank you for considering my comments.

Sincerely,

tomas suk  
p.o. box 7720  
south lake tahoe, CA 96158

## COMMENT LETTER C (Tomas Suk)

C-1. Refer to comment response A-1.

D



### Western Land Exchange Project

P.O. Box 95545 Seattle, WA 98145-2545  
(206) 325-3503 / fax (206) 325-3515  
web: www.westlx.org

RECEIVED  
MAY 29 2001  
BURNS DISTRICT  
BLM

Bureau of Land Management  
Burns District Office  
HC 74-12533 Hwy. 20 West  
Hines, OR 97738

*Via fax and surface mail*

May 25, 2001

**Subject: Comments on Environmental Assessment EA-OR-027-01-27 , Projects for Implementation of Steens Mountain Cooperative Management and Protection Act of 2000**

To Whom it May Concern:

This letter constitutes the comments of the Western Land Exchange Project on the above-named environmental assessment.

We strongly object to the improperly narrow scope of this document, which discusses only a small portion of the projects and impacts associated with the Steens Mountain Cooperative Management and Protection Act (SMCMPA).

D-1

As you are aware, the Steens bill also authorized five land exchanges in the Steens area. The projects discussed in this EA should instead be analyzed in an environmental impact statement that covers all of the various projects associated with the land exchanges authorized in the SMCMPA.

As we have stated in previous correspondence with your state office as well as the Interior Department, the land exchanges that may result from the Act must be implemented under the full administrative process dictated in FLPMA (43 USC 1701 et seq.) and regulations governing land exchanges (43 CFR 2200).

Section 605 of the SMCMPA states:

(b) APPLICABLE LAW- Except as otherwise provided in this section, the exchange of Federal land under this title is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management.

D-2

Under the National Environmental Policy Act (NEPA) at 40 CFR 1508.25, the scope of this EA constitutes improper segmenting by analyzing a small part of a larger project. The BLM clearly needs to restart the NEPA process for implementation of the SMCMPA and do a full environmental impact statement that covers the proposed land exchanges and all actions tied to those exchanges.

D-3

Notwithstanding the fact that the analysis in this EA needs to be made part of a much larger analysis, we note the lack of economic analysis provided. In compiling the future environmental impact statement, we look forward to seeing an analysis of the SMCMPA's potential cost to taxpayers. This analysis would need to explain the costs that would be

100% post-consumer content

## COMMENT LETTER D (Western Land Exchange Project)

D-1. We have considered your comment and are of the opinion that we are proceeding in the proper manner on this EA and the land exchanges pursuant to the directives of the Act.

D-2. Refer to comment response D-1.

D-3. The land exchanges and cash payments are nondiscretionary and directed by the Act. Therefore, an economic analysis is unwarranted.

borne by the public if any or all of the exchanges were to be implemented, including the developments on newly-privatized land that the public would pay for and the cash payments that might be distributed to parties in the land exchanges.

We noted today that this EA was not posted on the Burns office website, apparently having been removed this morning. Since the comment period does not end until the last postmark opportunity, it was improper for staff to remove the EA while the comment period was still running.

Please add the Western Land Exchange Project to the mailing list for all projects associated with the SMCMPA.

Sincerely,



Janine Bialoch  
Director

**Wild  
Wilderness**

E

RECEIVED  
MAY 23 2001  
BURNS DISTRICT  
BLM

'a user group that appreciates the value of wilderness'

May 22, 2001

Miles Brown, Andrews Resource Area Field Manager  
Burns District Office  
Bureau of Land Management  
HC 74-12533 Hwy 20 West  
Hines, OR 97738

COMMENTS TO BE ENTERED INTO THE RECORD  
FOR MANAGEMENT OF STEENS MTN. WILDERNESS

Dear Mr. Brown,

As the Executive Director of a 10 year old Wilderness advocacy and recreation organization based in Bend Oregon, I would like to comment on the BLM's proposal to use mechanized and motorized equipment within the newly designated Steens Mountain Wilderness.

E-1 [ As you surely know, the Wilderness Act Section 4(c) expressly prohibits the use of such equipment nor shall there be any temporary roads... except as necessary to meet minimum requirements for the administration of the area for the purposes of the Act.

If the use of motorized and/or mechanize equipment and/or temporary roads are more than the MINIMUM requirements necessary for managing the area AS WILDERNESS then they are prohibited and may not be used.

It's all well and good that portions of the Steen's Wilderness will be managed as Cow-Free Wilderness --- but there are three words in that phrase and the most important of them is "WILDERNESS" --- the other two words are far less important and are not, so much as, mentioned in the Wilderness Act. Please don't start cutting corners and managing the Steens Mountain Wilderness as a second class Wilderness so that it can be cow-free or cow-free with a minimum of management effort or cost on the part of the BLM. To do so would be to weaken the Wilderness Act and to reduce the standard to which designate Wildernesses all across America will be managed.

The BLM is charged with managing Wilderness to the high standards of the Wilderness Act. The BLM is further charged with managing portions of that Wilderness as Cow-Free Wilderness. Please do so without violating the law.

E-2 [ The current BLM management proposal to use helicopters and all-terrain vehicles is clearly in violation of the law.

Sincerely,

*Scott Silver*  
Scott Silver,  
Executive Director

248 nw wilmington avenue, bend oregon 97701 (541) 385-5261

## COMMENT LETTER E (Wild Wilderness)

E-1. Refer to comment response A-1.

E-2. Refer to comment response A-1.

F

May 17, 2001

RECEIVED  
MAY 22 2001  
BURNS DISTRICT  
BLM

WASP  
3053 Edmonds Way  
Medford, OR 97504

Dear Mr. Brown,

Wards of Aggregate Stewardship Practices (WASP) appreciates the opportunity to comment on the Environmental Assessment, EA-OR-027-0127 of April 25, 2001.

We would like to compliment BLM on how well projects are described. We realize that implementing a cow free wilderness must be challenging and difficult, but we have concerns and some issues.

The primary result from the Steens Mountain Act was the designation of wilderness yet actions proposed in the EA degrade wilderness qualities as the EA acknowledges on page 35. It's not legally allowed in the Wilderness Act or the Federal Land Policy Management Act, Section 603, which the Steens Act follows, to knowingly negatively affect the wilderness character or landscape. The scale of impact resulting from all the new grazing projects is far too great and results in overall adverse cumulative effects, which isn't acceptable or permissible.

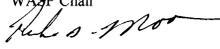
F-1

We also have concerns and issues that the temporary Tombstone fence will be analyzed in the upcoming Andrews Resource Management Plan. The fence has already been analyzed in the Dry Creek Fire Emergency Fire Rehabilitation Plan and EA, OR-026-98-036 on page 6 and said, "the fence is an intrusion to the natural appearance of the landscape and adversely impacts primary wilderness values". The EA went on to say, "adverse visual impacts would occur", and "the fence could impose on primitive forms of recreation as this structure tends to be restrictive and a hindrance to cross". The new Steens Mountain Act did not change the impacts or the situation of the Tombstone fence. The Tombstone fence needs to be removed and should be shown as a fence removal project in the present EA.

F-2

One last comment is the impacts on visual qualities, which affect scenic characteristics, a known and recognized wilderness value as stated in the Wilderness Act. On pages 54-57 visual impacts are assessed. It appears to us that 2 of the proposed projects would be out of conformance with visual quality standards, 6 projects are unknown if they are or are not in conformance, and 7 would meet standards. It's not acceptable or allowed to degrade scenic wilderness qualities in any fashion, which is what would happen if the proposed projects are installed. Thank you

F-3

WASP Chair  
  
Robert Moore

## COMMENT LETTER F (Wards of Aggregate Stewardship Practices (WASP))

F-1. It is true that the livestock developments discussed in this EA do, in some cases, have an adverse impact on wilderness values. The BLM must balance these impacts with the necessity of adhering to the Steens Act legislation, which requires the agency to implement a large cow-free portion of the wilderness. One of the purposes of the Act (Section 1 (11)) is to "...promote viable and sustainable grazing ..". In addition, the Act requires the BLM to administer livestock grazing in accordance with the guidelines set forth in Appendices A and B of House Report 101-405 of the 101<sup>st</sup> Congress. These guidelines state that "[T]he construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock."

F-2. The Tombstone Fence was originally installed as a temporary fence in the Blitzen River WSA to prevent livestock access to the Dry Creek Fire Rehabilitation areas within the South Fork Blitzen WSA until vegetative recovery objectives were achieved. In the EA OR-026-97-031) written for the rehabilitation efforts, the fence was determined to be an adverse impact to the "primary wilderness values" of the Blitzen River WSA based primarily on visual impacts. However, the analysis also determined that the "...fence would, in the short term, help natural systems and subsequently wilderness values to be maintained as livestock are better controlled...." (This fence is one of many range improvement projects which exist in the two WSAs).

The Steens Mountain Cooperative Management and Protection Act directed the BLM to manage for sustainable and viable livestock grazing and the ecological integrity of the area through a cooperative management program. As a result, the Tombstone Fence must be considered in the context of the Act. The mandated land exchanges eliminated high elevation grazing areas with the South Steens Allotment. These areas were included with the designated no livestock grazing area of the wilderness area. Consequently, the areas with the two WSAs have become vital mid elevation grazing areas for the permittee to maintain sustainable and viable livestock grazing. The fence, along with the installation of new water sources in the east sections of the WSAs, would facilitate the sustainable and viable livestock grazing program for the area and enhance the ecological integrity of the area by increased control of livestock distribution. In addition, the fence and water sources would serve to further protect the special WSA values as detailed in the wilderness suitability inventories. The latter identified sage grouse habitat and deer winter range as values special to the two WSAs. The main locations for the special values are in the western portions of the WSAs. The Tombstone Fence, in conjunction with the strategic placement of new water sources, would serve to control livestock movements both north-south and east-west and would help draw livestock and wild horses into eastern portions of the WSAs thus providing further protection for the special values. The permanence of the fence needs to be viewed in the terms of the overarching mandates of the Act to provide for sustainable and viable livestock grazing coupled with enhancement of the overall ecological integrity of the Steens Mountain.

F-3. The Visual Resource Management (VRM) objectives for projects in Class II and Class III areas would be met. The VRM objectives for projects in Class I areas would not be met in all cases. However, the BLM must balance the visual impacts with implementation of “no livestock grazing area” mandated by the Steens Mountain Cooperative Management and Protection Act of 2000.



# Wilderness Watch

G

P.O. Box 9175  
Missoula, Montana 59807  
Phone: (406) 542-2048 • Fax: (406) 542-7714  
Email: wild@wildernesswatch.org  
Web: www.wildernesswatch.org

RECEIVED

JUN 08 2001

BURNS DISTRICT  
BLM

*Board of Directors*

*William A. Worf  
President  
Montana*

*Dr. Melissa Walker  
Vice-President  
Georgia*

*James Curtis  
Sec./Treas.  
Montana*

*Stewart Brandberg  
Montana*

*Joe Fontaine  
California*

*Dr. Joyce Kelly  
Maryland*

*William Cunningham  
Montana*

*Michael Frome, Ph.D.  
Washington*

*Dr. George Steel  
Texas*

*Katherine Deuel  
Montana*

*Executive Director*

*George Nickas*

*Advisory Board*

*Magalen Bryant  
Dr. Derek Craighead  
Dr. M. Rupert Cutler  
Dr. Luna B. Leopold  
Clifton Merritt  
Dr. Roderik Wood  
Dr. Mark Woods*

*Counselor*

*Stewart Udall*

*Trustee Emeritus*

*Orville Freeman*



May 23, 2001

Miles Brown  
Andrews Resource Area Field Manager  
Burns District Office  
Bureau of Land Management  
HC 74-12533 Hwy 20 West  
Hines, OR 97738

Dear Mr. Brown,

Wilderness Watch appreciates this opportunity to submit the following comments on the EA and FONSI for *Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000*.

Wilderness Watch is a national conservation organization focused on the stewardship of areas within the National Wilderness Preservation System and Wild and Scenic Rivers System. We strive to monitor the management of every wilderness and wild river in the system. Our purpose is to ensure that the wilderness character of these special places is protected and preserved.

The EA and FONSI were reviewed on the Burns District website at [www.or.blm.gov/Burns](http://www.or.blm.gov/Burns). Disappointingly, the maps were not very helpful in depicting wilderness boundaries, so it was not always clear which proposed actions would be located within wilderness (for example, no wilderness boundaries could be discerned on map # 3...).

The Wilderness Act does not require removal of all signs of past human influence following wilderness designation. Nevertheless, Wilderness Watch is generally supportive of the goal to remove 55 miles of fence within the wilderness because it will benefit wildlife and riparian habitat, and enhance opportunities for solitude with fewer signs of human influence. These benefits enhance the area's overall wilderness character. However, we have serious concerns with the methods that are proposed in the EA.

Wilderness Watch does not support the proposed use of helicopters and motor vehicles within the Steens Mountain Wilderness for access to project sites or for transport of materials or personnel. We strongly request that all fence projects and maintenance of existing springs within wilderness, including the Miners Field Spring, be accomplished using non-motorized means only. This may require more time and labor but will be more compatible with the spirit and intent of wilderness. In addition, it will likely be less financially expensive than the proposal to transport materials and personnel by helicopter.

The Steens Mountain Cooperative Management and Protection Act of 2000 (P.L. 106-399, hereinafter referred to as the Steens Mtn Act) makes the federal government responsible for installing and maintaining any fencing that is required for resource protection within the designated "no livestock grazing area" (Sec. 113(e)(2)). It also makes the federal government responsible for any new water developments or fencing needed for livestock utilization of the

## COMMENT LETTER G (Wilderness Watch)

G-1. The Steens Mountain Cooperative Management and Protection Act of 2000 requires the BLM to administer livestock grazing in accordance with the guidelines set forth in Appendix A of House Report 101-405 of the 101<sup>st</sup> Congress. These guidelines state that the maintenance of supporting facilities is permissible in wilderness, and that this maintenance "...may be accomplished through the occasional use of motorized equipment." This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities." For projects not being implemented by grazing permittee, a minimum tool analysis will be prepared. Refer to Appendix E of the EA for a minimum tool analysis example and to comment response A-1.

forage replacement areas (Sec. 113(e)(4). However, the Steens Mountain Act did not exempt the BLM from doing site-specific and detailed minimum requirement analyses for these projects, nor is BLM exempt from selecting the minimum tools necessary to accomplish these activities when they must occur within wilderness.

We are therefore disturbed that the EA is proposing to use aircraft and motorized vehicles within wilderness without providing any minimum requirement analyses for public review. In Section C's discussion of proposed fence removal in wilderness, the EA says that minimum requirement analysis "is needed" -- so why wasn't such analysis included in the EA? Minimum requirement analyses are intended to *precede* the selection of actions and tools that are appropriate within wilderness, so it is difficult to understand why the EA is proposing the use of aircraft and motorized vehicles before demonstrating that such actions are indeed the minimum necessary to fulfill wilderness purposes.

G-2

Section 4(c) of the Wilderness Act specifically prohibits certain activities within wilderness except under extremely narrow circumstances. Each of these prohibited activities cause negative impacts to wilderness character, which is why Congress prohibited them in the first place. In order to fully evaluate decisions that may negatively impact the wilderness resource, the public needs access to all decision data and therefore the public is entitled to review the decision data recorded in each step of a minimum requirement analysis.

Inclusion of site-specific minimum requirement analyses in the EA is necessary in order to fully comply with the disclosure stipulations of NEPA. Site-specificity is important because the minimum actions necessary for one project and location may not automatically be the minimum necessary for another location. Appendix E provides a very brief and general description of minimum tool analysis. Wilderness Watch urges that Appendix E be expanded to contain a site-specific minimum tool analysis for every action within wilderness where generally prohibited activities are being proposed. The following projects should be covered: resetting the headbox and spring maintenance at Miners Field Spring, and proposed fence projects at Bone Creek Gap, Wildhorse, Straw Hat Gap, and Eusabio Ridge.

G-3

The EA also addresses other projects which we believe may be within the wilderness, including the swing panel fence at Kiger Gorge, the proposal to upgrade a trail for ATV access to the Kiger Gorge fence, and the South Steens Allotment fences such as the Tombstone fence (see projects covered in Section D on pages 11-13 of the EA). We ask that all Section D projects be excluded from the present EA and a separate EA done for them. The present EA is intended to cover projects necessary for implementation of the Steens Mountain Act. However, we do not believe the Section D projects are related to protecting the "no livestock grazing area" nor to making livestock use feasible in the forage replacement areas. The Section D projects appear to simply facilitate herd management for private livestock operators on a couple allotments and add nothing toward implementation of stipulations in the Steens Mountain Act. They therefore do not belong within the scope of this EA.

For those projects that legitimately fall under this EA's review, it is very important to remember that *removal* of existing fences within the no grazing area is not mandated by the Steens Mtn Act nor by the Wilderness Act. Although fence removal may provide some desirable wilderness

G-2. Appendix E has been expanded to include a site-specific minimum tool analysis example.

G-3 The projects mentioned, the swing panel on the Kiger Gorge fence, the trail to be upgraded for access to this fence and the South Steens Allotment fences are not within the wilderness or any WSAs. The existing Tombstone Fence is in the Blitzen River WSA.

To segregate out the projects in Section D of the EA would not fit with NEPA and the Act. The proposed projects in Section D need to be included to discuss cumulative impacts of all the projects over the impact area. The purposes of the Act also include the continuation of grazing and cooperation with grazing permittees to promote grazing and other uses that are sustainable, and conservation and protection of the long term ecological integrity of the mountain. Completion of these projects may also reduce the amount of time that livestock will still be grazing in the no livestock grazing area. Refer to response F-2.

benefits, the action is not absolutely *necessary* to protect the wilderness resource. Therefore, on no grounds can BLM demonstrate that allowing aircraft and motorized vehicles within wilderness is *necessary* for fence removal, because fence removal itself is not *necessary* for protection of the wilderness resource. Section 4(c) of the Wilderness Act explicitly prohibits motor vehicles, motorized equipment, and the landing of aircraft unless their use is absolutely the minimum *necessary* to administer and protect the wilderness resource. This means that "necessity" must be tied to a wilderness purpose, and cannot be assessed in terms of administrative cost or convenience.

G-4

G-4. Refer to comment response A-1.

Volumes of Congressional Records accumulated during eight years of debate leading up to passage of the 1964 Wilderness Act show that motorized equipment is prohibited *primarily* because it greatly increases the ease and efficiency with which humans can impose their will upon wilderness. The Act's legislative history suggests that aesthetics or temporary noise were only secondary concerns regarding mechanization within wilderness. In comparison, the Steens Mountain EA defends the motorized alternative on grounds that machines would allow the work to be accomplished over a shorter time period, thereby limiting the length of time that the sights and sounds of workers would be present in the wilderness. The EA also argues that if the motorized incursions occur outside the main visitor use season, then the impacts of the motorized alternative will be less. This justification implies that if visitors are not impacted then wilderness character is not impacted, and this is a false presumption. Impacts to the area's wilderness character cannot be fully addressed simply by addressing impacts to visitors. Congress mandated that protection of wilderness character would be a top priority at all times, not just when visitors are present. The stipulations and prohibitions of the Wilderness Act consistently apply year-round, not just during the visitor use season. Therefore, the impacts caused by prohibited activities cannot be mitigated solely by limiting impacts on visitor experience.

G-5

G-5. Refer to comment response A-1.

Within wilderness, Congress intended that management actions would rely upon sweat, muscle, and simple non-motorized hand tools whenever possible, regardless of what faster or more advanced technologies might be available in an increasingly technological society. Wilderness helps assure that historical and practical knowledge of traditional, non-motorized skills will be retained in our culture despite our increasing modernization.

G-6

Since the Steens Mountain Wilderness is divided into a number of units bisected by roads, there are no project sites located so far from a road that access by foot or horseback is somehow impractical. Workers should therefore access all fenceline and water projects on foot or horseback within the wilderness, since there is absolutely no wilderness-related need for helicopter transport of personnel.

G-6. Refer to comment response A-1.

Eighty years ago it was routine to construct and maintain fencing and simple spring developments solely by non-motorized and non-mechanized means. If it was possible then, it is still possible today. History and modern-day examples amply prove that it is entirely feasible for packstock to transport wire fencing or metal or wooden fence posts. Similarly, interlocking metal sheet fencing is available on the market today in narrow-width sheets so it should be entirely possible to engineer aluminum panels for the proposed swing fence over Kiger Gorge in pieces small enough to be transported to the site by packstock (alho, as mentioned, this particular project belongs in a separate EA).

Non-motorized and non-mechanized means of access, construction, and maintenance must therefore be considered the minimum *necessary* to comply with the Wilderness Act's intent "that an increasing population, accompanied by expanding settlement *and growing mechanization*, does not occupy and modify all areas within the United States..."

The Wilderness Act clearly intended that wilderness be protected against incursions by mechanization. The Steens Mountain Act did not provide an automatic exception to the Wilderness Act's general prohibition against motorized and mechanized activities within wilderness for purposes of livestock management.

G-7

In discussing the proposed Eusabio Ridge fence, page 9 of the EA states that "Materials would be flown into the sites in the wilderness." Such fencing materials would consist of 4-wire strand or wood post or split rail fencing. In contrast, pages 7 and 8 of the EA point out that packstock may be a feasible means for transporting similar fencing material to the Wild Horse fence and the Straw Hat gap fence: "materials would be flown into the site *or carried in on horseback*." Since many other federal offices undertake range fencing projects in wilderness without use of motorized access or mechanized equipment, it is clearly possible for the Burns District BLM to do the same for all proposed fence projects within the Steens Mountain Wilderness.

We are aware that many land managers today are largely unfamiliar or inexperienced with packstock and primitive tool skills. Knowledge of traditional outdoor skills is rapidly being lost in our technological world. If BLM's Burns District lacks personnel with adequate training or experience in traditional or "primitive tool" skills, assistance is available through a number of government manuals available through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or through the USDA Forest Service Technology and Development program publications library located in Missoula, Montana. Information is also available through the Arthur Carhart National Wilderness Training Center, Missoula, Montana. Wilderness Watch especially encourages BLM to contact US Forest Service employee Ralph Swain for assistance because he organizes training workshops on primitive tool skills. His contact information is available through the government employee directory.

G-8

The EA should also address the future maintenance of the proposed fences and water developments, including the tools and modes of access that will be allowed for future monitoring and maintenance within wilderness. One brief mention of future maintenance occurs on page 14, where the EA mentions that an existing trail to the Kiger Gorge fenceline "needs to be upgraded" to allow ATV access for future fenceline maintenance. It is unclear from the text whether the existing trail is within wilderness, but nonetheless this comment strongly suggests an automatic presumption that motorized access for fenceline maintenance is necessary and reasonable. For fences and water developments within wilderness, such a presumption would be contrary to Sec. 112(b)(2)(B) of the Steens Mountain Act which states that the use of motorized or mechanized vehicles is not prohibited on Federal lands covered by the Act if the Secretary determines that such use "is appropriate for the construction or maintenance of agricultural facilities... *EXCEPT in areas designated as wilderness*" (emphasis added).

G-7. The difference in considering packing in materials with pack stock for the Wildhorse Fence was the proximity to existing roads outside the wilderness area and the length of the fence meaning fewer materials to pack. Also, the completion of this fence, while critical in securing the no livestock grazing area, is not as critical as completion of the Eusabio Ridge Fence. The Eusabio Ridge Fence has private land, livestock and wild horses concerns while Wildhorse Canyon only has livestock concerns. The Eusabio Ridge Fence could be difficult to access as there are few ways to access portions of this fence, especially since there is no guaranteed access across private land to this fence location. Refer to response A-1.

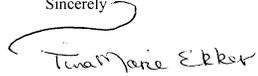
G-8. The existing trail in Kiger Gorge is not within wilderness. The commentator points out an apparent inconsistency in the CMPA Act. The section referred to does state that motorized use would not be allowed in wilderness. However, Section 202 (d) (1) requires BLM to manage livestock grazing in accordance with Appendices A and B of House Report 101-405 of the 101<sup>st</sup> Congress. These 'Congressional Grazing Guidelines' allow for regulated motorized use by livestock grazing permittees. Also see Appendix E of the EA for minimum tool analysis and comment response A-1.

Wilderness Watch looks forward to receiving any future updates on these proposed projects. Please also keep us informed regarding any other actions proposed within the Steens Mountain Wilderness.

In closing, Wilderness Watch submits the following words written by Roger Kaye, wilderness specialist at the Arctic National Wildlife Refuge:

"Wilderness character is not preserved by our compliance with wilderness legislation and regulation alone. It emerges from the circumstances we impose upon ourselves. It emerges from the decisions we make that test our commitment to our ideals. Every decision to forgo actions, technologies, or conveniences that have no seeming physical impact, but detract from our commitment to wilderness as a place set apart enhances wilderness and agency character. This is the unique challenge of wilderness management, preserving what is unseen and unmeasurable.... As the criteria we choose shapes the character of wilderness, so it shapes *our* character as stewards."

Sincerely



TinaMarie Ekker  
Policy Director

**Kay Campbell**  
05/25/01 02:26 PM  
To: Matt Obradovich/BUFO/OR/BLM/DOI@BLM  
cc: Miles Brown/BUFO/OR/BLM/DOI@BLM, David Blackstun/BUFO/OR/BLM/DOI@BLM  
Subject: steens mtn comments

Acknowledged receipt of comments from this party. Kay

----- Forwarded by Kay Campbell/BUFO/OR/BLM/DOI on 05/25/01 02:39 PM -----



**TinaMarie Ekker** <tmekker@wildernesswatch.org> on 05/25/2001 02:33:03 PM

To: or020mb@or.blm.gov  
cc:

Subject: steens mtn comments

Hello --

Yesterday I e-mailed Wilderness Watch's comments on the EA for Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 (OR 027-01-21). I am sending the following brief comment to be added to the record as an addendum to our letter:

43 CFR 6302.20(e): This section of BLM's wilderness management regulations specifically states that: "Except as specifically provided in the Wilderness Act... in BLM wilderness areas you must not... Land aircraft, or drop or pick up any material, supplies or person by means of aircraft, including a helicopter..."

G-9

This regulation indicates that the EA's proposal to transport personnel and fencing materials via helicopter is against BLM regulations, and therefore must be revised. As described in our comment letter, the proposal does not fit under the special provisions specifically provided for in Section 4(c) of the Wilderness Act, because helicopter transport is neither the minimum tool necessary, nor is fence removal itself absolutely necessary to adequately protect and administer the wilderness resource.

Please add these comments to our previous comments submitted on 5/24/01.

Thank you.

TinaMarie Ekker

TinaMarie Ekker  
Policy Director  
Wilderness Watch  
PO Box 9175  
Missoula, MT 59807  
(406) 542-2048  
tmekker@wildernesswatch.org  
<http://www.wildernesswatch.org>

6

G-9. Refer to comment response A-1.

H

May 24, 2001

Miles Brown,  
Andrews Resource Area Field Manager  
Burns District Office  
Bureau of Land Management  
HC 74-12533 Hwy 20 West  
Hines, OR 97738

Dear Mr. Brown:

The Steens-Alvord Coalition appreciates the opportunity to comment on the Environmental Assessment (the "EA"), OR 027-01-21, and Finding of No Significant Impact (the "FONSI") for Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 (the "Act"). We believe that commenting on this EA is critically important since it is the first formal public process in the furtherance of the goals of the Act and is intended to directly implement the Act's language.

The Steens-Alvord Coalition applauds BLM's honest appraisal of most issues involved and the timely manner in which this information has been gathered and provided. However, several concerns remain that should be addressed before we can support various actions proposed in the EA.

#### I. POLICY ISSUES

##### Projects Must Further the Goals of the Act

This EA proposes several livestock management projects that do not achieve implementation of the Act, protection of the wilderness area, or the cooperative language of the Act. These livestock management projects are outlined on pages 11-13 (South Steens and East Ridge Allotments). The EA does not currently make plausible arguments as to how these projects further the purposes of the Act. If a logical connection between these projects and the goals of the Act cannot be made, then they do not belong in this EA, and should be considered in a separate EA since they do not directly implement the legislation.

H-1

##### Wilderness Study Areas Remain Important

We are concerned that Wilderness Study Areas (WSAs) have not been identified on the maps supplied. WSA status is an important designation that affects many decisions on how projects can be implemented. WSAs remain important, even in the presence of Wilderness designation, and this oversight fails to represent their importance.

H-2

##### Mechanized Transport in Wilderness Areas is Unacceptable

The EA insufficiently addresses the issue of using mechanized transport in Wilderness areas. The EA states that the BLM will undertake minimum tool analysis at a later date (EA, page 5). This is not a feasible option.

H-3

Minimum tool analysis must precede this EA, since there is no Wilderness management plan in effect to act as guidance. (BLM Manual 8560.39.B). Without this analysis, BLM will be required to get the State Director's approval for each use after first submitting three alternatives for each incident. (BLM Handbook H-8560-1, Chapter IV.B.). The handbook also mandates that

## COMMENT LETTER H (Steens - Alvord Coalition)

H-1. See amended Purpose of and Need for Action section of the EA to provide these explanations. Also, see response F-2.

H-2. This was an oversight when the maps were created and WSAs have been incorporated in the maps for the final EA.

H-3. Refer to comments A-1 and G-2.

non-conforming uses "should be rare and temporary." (H-856001, Chapter III, B.1.)

We do not consider the use of helicopters to be the minimum required action in any of the projects proposed within Wilderness Areas and see no justification within the EA for their use. The BLM may be proposing helicopter use to expedite the process; in this case, we recommend that the BLM negotiate with landowners benefiting from the range developments to land on adjacent private lands. We suggest the same action be taken on projects in WSAs as well. Expediency does not qualify as an exception to warrant mechanized transport.

Alternative 2 for the fence removal projects [p. 10] is titled "Horse and Horse-Drawn Wagon Use". BLM regulations define wagons as mechanized transport. (43CFR 6302.2.(d) and 6301.5). They are therefore prohibited in the Wilderness Area unless they can be shown to be the minimum requirement for the administration of the area. (43CFR 6303.1 (b)). The EA does not provide an argument for wagons being the minimum mechanized transport necessary for administration of the area.

**Boundary Fences Must Be Monitored**

We consider any fence to be less than fully effective in keeping cows out of the cow-free Wilderness. We support BLM's efforts to hire a range rider to maintain the security of all boundary fences and to notify ranchers when cows have crossed into the cow-free Wilderness.

**Fence Removal**

Fences within the cow-free Wilderness must be removed. Currently, the EA addresses this issue on page 10. However, no preferred alternative is selected, so it remains unclear whether the fences will actually be removed. Fences impose barriers to the movement of native species, impair wilderness values, and are unnecessary within the cow-free Wilderness. The EA should clarify that these fences will be removed, whichever method is chosen.

**II. SITE-SPECIFIC COMMENTS**

**Ready Pasture**

The proposed range developments for the Ready Pasture include one and a half miles of fence, two cattle guards, a well, and four miles of pipeline. BLM district staff has stated that the proposed range developments will cost federal taxpayers approximately \$120,000. This estimate does not include additional costs of approximately \$30,000 outlined in the Miners Field proposed action that would also be unnecessary if the Ready Pasture remains undeveloped. The cumulative costs of the proposed range developments outweigh benefits to taxpayers and natural resources.

In effect, federal taxpayers are being asked to pay over \$150,000 to provide 210 AUMs (32 cows over a six-month period). With a market value of only \$12,600, we consider this an unacceptable waste of federal monies. BLM should look at other options such as providing feed or buying out the permit.

**Eusabio Ridge**

The proposed action for Eusabio Ridge includes the construction of seven miles of fence along the cow-free wilderness. BLM has proposed building 100-200 yards of rock fence at the eastern extent of the proposed fence to provide easier bighorn migration passage. Unfortunately, the rock fence would also result in local soil and habitat disturbance, limit future management opportunities, and violate WSA guidelines. Furthermore, the proposed fence "would provide

H-3  
cont'd

H-4

H-5

H-6

H-7

H-4. Comment noted.

H-5. The EA discusses that fences would be removed and have been identified to be removed in the first two sentences of the first paragraph of Section II. (C). The proposed action was included in the first paragraph and has been separated from the first paragraph for easier identification.

H-6. The BLM was directed in the Act to construct fences and water systems to allow for the reasonable and efficient use of the replacement forage resources. The system that was proposed for the Ready Pasture is believed to be adequate for the use of livestock in the area. The cost of the system was not figured in the determination of which alternative would be the best for what the BLM was charged. Neither of the other options you propose, buying feed or buying out the grazing permit are possible since the BLM cannot expend monies for private ventures and recognizes only the intrinsic value of the grazing permit.

H-7. While the idea of a let-down fence has merit, it would not meet resource objectives in this area. The purpose of this fence is not only to prevent cows from the no livestock grazing area, but also to prevent wild horse movement onto private land.

additional raptor roosts in areas of sage grouse nesting and brood rearing habitat and pose a collision hazard to flying sage grouse." (EA, page 27).

H-7  
cont'd

We propose a let-down fence to accomplish the following benefits: provide easier passage for bighorn; reduce conflicts for sage grouse; reduce local soil and habitat disturbance; not limit future management options; and not violate WSA guidelines (see BLM discussion of let-down fence in Kiger Gorge on EA page 44). Given that the fence is of use only three months every other year (about 10% of the time), a let-down fence presents the least amount of conflict with resource values.

#### Wildhorse Canyon

The EA proposes the construction of a fence to prevent livestock access to the cow-free wilderness. The proposed action includes the construction of approximately two miles of fence within the Wilderness boundary. This would result in the degradation of Wilderness Values. The alternative, although also entailing the construction of a fence within the Wilderness boundary, is a shorter fence with less impact to Wilderness Values.

H-8

Unless BLM establishes that the proposed action is justified for some reason not outlined in the EA, we recommend that BLM adopt Alternative 1 and remove the existing fence.

#### Kiger Gorge

The EA proposes the construction of a wood weave fence to prevent livestock grazing in upper Kiger Gorge. The EA states that the proposed action "would [affect] cow elk with new calves as the calves would not be able to negotiate this fence design... Separation of calves (sic) elk from their mothers would allow for greater predation opportunities and decrease productivity of the herd." The EA states that, on the other hand, the let-down wire fence alternative will have "no impacts to wildlife." (p. 44)

The EA also fails to review potential threats that the proposed fence poses to sage grouse. The Mid-Kiger Fence alternative, which includes construction of an identical wood weave fence less than three miles to the north, "would provide additional raptor roosts in areas of sage-grouse nesting and brood rearing habitat and pose a collision hazard to flying sage grouse." (p.27)

H-9

BLM should adopt "Alternative: No Livestock Grazing Boundary-Let Down Wire Fence."

#### Burnt Car

The EA proposes to replace an existing water development in the Wild and Scenic River (WSR) corridor with a water development outside the WSR corridor. The existing water development would then be fenced off as part of the new cow-free Wilderness Area. This is not a legal alternative. Current use of the existing water hole is prohibited under the Donner und Blitzen judgement dated March, 1997. Specifically, the judgement prohibits BLM from "approving any annual grazing plan for, issuing any license for, or otherwise authorizing any domestic livestock grazing on public lands within the Designated River Corridor." (Judgement, page 3).

H-10

The proposed water development would also necessitate maintenance of an existing water development in the WSR corridor. Further, the judgement prohibits BLM from "authorizing, approving, or allowing any construction or maintenance of any facility or project to divert or impound water on any part of a river segment within the Designated River Corridor." (Judgement, page 4). Therefore, BLM cannot replace water for preexisting illegal access or

H-8. While it is true that a shorter fence would cause less impact to wilderness values, the proposed action would follow an existing, though dilapidated, fenceline. It is recognized that either fence would result in adverse impacts to wilderness values, but to implement the intent of the Steens CMPA, livestock must be kept out of the no livestock grazing area.

H-9. The No Livestock Grazing Boundary Fence in Kiger Gorge is not in sage grouse habitat as determined by ODFW and BLM biologists. That is why the impacts to sage grouse were not analyzed in the wildlife section for this project. The location of the Mid-Kiger Fence is in identified sage grouse habitat.

H-10. The comment reflects a need to clarify the proposed action on Page 8 of the EA. There are two springs near Burnt Car, one of which is in the wilderness and WSR corridor and the other is outside the wilderness and WSR corridor and in the Blitzen River Wilderness Study Area (WSA). Neither of these springs is developed. The spring in the Blitzen River WSA, outside the wilderness and WSR corridor, is the spring primarily used by livestock and wild horses. There is an old concrete structure near this spring. The spring within the wilderness and WSR corridor is in very rugged country and rarely used by wild horses and even more rarely accessed by livestock. The proposal is to fence and develop the spring within the WSA to prevent damage to the spring resources by livestock and wild horses and create a dependable water supply for the livestock and wild horses. The project does not "divert or impound water on any part of a river segment within the Designated River Corridor." This water source is the only water on public land available to the wild horses and livestock within the area. Other water sources within the area are on private land and are not dependable. The proposed gap fences would eliminate the rare use of the springs within the wilderness and WSR corridor by wild horses or livestock.

H-10  
Cont'd

maintain an existing structure in the WSR corridor.

BLM should adopt Alternative 1 as the proposed action. This alternative does not entail any new water developments and still blocks livestock access from the cow-free Wilderness.

H-11

**Bradeen Crossing**

The EA proposes the construction of a new water hole in the South Fork Donner und Blitzen WSA to replace the water gap at Bradeen Crossing. Development of the proposed water hole violates WSA guidelines and as outlined in the comments on the Burnt Car proposed action, livestock use of the preexisting water gap is illegal under the Donner und Blitzen settlement dated March, 1997. (Judgement, page 3). The BLM cannot undertake a project to replace illegal watering access.

BLM should develop an alternative that does not include the development of new water access for livestock.

**Taber Cabin**

The EA proposes the construction of four water holes on private lands that will be transferred to federal ownership and become part of the South Fork Donner und Blitzen WSA. The EA states that "water holes near Weaver Place would add unnatural features in the South Fork Blitzen WSA." (EA, page 38)

H-12

BLM should close the existing way as mitigation for the water developments in the Taber Cabin area. Continued use of the way should be allowed solely for administrative uses.

Sincerely,

**Steens-Alvord Coalition**

Jill Workman, Sierra Club

Bill Marlett, Oregon Natural Desert Association

Jason Miner, Oregon Trout

One of the gap fences is entirely outside the wilderness and in the WSA and a portion of the other gap fence is within the WSR corridor and wilderness. Both these gap fences are located to minimize the length of fence required and maximize the effectiveness of the gap fences to keep livestock and wild horses out of the WSR corridor and wilderness.

H-11. The development of a water hole in the South Fork Blitzen WSA may cause adverse impacts to wilderness values in this area. However, this project would be substantially unnoticeable within the landscape as a whole. The BLM must balance these impacts with the necessity of adhering to the Steens Act legislation, which requires the agency to implement a large cow-free portion of the wilderness. One of the purposes of the Steens Act (Section 1 (11) ) is to "...promote viable and sustainable grazing ...." In addition, the Steens Act requires the BLM to administer livestock grazing in accordance with the guidelines set forth in Appendices A and B of House Report 101-405 of the 101<sup>st</sup> Congress. These guidelines state "{T}he construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock."

As to the judgment, the water gap at Bradeen Crossing has a fence which prevents primary access to the water gap and has been closed and not in use since 1995. The water gap area is highly armored and in properly functioning riparian condition. Nonetheless, on rare occasions wild horses and livestock have found their way around the fence to water. The proposed water hole replaces a water supply in this portion of the pasture and is necessary to improve distribution and forage utilization by livestock and wild horses on several square miles of public land. Improved distribution is important on that portion of the South Steens Allotment that will remain following removal of the Blitzen and Penland Pastures from future grazing and inclusion in the no livestock grazing area. The additional gap fences are required to prevent all livestock use at the water gap.

H-12. Comment noted.



**Oregon**

John A. Kitzhaber, M.D., Governor

May 15, 2001

I

WPS

Department of Fish and Wildlife

RECEIVED

MAY 17 2001

BURNS DISTRICT  
BLM

Malheur Watershed District

PO Box 8

Hines, OR 97738

(541) 573-6582

FAX (541) 573-5306



Miles Brown  
Andrews Resource Area Field Manager  
Burns District Office  
Bureau of Land Management  
HC 74-12533 Hwy 20 West  
Hines, Oregon 97738

Dear Mr. Brown:

Enclosed are the review comments of the Oregon Department of Fish and Wildlife on the Environmental Assessment (EA) OR 027-01-21 and Finding of No Significant Impact (FONSI) for *Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 (Act)*.

The Hines office Wildlife Staff was brought along early in your process by Matt Obradovich, at which time he outlined on maps the nature of these project proposals. I developed a preliminary assessment of the projects for Matt to use in preparation of this EA dated February 21, 2001. Please use that input also as comments on the EA as they relate to fishery and wildlife resources.

The following is a project assessment:

**OFF SITE FORAGE PROJECTS:**

**1) Ready Pasture**

Upper Bone Creek Gap Fence: The fence location and specifications are good for meeting the livestock and wildlife objectives.

The Ready Cattle Guard, Fields Fence and Cattle Guard, and the Well and Pipeline are fine.

**2) Miners Field**

The Miners Field Fence location meets bighorn sheep needs for passage in the migration zone along the Fields County Road. Map 1 does not picture the sheep migration path accurately, as most of the movement is closer to the substation that shown.

I-1

**COMMENT LETTER I (Oregon Department of Fish and Wildlife)**

I-1. We will work with ODFW to correct this data and input it into our GIS system.

The cattle guard, water holes, and spring maintenance proposals are fine as described in the proposed action.

3) **Fields Seeding**

The proposed action for the pipeline is fine.

4) **O'Keefe Pasture**

There do not appear to be any wildlife impacts by either the proposed action or the Alternative.

**PROJECTS ALONG THE NO LIVESTOCK ZONE:**

1) **Eusabio Ridge Fence**

We prefer the proposed action, in which the fence goes directly to the rim. With the natural rock fence for the last 100 to 200 yards, there would be less fence overall for this project.

I-2 { The fence specifications listed show a 4-wire fence over all of the Eusabio Ridge Fence. The construction we prefer matches that proposed in the Bone Creek Gap fence where a 3-wire fence is used and the lower, smooth wire is 20 inches off the ground. I suggest the last mile of the Eusabio Ridge Fence be 3-wire, then natural rock out to the rim.

2) **Wildhorse Canyon**

The proposed action will meet wildlife needs if the specifications are the same as the Bone Creek Gap, with a 3-wire fence and smooth bottom wire at 20 inches.

3) **Straw Hat Pass**

The proposed action is highly preferred over the Alternative in this case. Following the no livestock grazing boundary would be nearly impossible to achieve, and would ruin the wilderness aspects of this part of Steens Mountain. Wildlife impacts would be great in the head of Pike Creek canyon.

We also prefer the natural rock fence construction for ease of passage of bighorn sheep and mule deer in the Straw Hat Pass area. We feel this can be accomplished with little impact to the area.

I-2. The reason for the 4-wire fence on Eusabio Ridge is that this fence will receive pressure from livestock on the south side and wild horses on the north side. Livestock will be wanting to access higher country to the north while wild horses will be trying to access part of their former range to the south. It is believed that a 3-wire fence would not be substantial enough to keep livestock and wild horses in their respective areas. The bottom two wires of this fence could be moved closer together to increase ground clearance and still achieve the same purpose.

**4) Kiger Gorge Fence**

At the no livestock grazing boundary we feel that the Alternative is the best selection as a workable fence. The construction and maintenance of a wood weave fence has the possibility of numerous negative impacts. A let-down wire fence will be down for much of the year, suffer very little damage during winter, and have very little impact to wildlife passage when built as described in the Alternative.

**5) Burnt Car projects**

The proposed action has more positive factors for wildlife in the area.

**6) Bradeen Crossing**

The proposed action is the best selection in this case, because it would take too much fence to go with the Alternative and cattleguard. The two small gap fences of the proposed action will be very low impact.

**7) Taber Cabin**

The proposed action is fine.

**FENCE REMOVAL PROJECTS**

Removal of 55 miles of old fence materials will be a major improvement to the Steens Mountain landscape and to wilderness characteristics. I see no reason why the vehicles described in Alternative 1 should not be used during this project period to make it less expensive and more effective in recovering old fencing. Where there is a fence line, there has already been human disturbance and vehicle use of some sort. Lets get the job done, and then let wilderness guidelines take over at that point.

**LIVESTOCK MANAGEMENT PROJECTS**

**1) South Steens Allotment**

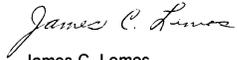
The Tombstone Fence can be discussed in the Andrews Resource Management Plan where it will receive proper public input. Either the proposed action or Alternative would be fine for this project, however.

**2) East Ridge Allotment**

As mentioned in my letter of February 21, 2001, there appeared to be a large amount of projects for development in such a small area. By selecting the No Action Alternative as the preferred alternative, the BLM apparently has some second thoughts about the proposals. We would concur with the No Action at this time. Further analysis in the future could elevate these actions to higher status if a major improvement of livestock grazing management would result.

We thank you for the opportunity to review and comment on this EA. We also would ask you to compliment Matt Obradovich for his good job of coordinating with ODFW on these complicated projects.

Sincerely,



James C. Lemos  
Harney District Wildlife Biologist

J

May 24, 2001

Bureau of Land Management  
Miles R. Brown  
Andrews Resource Area Field Manager  
Burns District Office  
HC 74-12533 Hwy 20 West  
Hines, Oregon 97738

RECEIVED  
MAY 25 2001  
BURNS DISTRICT  
BLM

Dear Mr. Brown:

Following are our comments concerning the Environmental Assessment for Projects for Implementation of the Steens Mountain Cooperative Management and Protection Area (EA-OR-027-01-27). In Summary, the Environmental Assessment and analysis needs to be rewritten in the final decision to include the grazing management projects and associated changes in the analysis of impacts. The Roaring Springs and East Ridge projects were agreed to during the Congressional requested negotiations and necessary to meet the statements of intent by Congressional sponsors of the legislation.

The Congressional framework and intent of the collaborative legislation was that livestock grazing operations, management systems and recreational businesses be intact and viable following the legislation. Some allotments will be substantially reduced in size from having part of the allotment become a no grazing area but they are supposed to be left intact and viable. The proposed range projects are necessary to provide intact management systems on the new smaller allotment boundaries after the no grazing boundary adjustments are made.

J-1 The projects on the East Ridge Allotment will allow season of use, timing, duration of use, seasonal number adjustments and riding management options during drought and prescribed deferment periods necessary to retain a workable rotational system and meet standards and guidelines. Individually and collectively, the proposed projects are very beneficial to ecological management and consistent with purposes, objectives and need for the action partially specified on page one. The EA failed to analyze how standards and the existing positive trend on riparian areas and uplands would be achieved with the new allotment boundaries without the spring developments and fencing only that standards and guidelines had to be met irrespective.

J-2 No substantive biological, ecological or public-use issue or negative impacts of the projects on the East Ridge Allotment have been determined or identified. The concern about increased raptor perches is not true. Many positive management impacts from the projects have been identified in the EA with additional benefits described later in our comments. One agreed to purpose of putting the projects forward at this time is to help accelerate implementation of the "no grazing area" provision of the legislation on the East Ridge Allotment from five years down to three years following closing of the land exchange. Forage replacement projects necessary to replace lost forage from the new no grazing areas will take at least five years after closing. The water and fence

## COMMENT LETTER J (Fred I. Otley - Otley Brothers, Inc.)

J-1. The EA did not analyze how livestock management would meet the Standards for Rangeland Health and Guidelines for Livestock Management and how the existing stable and upward riparian trend would be achieved under the proposed No Action. The purpose of this EA was to determine the effects of the proposed actions and alternatives on the different critical and noncritical elements of which livestock management is one. It was not the purpose to design new grazing systems within the pastures remaining in the allotment. This should be left for the new resource management plan. Any grazing system with or without the proposed fences and water developments would still have to meet Standards for Rangeland Health and Guidelines for livestock management. The EA has been amended to include this analysis.

J-2. Comment noted.

J-2  
Cont'd

developments will help us make short term extended use periods in three different pastures to train our cattle and manage around the lost grazing in late July and August on years 4 and 5.

The projects will also be beneficial to grazing and vegetation management needs in the Mid-canyon research area of the aspen restoration project.

J-3

The purpose and need for action should have explained why the projects are being proposed, why they are beneficial and why they need to be completed at this time to have intact management systems on new allotment boundaries.

J-4

On page 8, (4. Kiger Gorge Proposed Action) the alternative of a let down wire fence is not acceptable due to the inaccessibility of the site and the migration of elk through the area. The fence must be in place twelve months of the year, withstand lots of snow and not be easily tore up when elk are excited through the area. All wire fence alternatives at Kiger no grazing boundary would not work effectively and would have a negative impact on elk due to some elk getting caught in the fence if public use or hunting spooks the elk. Young elk will be able to easily scale the wood weave fence especially if a shorter double wood-weave fences are built in primary trail areas as we proposed which wasn't analyzed in the EA. A three or four wire fence would not adequately restrict livestock from entering the no grazing area due to the narrowness of the canyon even if it was kept in place and adequately maintained by BLM. On page 12, upgrading access will necessitate some disturbance in upgrading trail to get appropriate equipment to site but the disturbance will be easily stabilized with the same equipment following completion of the project. We will assist with the project to provide the access and stabilization including seeding native species back on disturbed areas.

J-5

On page 20, the East Ridge Allotment Proposed Action (No Action) is insufficiently analyzed in terms of management adjustments without the improvements in water availability and fences and the adaptive management benefits. The EA accurately states that the proposed fence would improve floodplain function. The fences and water projects will allow the existing management system which has been documented to be very successful to be kept intact to properly manage timing and duration-of-use relative to different climatical and environmental conditions.

J-6

On page 24, the impact to nesting birds would be insignificant due to the amount of disturbance in nesting areas even if the projects are completed during the nesting season. Long term nesting conditions may improve due to better management of vegetation within the area where livestock watered due to less trampling during periods of insufficient water for livestock. The fence projects would also have an insignificant impact or disturbance of nesting areas.

J-7

On page 28, sage grouse may be benefited by better management with the construction of the projects. The issue of raptor roost are irrelevant due to the adjacent height and number of existing roosts in all of the project areas. The amount of grouse use in the area of the fences is relatively small and due to aspect should pose insignificant collision hazard.

J-3. Some of this has been incorporated into the EA.

J-4. Comment noted.

J-5. Refer to Response J-1

J-6. Comment noted.

J-7. Comment noted.

J-8 [The area of the spring and spring box needing protecting is relatively small and we propose a wood weave fence be built from juniper available from a previous juniper cut/prescribed burn nearby. This would mean less restriction of access to the spring area for some wildlife species and would decrease the number of raptor roosts nearby.

J-9 [On page 31, the propose action (no action) will make it difficult to meet Standards for Rangeland Health and Guidelines for Livestock Management during hot dry periods or very wet periods as accurately described in the EA. The alternative needs to be the proposed action because potential management problems are avoided which will provide better wetland and riparian management.

J-10 [On page 34, the Kiger Gorge Proposed Action required by the legislation of no grazing may affect the vegetation and fishery ORV. Excluding livestock may create a negative impact to vegetation (increase noxious weeds) and fishery (the existing population and habitat condition is excellent).

J-11 [On pages 35 and 37, flying in material to build the fences is the only expedient way to build the fences. On the wood weave fences extra material needs to be left on site for effective and efficient maintenance. This will assure consistent color and type of material for annual maintenance. This material should be left upslope away from camping areas. As per agreement, the fence may be partially on private land to reduce the length, visibility and effectiveness of the fence if we include all of the projects we agreed to.

J-12 [On page 43-44 (2. Wildlife—Kiger Gorge Proposed Action) There will not be a negative impact to cow elk with new calves from the wood weave fence as much as a wire fence. Lower double fences upslope from the bottom would negate that as a potential problem. A wire fence would become a problem during times when elk get spooked, tearing down the fences, allowing cattle entry and other maintenance problems with some visual impairment. In addition, even with a lay down fence, the fence would have to be put up prior to elk calving season most of the time. A four barbed wire with on smooth wire would be the minimum standard fence to keep cattle from entering the no grazed area so a wood weave fence is by far the best, and only alternative.

J-13 [On page 45 (East Ridge Allotment alternative) The fence location is not on a major elk migration route but the propose action should specify that the fence may be located upstream or downstream one half mile from the mapped location to determine the best location for shortening the fence and minimizing potential conflicts with elk movement.

J-14 [On page 46 (Livestock Management—Kiger Gorge proposed action) The effects of the reduced allotment is correct (described in Eusabio Ridge Fence) which necessitates that the livestock projects be included in the preferred alternative as per agreement. On page 48, (East Ridge Allotment Proposed Action/No Action) the above comment applies. In addition, you failed to analyze how we would meet Standards. The justification is appropriately specified in the described alternative in the following paragraph.

J-15

J-8. Comment noted.

J-9. Comment noted.

J-10. Comment noted.

J-11. Comment noted.

J-12. Comment noted.

J-13. In Section II. Alternatives Including the Proposed Action, the first paragraph states that the “Locations of the proposed projects on the maps are near to where the projects would be constructed. Site determinations for well locations and other projects sites are approximate and may be adjusted by the BLM in the Field.”

J-14. Comment noted.

J-15. See Response J-1.

On page 48,50, and 52 . (Vegetation): On page 52 and 54 (Soils): On page 56 and 57 (Visual): On page 58, (Recreation) The grazing management projects are all beneficial to these critical and non-critical elements so they should be included in implementation. Including them now will avoid conflict and problems and meet the collaborative objectives.

On page 59—62, including all of the livestock projects throughout the project area helps avoid any cumulative impacts and will provide cumulative positive impacts to critical and non-critical elements.

In summary, not including the livestock management projects in the proposed action is inconsistent with the EA analysis and the intent and negotiated agreements. The boundary location adjustments on private land is an additional benefit to stated ORV and non-critical and critical elements that further the benefit of fulfilling the collaboration issues and agreements identified in our comments.

Sincerely,



Fred I. Otley, Vice-President  
Otley Brothers Inc.  
H C 72, Box 30  
Diamond, OR 97722  
(541) 493-2702 or 2469

K

RECEIVED  
MAY 25 2001  
BURNS DISTRICT  
BLM

Bureau of Land Management, Burns District  
Andrews Resource Area  
Hines Oregon

Comments on EA-OR-027-Q1-27  
May 20, 2001

K-1 [ The "Steens Mountain Cooperative Management and Protection Act of 2000" plainly intends in the objectives that grazing operations are to remain viable. Therefore, all of the projects analyzed in the EA should have been included within the proposed alternatives to allow the ranches to maintain manageable, sustainable units.

Following is a summary of issues that were misrepresented or not fully analyzed.

Ready pasture proposed Actions.

K-2 [ Upper Bone Creek Gap Fence: There is an existing fence across Bone Creek that performs the function of this proposed fence. Repairs to this existing fence would be sufficient.

Ready Well and Pipeline:

K-3 [ One alternative that was not assessed is to add on to the existing pipeline system that is fed by Burke Spring through the Schouver Flat Seeding. There is a trough no more than a quarter of a mile west of the proposed well site. By running an additional half mile of pipeline this existing system could supply the needs of the area rather than drilling a well.

Miners Field Fence:

K-4 [ There is value in fencing the Fields-Folly Farm road through the Miners Field to keep Roaring Springs Ranch cattle off that road. The small new pasture created in this area will have very few Aum's and does not add significantly to the Ready Allotment. This fence and the associated trough do add significantly to the cost of implementation.

K-5 [ An additional alternative would be to not build the Miners Field fence as proposed. Instead fence the piece of land that is North and West of Fields, staying west of the Folly Farm road and South of HWY 205 creating a pasture. This option also eliminates the need for the cattle guard across the Highway.

K-6 [ The proposed action for the Miners Field fence using a 3 strand fence with the bottom wire as smooth wire is inadequate for an allotment boundary fence.

Spring Maintenance:

K-7 [ There were supposed to be two spring maintenance projects analyzed. The spring indicated on the map is appropriate but there is an additional spring approximately a mile and a half south and a little west of the one marked for maintenance on the map.

K-8 [ If consideration is given to enlarging the Burke Spring system, that spring development may require additional work as well.

Fields Seeding Pipeline:

K-9 [ This project may be excessive but further water development is necessary in this area.

O'Keefe Pasture:

K-10 [ I am sure the permittee's in this pasture have been contacted on this layout and they feel it is acceptable. Wells that require generators are a pain. How far is it to power from the boundary of this field?

## COMMENT LETTER K (Stacy L. Davies)

K-1. Comment noted.

K-2. This fact was not known during the preparation of the EA.

K-3. During the initial formulation of the proposed projects and alternatives, the possibility of connecting into the Burke Spring development in Schouver Flat Seeding was discussed but was dropped. The general consensus was that the existing Burke Spring development and pipeline which waters Schouver Flat Seeding, was not collecting enough water to supply the pipeline for as many troughs for the Ready Pasture as discussed in the EA. The proposal has been modified to a Burke Spring Pipeline extension supplying one trough in the Ready Pasture. This alternative is included in the final EA.

K-4. Comment noted.

K-5. This project was originally proposed during formulation of the proposed projects and alternatives but was dropped from consideration since it would not conform with the wording of the Act which establishes Roaring Springs Ranch, Inc., use area in the Miners Field Allotment as that part of Bone Creek Pasture west of the county road and all of Miners Field Pasture which includes this piece of land north and west of Fields. This project is now reconsidered since impacts to bighorn sheep, which were a concern of the BLM and ODFW wildlife biologists, would be nonexistent.

K-6. Comment noted.

K-7. The spring to which you refer was not included in the EA as a proposed project since it would be maintenance of an existing development and is outside the new wilderness area. No additional analysis was needed whereas the spring in the wilderness area would need to be analyzed under minimum tool requirements to determine which method was appropriate for maintenance.

Eusabio Ridge Fence:

- K-11 Why wasn't there an alternative that analyzed putting the fence along the property boundary for the full length?
- K-12 I am not sure the property owner is going to be willing to grant an easement for the majority of this fence to be built on private property. The concept was that it could be on public and private as long as there was not excessive acreages or possibly equal acreages of ownership on either side.
- K-13 This fence will receive a fair amount of pressure from livestock. Construction will need to be adequate to stop the cattle. I don't see an adequate analysis of split-rail or wood-weave to facilitate the amount of wood fence that may be necessary.
- K-14 It was not part of the agreement to allow ongoing access across private land for maintenance of this fence. I did volunteer native materials (i.e. Juniper and rock) for construction if needed. To assume a right-of-way or access easement across the private property is not acceptable.
- K-15 On the East end of the fence I prefer Alternative 1. Putting this fence on the "cow-free wilderness" boundary was clearly the intent of congress. Placing the fence elsewhere and creating additional acreage of "cow-free wilderness" would require an amendment to the map.
- K-16 Alternative 2 along the property boundary would cause a great deal of conflict with wildlife and possibly create a wildhorse trap as it would funnel them into a dead end corner.
- Kiger Gorge proposed Action:
- K-17 I feel a wood weave fence is necessary in this location. A wire fence is not likely to control the cattle in this area.
- Burnt Car proposed action:
- K-18 The purpose of any development in this area is primarily for aesthetic purposes. Resource damage is not significant with the nature of this spring topography and soil type. If any development occurs it should include a trough and a water hole with greater than 20 gallon per minute flows into the trough and a 1500 gallon or larger trough. As many as 400 head of cattle water in this area as it is the only source of water in 4000+- acres. If the development is not going to be sufficient to water large numbers of livestock, I am opposed to any development at all.
- Braden Crossing:
- K-19 This is a significant water source for over 6000 acres. The reservoir should be in or near 9 acre feet of stored water. I am curious as to what kind of rubber tired machine will be used and whether it will be sufficient?
- K-20 An additional alternative is to leave the water gap in use.
- Taber Cabin:
- K-21 One additional alternative should have been analyzed and that is to let the water gap remain in use.
- K-22 These water holes are absolutely necessary for wildhorses and livestock. Without water in this area livestock and horse numbers would need to be reduced which is contrary to the objectives of the Steens Mountain Cooperative Management and Protection Act of 2000.
- Fence Removal:
- K-23 Alternative 1 using motorized equipment for removal of these fences is the only alternative that makes any economic sense. These roads have been in use for over a hundred years and the amount of additional use required to remove these fences will not further impact the wilderness nature of

K-8. Refer to Response K-3.

K-9. Comment noted.

K-10. The permittees were involved in discussions about the use of a propane generator for this well and pipeline system. Without the well and pipeline system, this pasture does not have sufficient water to support the forage offset incurred by the loss of the Long Hollow Pasture for the permittees use. The proposed well site is approximately 3 miles from the nearest power source. The cost of running a power line from the nearest source to the well site is about \$10,000 per mile or about \$30,000 dollars.

K-11. This alternative was originally considered but was dropped from inclusion in the EA due to the complexity of determining the exact location of the boundary between public and private lands, and the reality of the cost of construction and maintenance of a fence with as many corners and the types of vegetation through which it would pass. If the boundary was followed, much of the fence would have been constructed through aspen stands which would have made the fence less visible to wildlife and wild horses and caused problems. Also, maintenance would be very difficult on a fence of this design with the heavy snow loads that occur throughout this area. The proposed action was and is still proposed in what seemed to be a more common sense design and location for easier construction and maintenance. The project in its final configuration may be somewhat changed from what is shown on the maps due to changes made in the field when the project is flagged.

K-23  
cont'd

these areas. It would be a significant waste of taxpayer money to use helicopters, horses, and other expensive methods to remove these fences.

There is strong support for a reasonable, common sense phase in of these strict protective designations. The majority of Americans would be outraged to see money spent unnecessarily on this type of project.

LIVESTOCK MANAGEMENT PROJECTS:

K-24

These projects all should be part of the proposed alternatives. They are necessary to maintain the viability of management in these two allotments. It is necessary to implement them at the same time as the "no grazing area fences" to maintain the sustainability of these ranches. The act clearly states in the objectives: "the economic viability of the ranches is to be maintained."

Tombstone Fence and Lower Black Canyon Water Hole:

K-25

It should be the Black Canyon Water hole rather than the Weaver Place water hole.

K-26

Alternative 1 is necessary for management flexibility on the South Steens Allotment. With the reduction of acreage for livestock grazing, the ability rotate livestock through pastures is not available. To facilitate adequate rest periods, to allow for prescribed fire and other management activities in the Steens pasture a division fence is necessary.

K-27

The analysis did not adequately analyze other changes to the South Steens Herd Management area. The total length of the Tombstone fence is approximately 10 miles. Within the Herd management area far more than 10 miles of fence will be removed. Including but not limited to the Penland fence, Ankle Creek private property fences, and the Hollywood fence will be moved to the Highway allowing the old Hollywood fence to be removed. Construction of the Tombstone fence will reduce the total amount of time that gates on the Blitzen Protection fence and Lauserica fence need to be closed.

The Tombstone fence location is a natural breaking point for the different bands of horses in the South Steens Herd. The various bands tend to only migrate long distances north and south through this area seasonally or over longer periods of time. There will be very little day to day or even week to week conflict with this fence.

The Blitzen Protection Fence, Lauserica Fence, and Hollywood Field Fence all have higher conflicts with frequent movement of the bands that use those areas. With larger pastures the season of use increases, requiring gates to be closed in these fences for longer periods of time. The Tombstone fence would allow removal of the old Hollywood fence and would greatly decrease the total amount of time that gates would be closed in the Blitzen Protection Fence and Lauserica Fence.

Horses in this area have proven to be very adaptable to change and adequately use open gates. Gates located on historic trails are more naturally used, but history has shown that the horses create new trails along the fences to gates and freely move through.

The lower Black Canyon water hole would add additional water for wild horses in an area where the other water sources are located on private land.

K-28

Wilderness values: This fence is located within close proximity to the Steens Loop Road. Although it is primarily out of sight from the road it is with-in hearing distance of traffic along this busy road. Therefore, the impacts to Wilderness values are confined to a small proximity allowing for true Wilderness experiences at greater distances from a very busy road.

K-12. The EA states that the fence **may** be built mostly on private land as is shown on the maps. The project in its final configuration may be changed from what is shown on the maps due to changes made in the field when the project is flagged (see Response J-13). An easement would be pursued with the private landowner for sections that could be built on private land. If this is not feasible or the landowner is not willing to allow access for construction, then another route for the fence would be pursued on public land. The original concept was to put the fence in a common sense location and of a common sense design that would be more easily maintained, would work to keep livestock and wild horses in their respective places, and cause fewer impacts on wildlife. See response to K-11.

K-13. Analysis of a wood post or split rail weave fence would be similar to that of the 4-strand barbed wire fence. The only difference would be impacts to big game which was not discussed.

K-14. There was no assumption made that ongoing access across private property for maintenance of the fence would be pursued with the private landowner. The easement would be for the location of the fence where it could cross private land. Access for maintenance would be from the north side of the fence and maintenance would be conducted by a range rider(s).

K-15. While the intent may have been to keep the no livestock fences on the boundary, in actuality, the fence on the no livestock boundary would have more impacts than the proposed action and the other alternative and may not effectively stop wild horses or livestock from accessing private and public land respectively. Other fences such as the Straw Hat Gap fences, if built on the boundary, would be difficult to build and maintain and would have substantially more impacts than the smaller gap fences.

K-29 [ Again the overall landscape has changed with reduction of fences and roads in a large portion of the old South Steens allotment. The trade off impacts of constructing this fence and water hole in comparison to structures removed mitigates any perceived impact. Including the removal of the old Hollywood fence further mitigates this possible impact.

K-30 [ It is essential to include the South Steens and East Ridge Allotment Livestock Management Projects with the "cow free fences" to allow ongoing management activities to continue. The adjustments to these allotments created by the cow free area is going to significantly impact these ranches on a short and long term basis. Mitigating these impacts to allow sustainability of grazing operation is an essential part of the cooperative management of Steens Mountain.

K-31 [ The analysis of impacts was incomplete throughout the Environmental Assessment. For example: Upper Bone Creek Gap Fence sentence 2 page 21: "The fence projects would be expected to have short term effects on breeding and nesting migratory birds during construction if conducted during the nesting season." Are these effects positive or negative? How will it effect he migratory birds?

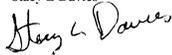
K-32 [ There are also a number of inaccuracies: Page 27 Burnt Car Proposed Action: Cattle do not access the river in this area only some small springs on the hill side that are not inhabited with fish. Water from these springs does not always reach the river and management changes or projects in this sight would have little to no impact on fish in the river.

Mitigating factors relating removal of man made structures to construction of new structures are not adequately analyzed to give an overall impact to critical or non-critical elements.

There are some real risks associated with implementing the projects analyzed in this environmental assessment without further and more accurate analysis. Careful consideration needs to be given to including all of these projects in the EIS that will be completed as the management plan for the Steens Mountain Cooperative Management and Protection Area. Allowing the Steens Mountain Advisory Committee involvement in all of these projects may eliminate the possible appeals and lawsuits and be the quickest and least costly avenue to accomplishing these projects. It is my impression that there are to many errors, assumptions, and inadequacies in this environmental assessment to continue with it as a decision document.

Sincerely,

Stacy L. Davies



K-16. Comment noted.

K-17. Comment noted.

K-18. Comment noted.

K-19. After discussing this with the engineer, a rubber tired front end loader might be able to accomplish this but most likely a bull dozer would have to be used.

K-20. This is not an alternative that could be considered as it would allow livestock to water in the WSR corridor and also be within the no livestock grazing area.

K-21. Refer to Response K-20.

K-22. Comment noted.

K-23. Comment noted.

K-24. Comment noted.

K-25. This is corrected in the final EA.

K-26. Comment noted.

K-27. Comment noted.

K-28. Comment noted.

K-29. Comment noted.

K-30. Comment noted.

K-31. The impacts to migratory birds has been changed to further explain the impacts which, if the fences were constructed during the breeding/nesting season, would be to cause enough disturbance that nests along the fence route would be abandoned by the adult birds and the eggs would not hatch or young would perish before fledging. The number of nests along each fence route would not be known to be able to say how many birds would be affected exactly. Depending on the timing, the birds may or may not renest. This impact would only be during the construction time and would not be expected to have any impact in future years.

K-32. Comment noted.





