

Steens Mountain Advisory Council

Meeting Minutes

May 10 and 11, 2004

Members Present:

Hoyt Wilson, Grazing Permittee, Princeton, Oregon
Jerry Sutherland, Vice Chair, Environmental Representative – Statewide,
Portland, Oregon
Tom Harris, Chair, Mechanized or Consumptive Recreation, Keno, Oregon
Alice Elshoff, Environmental Representative – Local, Frenchglen, Oregon
Wanda Johnson, Burns Paiute Tribe, Burns, Oregon
Stacy Davies, Grazing Permittee, Frenchglen, Oregon
Cynthia Witzel, Recreation Permit Holder, Frenchglen, Oregon
Steve Purchase, State Liaison, Salem, Oregon
Richard Benner, No Financial Interest, Portland, Oregon
Harland Yriarte, Private Landowner, Eugene, Oregon

Members Absent:

Jason Miner, Fish and Recreation Fishing, Portland, Oregon

Designated Federal Official (DFO):

Karla Bird, Andrews Field Manager, Bureau of Land Management (BLM),
Hines, Oregon

Designated Federal Official Assistants:

Rhonda Karges, Management Support Specialist, BLM, Hines, Oregon
Liz Appelman, Budget Analyst, BLM, Hines, Oregon

Presenters:

John Neeling, Wilderness Specialist, BLM, Hines, Oregon
Carolyn Freeborn, Steens Project Manager, BLM, Hines, Oregon
Mark Sherbourne, Natural Resource Specialist, BLM, Hines, Oregon
Darren Brumbeck, Fisheries Biologist, BLM, Hines, Oregon

Facilitator:

Dale White

Commenting Public:

Susie Hammond, Hammond Ranches, Inc.
Steve Hammond, Hammond Ranches, Inc.
Scott Silver, Wild Wilderness
David Blair, representing George Stroemple
Jack Rinn

Others Present:

Bill Marlett, Executive Director, ONDA
Colby Marshall, Congressman Walden
Rachael O'Dell, Bulletin Reporter
David Bilyeau
Pam Hardy
Dave Harmon, Wilderness Specialist, BLM, Oregon State Office

Welcome, Introductions, Housekeeping and Agenda

The meeting was called to order, self introductions made and the agenda reviewed.

Chairman Update:

No Update.

DFO Update:

Karla recognizes that too many interested parties, private as well as government, want to know how SMAC and the BLM will protect the newly established wilderness. It is an important issue. Karla stated her staff will be providing an update on recreation uses, monitoring enforcement, will listen to concerns, and will be providing information on a possible science committee the SMAC could put together. Her staff will also be updating members on the work and projects within the CMPA and an update on CMAs (Cooperative Management Agreements). Karla reported that Mr. Dana Shuford, the new Burns District Manager, will be in place the first of June. Karla also reported there has been no new word about the appointment still outstanding. Also, she reminded the group any new nominations for positions becoming vacant are due by May 25.

Minutes:

Motion made and seconded to affirm the approval of the minutes from February (Cindy moved, Jerry seconded).

No objection.

Consensus decision: Affirm the approval of the minutes from February.

Ankle Creek Inholder Access:

Tom Harris read a letter from Gloria Gardiner which had previously been emailed to all SMAC members. She discussed the SMAC recommendation, the Berrington Trail, and BLM's proposed action.

Cindy Witzel raised the hope that all had read the pages she had written for clarification for the motion previously passed by the SMAC.

Motion made and seconded that the following statement of clarification be attached by reference to the SMAC's consensus decision of September regarding inholder access in order to clarify that recommendation to BLM (Cindy moved, Stacy seconded).

Discussion: Jerry raised a point of order concerning a possible conflict of interest and how it is determined. Stacy said there had been a lot of discussions about conflict of interest, and it had gone so far as to ask lawyers. Stacy said the SMAC was in a unique situation and there could be various members in conflict of interest at any given time, but it was still necessary to conduct business. He declared a potential conflict of interest when he started. He suggests the committee recognize it and move on.

Richard felt the SMAC had acted in September giving the BLM general policy guidance. Although SMAC had been thinking about Ankle Creek, the recommendation didn't specifically address it. This clarification of Cindy's directly addresses the Ankle Creek inholdings, which in his estimation, puts it over the line. This goes back to his concern about this item being on the agenda; not the item so much as the motion. He felt that certainly if SMAC makes a recommendation general in nature and later it needs to be changed, there is no problem. He thought to do it aiming at a specific decision BLM makes is wrong for this body because it puts the group in a quasi judiciary role rather than advisory, and he thinks it does raise a conflict toward the maker of the motion.

Jerry stated there was a discussion about this issue that isn't reflected in the charter. But when it came down to vote, members like Stacy and Harland in specific cases exempted themselves from the vote. The Council didn't tell them they had to.

Dale stated there were two options when talking about conflict of interest: 1) an individual declares conflict of interest, or 2) the other SMAC members can determine administratively there is a conflict.

Cindy declared a potential conflict of interest for herself. She also said she would remove the 5th paragraph entirely and remove the last paragraph, the third sentence. "Currently, there is at least..." then say, "There are landowners and leases within the CMPA who have indicated a willingness...."

From her perspective, Cindy does not believe what BLM put together was anywhere close to what she agreed to in September. If it can't be clarified, then she will ask to revisit it.

Jerry expressed concern that the document was much longer than can be easily read in the few minutes that have been presented here.

Motion made and seconded to remove the fifth paragraph beginning with “In reference to specific example. . . .”; the last paragraph, page 2, first sentence, “The SMAC believesCMAs, etc. . . . eliminate from over the 2004 through headwater regions. “Other” replace with “There are. . . .” (Stacy moved, Cindy seconded).

Discussion: Tom disagreed with the motion. He felt the SMAC should be discussing anything that comes before it rather than eliminating such things.

Harland said what it boils down to for him is that in September everything is okay, come January throw snow on it and it seems to change the landowner’s means of access which makes no sense to him.

No objections to the amendment to the motion

Consensus Decision: Amend the original motion by removing the fifth paragraph beginning with “In reference to specific example. . . .”; the last paragraph, page 2, first sentence, “The SMAC believesCMAs, etc. . . . eliminate from over the 2004 through headwater regions. Replace the word “Other” with “There are. . . .”

Discussion on original motion with amendment: Jerry stated people have heard his views on this enough. Everyone has been lobbied back and forth, and he, like Dick, is bothered by the Council looking at this again. He believes there are changes in the clarification that are not clearly evident. He suggests moving forward, complete the vote, and see where it goes.

Cindy stated the BLM did not evaluate winter access to properties. She understood the SMAC’s decision would be that the mountain conditions would dictate access. She could access in summer, in fall, and in winter. She remembers having specific conversations and suggested perhaps the tapes need to be reviewed.

Objection to the motion was heard.

Roll Call Vote: Tom Harris - Yes; Jerry Sutherland – No; Wanda Johnson – Yes; Cindy Witzel – Yes; Stacy Davies - Yes; E Ron Harding - Yes; Dick Benner - No; Alice Elshoff – No; Hoyt Wilson - Yes; Harland Yriarte - Yes.

Motion failed due to lack of votes for a recommendation.

Cindy asked the Council about the concerns raised by John Witzel in his letter concerning how the Council will strategize and manage infractions to whatever BLM’s decisions are. She asked to what degree will the SMAC weigh in on that and give BLM input.

Alice asked if there would be any point in separating out the two issues. One being winter access with snowmobiles and other summer access (roads).

Cindy felt it was the usual divide and conquer strategy of the BLM and the environmental organizations. She'd heard Bill Marlett support Berrington Trail, but not motorized access. Cindy stated her family is a lessee on the property. They don't own it, and probably never will, so it actually has no real consequence to her. But it is the overall position that BLM and the environmentalists are taking on this issue. She thinks that George should be able to go up Berrington.

Cindy thinks if BLM has a public goal to minimize infractions, then BLM should go to the landowner and say they want to make an agreement. It should be the same if you want to minimize or eliminate something. She thinks BLM has all the tools it needs such as scenic easement, cooperative management agreements, etc. She doesn't see them doing that. She sees them coming out and saying you aren't doing this or that. BLM is saying they are not going to discuss it with you, the landowner.

Harland asked for why is it okay in summer time to use trucks or diesel rigs, but when you put snow on that area some want no access. He wondered why access wouldn't be the same in winter with the same noise levels.

Alice responded the snowmobiles would be a new kind of use. In her opinion you would be allowing a use that has not occurred before. Rather than access, it would be more like a play area.

Harland asked if it wasn't reasonable that a landowner might wish to access his own land for his own rights of solitude. He asked even if a house did not exist, wouldn't that be a reasonable access for a landowner.

Alice felt it would be difficult to justify that use to her constituents when it doesn't limit impacts to wilderness values.

Tom Harris believed the Council should have considered the motion in the first place. He expressed concern that the group keeps moving around the edges without getting to the core. He could see the objection to making a specific recommendation. He said it is private property and when SMAC starts screwing with access, he cannot see screwing with that. SMAC has already agreed there would be monitoring; there would be an agreement of the parties. He thought that SMAC is trying to kill this thing based on a worst-case scenario, and he has more faith in parties than that.

Richard Benner stated when SMAC talked about this in September, members were at poles at different ends of the spectrum. One view was access to an inholding is an unrestricted right and BLM can't limit it in anyway. At the other end was the view that it is wilderness up there now and under several acts, this one included, BLM can limit it. He stated there is a right to access, but there is not a right to any particular kind of access. He felt SMAC got as close as it could in September.

Dale White stated he believed the Council reached the end of what could be done today. He believes this issue has to be resolved in order to bring everyone back together. He thought it was at dangerous crossroads and vital it be worked out.

Harland said he wasn't willing to give up and needs to come to some understanding within himself to be able to answer these questions. Harland addressed his question to Alice, Richard, and Jerry asking if there should be any access to private inholdings during the time there is snow on the ground. If their answer is yes, then what kind of access should be granted? If the answer is no, that clarifies things for him.

Jerry stated the Council was rehashing the same things, and the law is what it is. He is not the person that determines what laws or regulations are. He said reasonable access does not mean reasonable motorized access. In the agreement SMAC talked it would accept motorized. SMAC members were talking about whether or not to count trips; whether or not it should be done through the 2920 permits; that whole thing to establish the access issue of how SMAC was going to determine how BLM was going to come up with ways to access; and how to monitor it with the least impacts on wilderness and landowners' rights. BLM said count trips and estimate on that, which raised the entire issue based on counting trips. SMAC can spend days and days talking about laws and rights (all of them). The group made a recommendation and asked BLM to take the recommendation into account as well as taking all the other comments into account. SMAC gave BLM the recommendation. They have to take it into consideration and make their calls.

Cindy felt that there were seven people in the group who believed BLM did not interpret SMAC's recommendation the way they intended.

Ron said he was getting disheartened because it seemed people were getting polarized again. He is concerned about the attitudes, including his own, where he is constantly evaluating himself to see if he is right or wrong.

Jerry said he was disheartened by a recent letter sent by some SMAC members to the State BLM Director going against what had been agreed to at the last meeting. He was very hopeful members could come to common decisions as a body. In last month's Monday private meeting he raised one of his main concerns which is when a member doesn't get what they want from SMAC, they get big brother Walden involved to solve it. He went as far as he could in the September meeting and acknowledged he could go no further with this. Jerry stated he felt betrayed by everyone who signed that letter.

Dale told the group he believes everyone has the Mountain at heart and wants the best for the Mountain. He reminded members not to lose sight of that fact.

Dick stated that if SMAC is going to accomplish anything, it is by focusing on the subject matter where they believe they can achieve recommendation. On the other hand it doesn't do any good to reach this point with inholder access, to just butt heads and make no progress. If SMAC operated under majority rules, this motion would have passed.

Congress said it had to take nine votes because they knew there would be issues on which SMAC could not make recommendations. They wanted SMAC to focus on things where they could make recommendations. Dick felt the group should move forward and pursue something else together.

Stacy disagreed with Dick just a little in that the reason for the nine person vote was the recommendations to them would have near consensus. The problem with leaving an issue like this is then how is the importance of an issue decided. If there is no cooperative attitude of managing the landscape in one piece; if private landowners aren't on board with BLM, then the attempts are invalid. There are certain issues, access being one of them, that private property owners see as absolutely constitutional. They are the holy grail and can't be touched. Stacy said the reason SMAC keeps coming back to this one, is that it is the first one where the agency is trying to take a private property right. He felt if SMAC can't come up with a recommendation better than litigation, then the landowners are going to walk. He said the landowners keep hoping this group can keep the Mountain managed on a landscape scale cooperatively. SMAC gets hung up on these issues that are vital to the owners feeling good about owning land and working with others. He believes SMAC can't come to consensus nor even have a good discussion on these types of issues. There are issues SMAC can discuss and come to agreement on but they probably have very little meaning. So he feels it is a waste of time and the group should tackle some of the bigger issues and come to agreement on them somehow. Stacy believes it is very unfortunate SMAC is fighting this war on the Ankle Creek inholder turf because it is the most contentious land on the whole mountain, and any decision would set precedent that affects the whole mountain. Stacy said the way he reads the EA he believes the war is on, and every landowner is going to be on one side of it. To the point of it John's letter resonates with a number of people that landowners are going to defend any way they have to. Stacy pointed out his name is up for renewal. He has a hard time deciding to reapply. He is not sure. He wondered if he is in litigation with BLM, how he can work on this committee. It is one of those fundamental issues the group either comes to agreement on or walks. Stacy felt that rather than the BLM saying they are going to restrict access, the attitude should be to minimize impacts. That would make it a volunteer approach. But when the attitude is to come out and say we are taking it away, the landowners will fight to the bitter end.

Cindy felt the two perspectives were very divergent and agreed with Stacy that it is a crossroads for the group.

Dick reiterated the group spent a great deal of time on this in September; however, it appears people walked away with different understandings about how general language might be applied in specific circumstances. He suggested maybe the group revisit the recommendation, not in the context of what has been here, but he does think it needs to be discussed.

Karla stated it was important to her that it be understood why and where BLM is on this issue right now. She said there were a lot of people interested in this issue, from the State Director on up to Congressman Walden, etc. Everyone is interested in this issue. When

Mark first presented inholder access, BLM was very concerned about taking the big piece first. The precedent set for Ankle Creek is only specific for the mode and access at that property. She is well aware of the importance of this issue to landowners as well and knows BLM wants to provide reasonable access under the current Acts. She thought what the SMAC did in September was wonderful. She talked of the known use at the time the Act was passed, talking to landowners and how the BLM arrived at its decisions. Karla said the BLM is trying hard to apply regulations and what SMAC says to provide access in an adequate and reasonable manner. It is really important to BLM and her that the landowners that are affected in the wilderness are considered. She said she will listen to all of them, but when they can't come to a consensus, she has to go back to regulations and laws. Even with a recommendation she has to ensure it is within the laws and regulations.

Ron thought it would be a good idea for BLM to clarify the reason for their decisions, so that people can understand what was taken into consideration and how they arrived at the decision.

Hoyt said as he understands it - reasonable access in wilderness - that was interpreted by BLM to be adequate, which created some discrepancy. Those regulations have been changed four or five years ago where now we are operating under a set of regulations that say access will be what was in effect at the time the Act was passed. He said BLM goes by those rules. If there weren't snowmobiles going to Ankle Creek inholdings, if Berrington Trail was not used, then they are bound by BLM to disallow that access. Hoyt stated if you want to give those accesses, then BLM regulations have to be changed. He didn't think BLM could ignore their regulations and say okay snowmobiles are allowed. It would have to be changed at the national level, so he doesn't think it can be decided here, as much as he would like it to.

Cindy expressed her distress that BLM doesn't seem to be able to take the cooperative approach rather than the telling property owners approach. She cited the progress in Idaho as well as other places where this has been done.

Karla stated she is willing to work with property owners as well.

Cindy said to her the issue is BLM will manipulate and use the language to best fit their goals, when it is known that the entire area, not just the north Loop Road, was open to winterized access via any form of motorized vehicles to do the job to get to their property. She said probably on October 30 when the Act went through, there was not a single person accessing on that day their property by snowmobile. There were people who accessed that property by snow machine, but not a lot. Yet, when BLM says they can't go now, it is a manipulation of words. Maybe landowners wouldn't put any more emphasis on it, summer or winter. She said access is 80 percent of the property value. The point is BLM is using whatever it can to justify taking access. She felt that obviously everyone sees it different, and the court will tell.

Stacy said with the new Clinton regulations in 2000, it is necessary to look at historical uses that becomes a benchmark for future uses. He wondered what are the guidelines for how far back you go, 5-10 years, what?

Karla said BLM tried to apply a reasonable measure, and talked to landowners. BLM found no evidence that snowmobile access regularly occurred. She said the evidence necessary would be the landowner showing BLM it has been used.

Stacy related this was what drove his earlier question; what is appropriate evidence; how long a timeframe is being used; and how can it be determined?

Jerry said he is hearing that SMAC's recommendation as Karla understood it did not preclude BLM from considering snowmobile or Berrington access.

Hoyt read the part in the regulations that said the type of use allowed had to be that which the inholders had engaged in immediately preceding passage of legislation.

Cindy reiterated winter access isn't even in the document.

Dale said the group needed to make decisions on how to address inholder access, move on, or set it aside till tomorrow.

Jerry expressed his desire to move on.

Stacy wondered if it is beyond SMAC's ability. He is amazed at how many interpretations of access there are. He reads it as if there was no motorized access in the past, then go through hoops; however, if there has been motorized access in the past, then it should continue (unfettered is a tough word in his opinion). One of the fundamental issues to deal with is whether or not 'they' can control my access or not. He acknowledged that it takes a lot of talking, but if SMAC is not going to deal with it, why should he participate. It is important to him the group keep talking about it, not necessarily today, but it is a critical baseline issue. Stacy suggested going through with the agenda, but thought that might not work for the environmental groups since they want a decision. He also thinks when SMAC goes to the vision discussion, it will come back up.

Jerry pointed out he believed that it would take nine people to say they wanted to keep talking about this. He felt it might be better to do it on the next EA. BLM heard what SMAC said and they did what they thought they should.

Cindy stated that if she would have had the understanding she currently has, she would not have supported the recommendation made in September.

Motion made and seconded at the end of today or tomorrow to make a motion as to whether or not to continue talking about this (Ron moved, Alice seconded).

No objection heard.

Consensus Decision: Move forward with agenda, and decide later today or tomorrow whether or not to continue the inholder access discussions.

Use and Law Enforcement:

John Neeling, Wilderness Specialist, updated the SMAC with numbers of permits issued as well as the type and size of groups. John reported SMAC's recommendation to begin issuing permits someplace in Frenchglen has been done. Steens Mountain Resort has been doing this.

He reviewed the various timeframes for monitoring and how they were all accomplished.

Several weeks ago, the group put on training for the District, which was well received.

The Wilderness and WSR (Wild and Scenic River) plans are in one place in the RMP with the final Wilderness Plan to be with the Record of Decision due out in October. Monitoring will continue to be implemented. Wilderness rangers will continue their public contacts and patrols as well as promoting education and leave no trace methods.

John reported that BLM has entered into cooperative management with ONDA (Oregon Natural Desert Association) to do more fence pulls, while BLM has applied to CCI, (Cooperative Conservation Initiative) and is waiting to get the money. Karla reported work is ongoing for funding requests.

Public Comment:

Susie Hammond, Hammond Ranches, Inc., is exasperated like everyone else. She too thought the recommendation SMAC made in September was a good one. In answer to someone's question about landowners being asked to come to the table by BLM, they really weren't. They were sent a questionnaire asking how many trips, etc. The recommendation from the landowner group was not to answer because BLM was stepping over the boundary into private land issues. She felt the access right goes with the property and should not be treated as a temporary use like BLM is currently doing. Her question is there ever going to be an attempt to make unique decisions for uses on the Mountain or for management practices? She felt everyone worked on the plan for a long time, and now are back to access again. She sees SMAC failing. She said the Water Resources Department had a commission meeting in Bend and the water resources lawyer said water being applied for was not there 8 out of 10 years. She asked if you are talking snowmobile use for access on the Mountain, and if we don't have water 8 out of 10 years, what are we really talking about?

Letter from John Witzel in public record.

Scott Silver, Executive Director of Wild Wilderness, wanted to share his experience and how to interpret the Wilderness Act. He suggested this group is really not the one to try and reinterpret the Wilderness Act. He read the Steens Act and he is not a fan of the

whole legislation. One thing he was clear on is that there would be no exceptions to wilderness. He doesn't think this group is the place to be trying to address issues of inholder access when inholder access is already something that has been dealt with repeatedly at other levels. Maybe through this sort of process it is possible to come up with something better than these alternatives, and maybe address these problems at the local level. He is not sure this is a process he'd like to see in other areas, nor is he sure SMAC has lived up to its expectations.

Use and Law Enforcement: Continued

John informed the group that Burns is the only BLM district with only one law enforcement officer, most have 2 or 3. However, Burns does have an agreement with the Harney County Sheriff's Office and partially funds a deputy through them. The deputy's focus is the Steens. The violations and status of SRPs (Special Recreation Permits) on the Mountain were discussed and reviewed. Any time staff is on the Mountain, they are watching and they let the Law Enforcement Officer know of any concerns. Also raised was the need for basic signing especially in certain areas such as trailheads, wilderness boundaries, etc., because if people aren't made aware, they cannot be cited. It was felt a brochure would also be of help to educate people.

Motion made and seconded to instruct BLM to proceed fast as possible with the portal sign and accompanying brochure, consistent with what the subcommittee came up with two years ago (Stacy moved, Dick seconded).

No objection, motion approved.

Consensus Decision: Instruct BLM to proceed as fast as possible with the portal sign and accompanying brochure, consistent with what the subcommittee determined two years ago.

It was brought up that the water level has been receding for some time around Mann Lake and the exclusion fence was at the 100-year, high-water line. Because of the water receding, people are starting to drive into the area rather than walk. Enforcement isn't possible until it is signed and people are aware of those restriction issues.

Motion Made and seconded to sign the area around Mann Lake prohibiting vehicular travel outside the designated area. (Hoyt made, Alice Seconded).

No objection heard, motion passed.

Consensus Decision: Instruct BLM to as quickly as possible sign the area around Mann Lake.

Members discussed the need to get people to comply with SRP requirements.

Motion made and seconded that BLM take an active role in getting people under permit, who are conducting commercial activities on the Mountain, and if they are ignoring BLM's direction, they be cited (Cindy moved, Alice seconded).

No objection heard.

Consensus Decision: SMAC instruct BLM to take an active roll in getting people under permit, who are conducting commercial activities on the Mountain, and if they are ignoring BLM's direction, they be cited.

Science Committee:

Darren Brumback distributed a handout detailing citations from the legislation that allow the formation of a Science Committee.

Darren suggested maybe a list of those believed to be interested could be compiled with a biographical sketch, qualifications, etc., then brought back to SMAC for review and recommendations.

Jerry questioned finding anyone to do this kind of work without reimbursement, and if that was required, how would that be done. Karla thought it wouldn't be regular meetings just when needed. Members talked of how the SMAC would want to interact, meet with them or have meetings on a regular basis. Darren suggested putting this on the agenda for the June meeting to give everyone time.

Ron suggested adding a person for wild horses to the group and others suggested wilderness and recreation specialists.

Jerry suggested maybe having a list of people who could be used as references when needed. They would do the research and give the information to the SMAC to use in recommendations.

Stacy expressed concern that dueling science can create more problems than it solves. In his point of view the various staff 'ologists are sufficient. Stacy has dealt with various universities and sometimes he felt the different viewpoints can create more problems than solutions.

Motion made and seconded that a science committee be created made up of a minimum of specialists identified as: Range Ecologist, Economist, Sociologist, Wildlife Biologist, Wilderness Specialist, Watershed, Fisheries Biologist, Paleo/Archaeologist, Restoration Ecologist, and Hydrologist.

No objection to motion

Consensus Decision: Create a science committee of the identified specialists.

Follow-up: BLM was asked to bring the information up at the next meeting.

CMA Update:

Rhonda reported that several CMAs are under consideration and in various stages including with private landowners to issue keys to go through the gates on Steens, with a

private landowner on Steens who is willing to allow camping on his private ground, Pike Creek Trailhead facility, with landowners that are adjacent to the no livestock grazing area to monitor fences, and implementation for inholder access. Rhonda pointed out the form and information in the packet and stated one of the things the BLM struggled with was SMAC's role. She asked that maybe there could be a discussion on what that would entail.

Rhonda said the Jordan agreement involves the area right around Pate Lake and across the road upward.

Motion made and seconded that BLM move ahead with working with Dan Jordan on a Cooperative Management Agreement rather than wait for the recreation plan (Hoyt moved, Tom seconded).

Discussion: Harland identified that Mr. Jordan has made that land available without any kind of compensation since the 70's or before. It was suggested a sanitary facility might be a first choice to not only meet the needs of the public, but protect the resources as well. Many members felt it would be a good idea to go ahead with the sanitation efforts before the plan with the knowledge that any kind of need for group camping would be brought back to SMAC. Members also expressed concern that they didn't want the level of use to increase at the site.

Karla committed to the SMAC to let them know how they will do the data collection and asked SMAC to help BLM develop a plan. The landowner also wants to ensure appropriate vehicle use as well as sanitation.

No objection heard.

Consensus Decision: Instruct BLM to move ahead with working with Dan Jordan on a Cooperative Management Agreement rather than wait for the recreation plan.

Access Discussion (Continued):

Richard asked if the wind-up discussion on access could occur now rather than tomorrow when he will not be here. He didn't want to open the subject up completely like it was the first time, but rather in some manner to confine it to the one or two issues that have been raised this time.

Ron asked if there might be a suggestion as to how to go forward to reach common ground.

Jerry said as he sees this, Karla confirmed she heard SMAC's direction and it did not preclude snowmobiles. The only possible changes to the recommendation would be telling BLM to ignore the regulations and input from other interests, and those are not things he could go along with and thinks it is time to move on unless someone can show BLM what they haven't already seen.

Stacy felt the specific question is whether or not wilderness is part of the CMPA or if it is separate. He said it comes down to if they want the judge to decide it or if SMAC wants to decide it.

Cindy felt this issue would continue to come up over and over if SMAC doesn't reach a decision, or it could be that it will have to be settled in a lawsuit.

Stacy stated the only two motions he can see would be impossible for him to vote in favor of. He knows it is what was in effect at the time of the Act and according to BLM that is on October 30. He doesn't see how BLM decides what timeframe to consider - a month before or 65 months or 54 years.

Members discussed what regulations might have been in place when the Act was passed.

Motion made and seconded that BLM be instructed to use the access regulations as they existed when the Steens was passed (Hoyt moved, Stacy seconded).

Discussion: The Council discussed how BLM interpreted the Act, the regulations, and what impact the Act has on the existing regulations. Cindy asked for a whole explanation, including solicitors, of how BLM arrives at their decisions. Karla acknowledged the request.

Objection to motion heard.

Roll Call Vote: Harland – Yes; Hoyt - Yes; Alice - No; Dick - No; E Ron -Yes; Stacy - Yes; Cindy - Yes; Wanda - Yes; Jerry – No; Tom - Yes.

Motion failed due to lack of sufficient affirmative votes.

Stacy said the whole issue outlines the underlying problems that may not be related to Ankle Creek. The issue, that is do or die, will receive no more discussion. The fact that SMAC can't get more of its members here shows where the Council is. Stacy thinks it is time to quit, he sees no value to the Council. He believes the group can't discuss the difficult and important issues; that members are positioned and not moving off those positions; and there are issues, underlying principle issues, resulting in the Council members wasting their time. He said SMAC can't get 12 members approved for a year; can't get 12 members here; and can't fill vacant positions that have had nominations in for a long time. Stacy thought language had been put in the Bill to protect private property but interpretations have changed that. He doesn't believe this process will allow any coming together on this issue that he can live with. He believes he must dedicate his time to other processes. He thought the Monday meeting was good. Members talked about how contacting their Congressmen shouldn't be part of this, but he sees he is going to have to do that. He can't allow any erosion of private property access; he just can't allow it to happen. With that, Stacy left the meeting.

Mark Sherbourne suggested the BLM must deal with regulations and CFRs (Code of Federal Regulations). He wasn't so sure that SMAC should be worried about regulations, but more how the land is managed.

Members agreed to hear from Pam Hardy in the audience. Pam said she recognized the group was at a serious impasse and she cares about people actually working things out. She offered to put together a memo making an honest assessment of the laws and to bring it back to the group. She thought it might provide an opening that isn't visible right now.

Dick thanked Pam for the offer. He's always ready to read something that is a fresh look, but he's not sure how it would help the SMAC to get past this. He believes Mark's advice is good advice.

Dale saw the problem, as the Council had discussed, was BLM's interpretation of the group's recommendation. He felt the only thing that could be done would be to ask BLM to reconsider its decision.

Ron said many times motions have been brought to the floor. The motion failed, but it's been brought up again and again until an agreement is reached, but this isn't happening with this issue. On one hand he understands why, but on the other why isn't it being handled like any other issue? He said the group had agreed to disagree on some and move on, yet it seems like it is being brought back up.

Harland said he needed some clarification. He thought when September rolled around, the group had consensus that the conditions of the Mountain would dictate the use of the road and BLM would work with the private inholder to work to allow mechanized use to the inholder. He believed there would be a CMA that would look at level of use, mechanized and all. How did we come to consensus? What was so different that allowed motorized use and now? Was it because the BLM was convinced that there had been historic use during those months? Is it then that BLM is not convinced that there was simply the historic use portion of it. If people around this table were convinced that history was history without a definition of history, it seems to him that transportation is transportation in various forms, whether it be by horse or by foot, snowshoe or whatever. As time goes on transportation is transportation. Maybe some are noisier, less polluted and solitude, so he guesses what is holding us up is the historical use. Harland said basically what you have is a whole bunch of honest landowners who said they didn't use snowmobiles. Harland already had an EA on his situation and one aspect was the fact that the running camp also had a football camp with it. After the finding of no significant impact, the football camp was lopped off because the last time it was held was 1998. Harland felt the problem was not with the recommendation but the application of it.

Richard agreed with Jerry. Unless SMAC is to revisit the recommendation to modify it, to say BLM must allow snowmobile access, regardless of if you find it existed, which is probably not going to pass if voted on, then there really is nothing SMAC can do.

Members talked of what they recalled the discussions to be during the time of the recommendation meeting.

Alice thought it seemed like SMAC may be coming to the question as Mark said. SMAC is not legal eagles and are here to give advice to BLM. All SMAC can do is give them advice. BLM is bound by regulations and laws. She wondered if SMAC had come to a place where they never move onto other things. She was thinking about what Mark said. SMAC is an advisory committee to give BLM the best recommendation. She doesn't see how the laws and regulations would change. She is concerned now that this has been such a breakdown that SMAC will never be able to give advice on this or anything else.

Harland agrees with Alice. He doesn't have a law degree and he has to go with his heart, his internal law. He wondered if people were voting according to the law or their heart. He felt if it was according to the legal end of things, then they needed to relook at their heart, because the legal is subject to interpretation by higher powers.

Cindy was uncertain if there is a future for SMAC. Every time a contentious issue comes up, it is huge. She said it is these people's lives, more than the wildlife, it is someone's life; it is the county's future; it is their children's future; it is a go-to-the-wall issue. What she sees from her perspective of the position of the other side is it is an issue they could move on but are choosing not to. In the future she may choose not to move.

Ron asked at what level the decision would be made? Karla clarified it is delegated to her.

Tom Harris felt this issue had been talked to death. It distresses him to see this impasse which is almost to a point of dissolution. He feels there is still a lot of good this group can do. He thought this had come to the point where we are trying to show whether wilderness trumps private property or private property trumps wilderness. It is sad to him there can't be equal value and room for a proper recommendation and that is what is in a recommendation.

Richard Benner replied to Harland's question and said he was both speaking from his heart and with the regulations. In this instance he agrees with regulations as he understands them, a balance with the environment is what the Act requires. It makes good sense to him to figure what has been the history of access to the property; where there has been no history; or where there have never been snowmobiles. He would propose a motion to forget about the regulations, which would seem to cause one to look at historic access. If anyone had ever used a snowmobile, that access must be approved. Following Mark's recommendation if there was some way to balance that, so owners could have access to property in some fashion so the balance comes out good for Steens Mountain and good for the environment, he would entertain that.

Hoyt said during the September meeting he felt the group came as far as possible to reconcile the Blair's issue. He believes the SMAC did an excellent job and he resents being forced into this position where the group polarized itself once again. If the EA did

not work out the way some people had hoped it would, he doesn't think it was very wise to bring it back to the committee and force this division. According to the regulations BLM operates under, this is something decided by the courts. If you go by courts, then there is nothing they can do about authorizing access that did not exist. It is something that should have gone a different route than to come back here and try to get consensus that will never happen. He does not think that this group is defunct, but they need to pick up and move on. He is prepared to do that. It is very unfortunate that the group will find other issues probably equally as diverse, but still thinks the Council can move on.

Karla told the group that this is a tough issue and she hopes the members don't blame each other, but rather put the blame on BLM if need be. Just be reassured the Council is doing good work.

May 11, 2004

Members Absent:

Stacy Davies, Grazing Permittee, Frenchglen, Oregon
Richard Benner, No Financial Interest, Portland, Oregon
Jason Miner, Fish and Recreation Fishing, Portland

Introductions, Review and Approve April Minutes, Action Items:

No quorum, so minutes could not be approved.

Projects Update:

Karla updated the council on the projects that have been completed, implemented and are still in the works.

SMAC Vision:

Alice felt it was hard to get excited about this without everyone at the meeting, but it wouldn't hurt to at least talk about it. She began by saying that when SMAC members met on their own, they all gave a little talk about where they were coming from. She believes everyone learned a lot. Maybe that would be a starting point. She is sad the Council didn't go ahead and make a vision statement at the very first meetings. She recalls the group going around and talking and introducing themselves. Alice remembers clearly something Wanda said, which was, something about honoring the mountain . . . "even the very rocks". Alice said the basis for the things she says is because the Council is talking about managing the land and really all humans are "tinkerers". It is like a surgeon is a very skilled tinkerer. He does the cutting, but the body does the healing. All humans have going for them is the earth's ability to keep sustaining them. Alice explained the things she says come from not wanting to compromise those important things, such as wildness, which is what we are all really dependent on. She gets worried

when she sees anyone compromising the wildness. She is really focused on not compromising ecological systems and ending up with mono cultures.

Tom Harris said the type of recreation he enjoys is gone in many ways. He said Cold Springs still sticks in his craw and that group camping is needed on the Mountain.

Wanda said they were raised being told by the elders that the plants were a gift given us to be used. If we didn't use it, the gift would be taken away. They were taught if they used it, the gift would come back. The way they were taught you took care of it by using it. She said they took care of it by taking what they needed, let it be, and it would come back next year. She believes that goes for a lot of other things, use it and it won't be taken away because it is a gift. She looks at the Mountain like it is a gift. People were able to go in and use their lands, like her people used their plants. Her people are able to go into areas for their use and she sees a parallel for the landowners. If they can't use their land, it will be taken away from them. She said her people have known that experience of having the land, then not having it anymore. They can understand and respect the fact there are other people living on the land. They worked and lived with other tribes, all using the land, and were able to work with each other because they respected each other. The other tribes used the land; Wanda's tribe used the land; sometimes they bumped heads and warred. They were able to move away, then live together, but it was there for all of them to use. This is really hard to see now because of all these people, before it was just the local people. The Steens Mountain Act was local people and now it has opened to everyone, and it would be like all the tribes telling you what to do. She recognizes it is difficult now. She sees a lot of people just not giving in because they have dug in and don't know how they can get out of it. It is necessary to respect each other's use of the land and recognize that if you don't use it, the gift will be taken away from you. Whether it be the government or other groups, the gift will not be there. It is frustrating. She can respect the fact people use the land; they use it for their livelihood; they make attempts to take care of the land. She thinks if it isn't used and is just set aside to look at, that is not right.

Ron Harding talked of when he retired from the Wild Horse and Burro Program and how difficult it was to do a job if someone was meddling and telling you how, so he tried to stay away from it. He thought if they brought in new blood, there might be some innovative things happen in the management of wild horses, but that didn't happen. There were some new things for better in the adoption program, which is a management tool. The adoption program is like the tail of a wagging dog. He stayed out of it a long time, even refused requests to serve as wild horse representative, but now he is an advocate for the horses because they have been a part of him since he was born. He said some people don't have that kind of association with horses like he has had through the years. His outlook is to see wild horses get the best chance they can get, which means the best management, realizing there has to be some give and take. Ron feels like he should know when to give in and know when to take at least a good attempt to define the Act by those who made the Act. Those that put their name to it, they all have folks who act on their behalf. He wonders what was going on in the minds of those people who wrote the

Act. He doesn't think it has to be a battle, can be an exchange. Bottom line is in definition of the Act.

Steve agrees the Mountain is a gift, and the U.S. Congress decided they wanted to protect that gift so they made the decision. He believes SMAC has a very unique opportunity to do something no other wilderness has been allowed to do. He thinks it is in the Act itself. The spirit of the Act was short-term and long-term – short-term vision protects the gift we have and at the same time protects public landowners' rights, protect that opportunity. The long-term vision of the Mountain is that the land in the wilderness would be in federal ownership. That it would revert to a more pure wilderness. Steve spent time talking to Kitzhaber who wanted to protect the Mountain and individual property rights. Steve does think this group has a unique opportunity to work in a cooperative way to reach both short-term and long-term goals. There has been a lot of time and energy to do the legal stuff. Rather people need to look inside and say there has to be a way to make this work. Because if we can make it work on the Mountain, then it means across the entire landscape there might be more possibilities to manage. SMAC has been given a great and unique opportunity. Come back together and make it happen.

Harland agreed with Alice. He wished that the vision had been established in the first days of meetings. He noted the first two days everyone came up with a love for the Mountain. Everyone felt that there were many considerations and experiences to be considered. He described the Steens as a whole banquet, like a lovely banquet being set up. Steens is a huge banquet of different things a lot of different people can feast upon, and some people give their entire success to the Mountain. The Mountain is a diversity of extremes and he sees it as a place that extremes can exist. Plants and animals can adapt to extreme conditions. He urged everyone to feel the history around them, the Mountain has a lot of things for everyone. Harland said if you remove all the people on there, what will you have? You wouldn't have Pete French; you wouldn't have the rules we have now. Harland stated we have a beautiful mountain, but people are a part of that Mountain. The people that live there have to take nourishment, and their roots run deep. Their whole culture has taken place up there. He doesn't understand why SMAC came to logger heads yesterday because there is an innate right. The very essence of America is private land and the ability to own and access it. This goes to the core of a person's ability to own land. He said sure people in the Soviet Union would love to own some, the ability to access is a right from the heart. Without some respect for that, we will have a tough time on this committee. He thinks the young lady was right, the very mountain teaches us extremes can coexist, somehow they balance themselves out. Harland stated there isn't a person here that doesn't have great qualities. Not even a diamond is perfect. Everyone in here has some gem in them.

Hoyt stated that the Mountain doesn't exist in splendid isolation. There is a whole variety of people, including the Native Americans and cowboys. Everyone goes there to get something from the Mountain. From that sense, the Mountain is a gift is right on. The gift that grazing permittees have taken is the ability to make a living for their families and to raise them in a certain type of culture. He said it is not a question of getting rich. You end up investing your life in a piece of land. It is like a business and as a business man;

you invest in the company. The building you operate in is more important than the business itself. The idea that the Steens Act was designed to remove or to put the entire Mountain in federal ownership, he believes just the opposite is true. It was to preserve the private property with the exception of inholdings within the Wilderness area as well as to preserve a way of life that supercedes the native way of life. Yet in many respects it follows that mold. The trick is to balance the gift that has been given to us with the Mountain's ability to do it in perpetuity. Hoyt wants to try to come up with a way to answer that. How do we balance the needs of the Mountain and still maintain the grazing situation?

In the previous discussions, Cindy heard a vision of SMAC and a vision of the Mountain. She believes they are sort of tied together but not necessarily totally. Her family is fourth generation in the US but first to Pennsylvania then to Oregon. Her parents are native Oregonians. She moved 24 times in 25 years arriving in 1988. When she met John Witzel, she had never experienced the link and sense of place. Cindy believes there is no way to understand it unless you have experience it. She thinks Wanda's people must have an exceptional sense of place, but she has come to feel the sense of place emanates from her husband's family and him. Anything she brings to the table with her, any dealings with BLM, she comes armed for battle. Every time she comes here or to meet with BLM, she expects an attack on her livelihood and survival of her family and their ability to continue to live where they do. She realizes it sounds extreme, that it's not that real, not that personal, and it may not be for an environmental representative. Cindy believes Congress put the variety of people here for both general and personal reasons. She believes the grazing permittee, the landowners and the tribe, because of their personal link, have a real personal investment. This is not to diminish people's soulful experiences and gift by going on the Mountain and visiting it all, but she thinks there is a large divergent need to protect one's survival. She can't say she is going to shelve survival. She does not believe that it is the SMAC's position to tell BLM whatever BLM thinks is right. She believes it is SMAC's position to question BLM's decisions, evaluate the decisions, and also perhaps to question under what authority they are operating. This is just some things she asked the members to think about. She said respect is earned. She heard Stacy does respect the biologist. Although sometimes they aren't right, they are still listened to. She respects some people and not others in the office. She believes SMAC's position is to give advice and not to say that what they do is right within the law. She believes there is a lot of discretion. She was not sure where that leaves her in anyone's SMAC vision. She could say that any time a contentious issue comes before SMAC that personally attacks her livelihood and the livelihood of her neighbors, she will battle. If there is a method to do give and take, without compromising fundamental positions or rights, she is willing to do it.

Cindy looks at the Mountain and sees a quilt of public and private ownership. She doesn't believe the Act was an effort to consolidate the entire Mountain into public ownership. She believes even those properties in the wilderness were designed to facilitate bringing them into public ownership. Then if it ended up in private ownership, then that is just how it is. She's not sure SMAC can come together on a vision of the Act and what it says. Cindy has her doubts at this point. She sees, overall, mostly the private

land is fundamentally in better condition than the public land. She has greater concerns about the North Steens Juniper project. She dreads the day the entire Mountain is juniper free. She doesn't share those visions. She is not sure elimination of all juniper trees is necessary. She doesn't think going in with a machine to munch them down is something that should be done. She guesses her vision of the Mountain, in the context of the Act and why she supported it, was that all entities were going to work cooperatively. She doesn't see this happening. She sees BLM working with the Tribe, the county, ONDA and with the Sierra Club, but doesn't see BLM working with the landowners. She sees BLM trying to divide the landowners and sees very little in the nature of cooperation. Any of those items which are cooperative with landowners are very political in nature. Cindy is very disheartened by all of it. She doesn't feel she has much to contribute to the SMAC vision. She would like to see the Mountain as a place of regeneration, a place that can be used and depended on in perpetuity.

Jerry knows that expecting all SMAC members to have the same vision is not reasonable. He thinks if everyone had the same vision of the Mountain, the SMAC would not be here and there would be one person BLM would consult. He thinks there was recognition within the Act that there would continue to be differing views on how to manage the Mountain. To see SMAC as a failure, if members can't come to common vision, is not where he believes the group to be. He thinks the point members can hope to come to in this process is they share a common willingness to accept each person's view, as it is not theirs to necessarily agree or disagree, but to respect their right to have those views, to honor them, and try to understand where the person is coming from. When members can do all of that and come to a common ground, then make recommendations to BLM. If that's not possible, then it's not. He doesn't know how it can be any different than that, to set up process or vision. Jerry spoke of how originally he thought he and Wanda would agree more often. But he sees where he is mainly for nonuse which is different than Wanda's point of view. He said people see him as a recreational person, but someone who only wants to be there by himself, or they see him representing nonmotorized recreational use. His position is more like a nonuse position. He says solitude is important and the natural processes that Alice talked about are critical in wilderness. He said the thing that separates wilderness from all other designations is it is a place where natural processes take care of themselves, where things are not being manipulated to the greatest extent possible as everywhere else in this day and age. People are starting to realize we need to keep some of these places. When the day comes that he can't go into Steens Wilderness by foot, he will be glad that others will continue to be able to so and not argue for motorized use to accommodate his age. He believes that local ranchers and outfitters husband the land in a thoughtful way and environmentally friendly and believe they are doing it in a proper sort of manner for wilderness. However, it is most important to him that he protect it from use, use that doesn't allow things to proceed in a natural manner.

Dale said what he thought he heard today was people speaking from the depths of their heart with some pretty profound statements made today. Question asked is to how to continue to meet everyone's needs on the Mountain whether it be short- or long-term vision and goals.

Hoyt said he'd been looking back at what SMAC has done through the past several years from the first day when they were dropped directly into BLM's planning process. The group has been in that process every day since. Everything they have done is mostly reactive to whatever they've been given. He hoped that somewhere along the line SMAC would start doing things, creative things on their own. He hoped to see some of these new and different approaches to problems or whatever. He would like to expand SMAC's role beyond reactive and start trying to do some initial beginnings.

Members discussed the appointment issue and the lack of response in getting those appointments completed. Dale will talk to Colby about the importance of getting them finished.

Cindy heard Colby say the appointment has been made and this makes her wonder why Karla doesn't know. Her people aren't getting the information to her? Cindy doesn't trust that the agency wants SMAC to function. If the agency really wants the Council to function, then they would make every effort to get people here to do it.

Tom stated this was an issue for the RACs as well.

Cindy, although she agrees with Tom, felt there is a huge difference between RAC and SMAC. RAC functions at administration level. They (the BLM) can dissolve them, but the SMAC was created at the Congressional level.

Chair or DFO will talk to any person missing more than two meetings to determine why they haven't come. It is essential that all members know they are needed here in order to conduct business.

Alice said she asked at Monday's session whether or not SMAC needs to get legal eagles to explain the Act to us. What she is thinking about now is maybe not focusing so much on what will or won't work within the regulations, but rather not quote chapter and verse and make recommendations, and let them work out the legal end of it.

It was suggested to wait a couple days before Tom Harris contacts Stacy to see what he wishes to do.

Hoyt suggested doing something along the lines of majority and minority and make that a part of the record as to why it passed or failed. Even with those motions passed, it seems like the Council wastes too much time with super majority when they really need to weigh in on issues. If SMAC doesn't have majority, it can still give BLM the information for the opinions.

Jerry noted the ground rule was to work toward consensus and if not, then to fall back to the majority. He felt the goal should be to come to consensus, but if it isn't possible, it isn't possible. The minutes reflect what anyone wants to know about SMAC's discussions. Jerry is comfortable with his knowledge of the laws and regulations and his

background is to rely on those, but if members would ask him not to quote them, he'd be willing to do so.

Cindy thought the minutes reflect how the motion failed, but perhaps they should reflect the majority opinion as well as the minority opinion.

Jerry talked of how sometimes the group keeps hammering on something they don't agree on and it may raise people's hackles. Perhaps the group should learn to suggest breaks to go talk, to reorient their processes to listening, etc. This might help facilitate a better chance to work things out. He thinks that there are some issues SMAC just won't agree on and will need to move on. He does feel the vast majority of decisions the group has made is through consensus.

PUBLIC COMMENT:

David Blair, representing Mr. Stroemple, stated after listening to the talk over the last day he is incredibly discouraged about the course of events. David felt Mr. Stroemple would have been ecstatic if he'd seen the PowerPoint presentation. Mr. Stroemple is absolutely passionate about Steens and restoring the natural ecosystems on the Mountain. He is dying to get after that work, and is already beginning to in other ways. David said that Mr. Stroemple's back has been pushed to the wall. He could not characterize it any other way. Mr. Stroemple must protect what he feels is fundamental basic private property rights. He does not understand why he should not be allowed to drive an ATV 15 miles to his property from his home. David used the analogy that it would be like being asked from his home in Portland to go to Beaverton and being told to drive from Salem to Lincoln City. This kind of request is not reasonable and it isn't adequate. It is preposterous when you consider the actual natural resource and environmental trade off of driving an ATV a handful of times a year when snow is not there. David said some people understand that the same is true with snow machine access. Mr. Stroemple does not understand the concern when taking a snow machine over 3 feet of snow when there are 50 souls between Burns and Winnemucca, at least in the high country. He doesn't understand and doesn't accept it. The affect of this controversy is he is not able to work on solving what he thinks are important natural resource problems which he is so committed and ready to work on. David said when the Steens Act was passed, the authors thought you'd be getting that prize. You are not. Two years were spent fighting about the running camp which has no bearing on the ecological restoration. Now we've spent two years fighting about private property access. There could be no more social issues on Steens Mountain that has nothing to do with conservation of natural resources. David thought the collective passion is natural resource protection and the Council sits here talking about social issues that don't have natural resource effect. David stated Mr. Stroemple will be looking to graze his property and exercise his property rights. He has a lot of fencing up there that needs fixing but it seems it can be done pretty seamlessly. When David moved to Oregon, he came to work with Senator Wyden. David spent his career in public land and public land natural resource policy from the Congressional side of things. He worked in other states where private property was where you didn't go. His passion was always finding winning solutions to get good legislation. In the Steens Act, David said the delegation specifically considered a federal exemption of private

property use, that way there would be no question. Come to find, we have the same problems that snuck in the back door with Federal rules that got put into place after the Act. David spoke of the Congressional Research Service staff, who provide expert advice to Congress, and every staffer uses them a lot. It is a great luxury to have them. They help you chart a course. Such as, when they talked of the Steens, you would say this is where we want to go, and they would help map out how to get there. David related that Susie helped him put on a meeting in Diamond. They talked of ecological goals that landowners could buy into. One thing was brought up concerning a little canyon fire that wasn't going anywhere. BLM came in and bombed it into submission. It was thought to be wrong, a travesty. There are things that could be done and conservation would agree to them in ways that BLM would not. David went back to Washington and thought he was far over his head with Steens Mountain, half public and half private, no rules apply. There is no situation like this in America. Then he got to thinking about a group of people to guide these things and BLM would be subservient to them. There are things everyone would agree to. Have people in the driver seat, and BLM basically in the back seat, and let this group do the down field blocking and show the path in a cooperative way. Have BLM follow along. They said it was absolutely possible. Thought maybe have a scientific committee set the bars and SMAC get there. David finds it discouraging that SMAC has not worked out this issue, it is a minor issue. He hopes all understand it is a minor issue, in the overall scope of the Mountain. Mr. Stroemple is going to the wall on this and it is unfortunate it will prevent a lot of good work doing it together.

Jack Rinn noted he was not here to speak for George Stroemple. He has, in the past, represented eight ranchers and landowners in the Steens Mountain area, so he isn't just associated with Stroemple. Jack said one reason he comes to these meetings is to hear Harland speak. He told the Council it might surprise them to know that in another life he worked very hard on the Rare II study, which was part of Department of Ag. He owned a pack string for his own use. In the process of that, he rode 100 percent of the trail accesses into the Strawberry Mountains and into adjacent areas. At the time Jack was working on the environmental side with the environmental bias. Many decades later, he does see things differently. He does think this committee was designed for failure but doesn't know if it was crafty or something else. He said the entire Act was formed under a great deal of speed. He wanted to go back to his pet issue – supermajority. It is part of the Act. He has said repeatedly and still believes it, the public through the press and politicians are not precluded from reading what the vote really was; reading who voted for what. He likes Hoyt's idea but only the minority opinion needs to be written. The majority comes with passing of the motion itself. He would like to have opinions in writing so he can see them. He asked the group not to take it wrong, but he doesn't view yesterday's events (Stacy leaving) as all bad. There is no one he respects more or likes more as a person. On that end Jack feels very disappointed. On the more practical side, he doesn't view it as all bad. It goes to super majority. If he stands for what he believes in, the press will be involved. Sometimes Karla wants to get important issues brought forward as well as keep the Congressional delegation well informed. What Stacy did is not bad, because if it stands that way, Jack believes it will, the press will be involved and follow the story wherever it might go.

Susie Hammond, Hammond Ranches, Inc., said she has a real problem with all of the comments that went on yesterday. She is at her wits end. Access has been a loggerhead since the beginning at the first or second meeting SMAC had. You've got agency rules, laws, interpretation of those laws; you have this committee, the chairman, facilitator, and BLM. She wonders whose responsibility is it to change something that isn't working. She doesn't know. She doesn't know if that comes from the agency or SMAC or if it has to go clear to Congress. She does believe that to get things changed, the people on this committee need to stand out and say it needs to be changed. She doesn't think it is right for someone to feel like a traitor for leaving to do something right. She appreciated Wanda's comments and Jerry's comments, even if she doesn't agree with him. Susie said when Karla was giving her list of different things the BLM was going to do, she looks at the Act as designating wilderness. Susie said when they were working on the Act, that when wilderness was designated, the rest of the area would be protected for grazing and other uses. She said different things are provided for but it is never for the protection of livestock grazing. She wished that would happen. Think BLM is here to include multiple-use and it seems like the only economic use ever talked about on the Mountain is livestock grazing, but it's never recognized as an economic use or social use.

Steve Hammond, area rancher Steens Mountain, showed up here and is hearing about the failure of the Council, which he's been saying that for quite a little while. He wanted to share two or three observations. Living where he does, in his opinion, the refuge is one of the most deplorable public agencies created because of the way they go about their mission. They are a total failure when it comes to the preservation of wildlife and they've done it under a bunch of regulations and laws that could be debated all day. Another observation of his was Karla. He hadn't spoke for several months but due to his knowledge of the agency, he believes she is about due for a promotion. Because once BLM gets a handle, it begins shifting agency people to get the SMAC people to roll over and get less experience on the committee. In wrapping it up relating it to Harland, who I think can understand it, if he could put it in the right words. Everyone sets a goal way up there. Unless you set a goal past what you probably really ultimately feel you could succeed, you may never know what you are capable of. So in not getting to that goal, you might not be completely deemed a failure but when the game is all over, it is how you play the game. Even if this group fails, the Mountain will go on. There is no doubt about that. It is just about how it will go on. Those that had the vision before the Steens Act just want to keep existing no matter how the rest falls apart.

Meeting adjourned.

Meeting minutes approved as amended on Tuesday, September 14, 2004.

Tom Harris, Chair

Date