



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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September 5, 2002

In Reply Refer To:  
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1617.2 (210)

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Peter M. Lacy  
Staff Attorney  
Oregon Natural Desert Association  
917 SW Oak Street, Suite 408  
Portland, Oregon 97205

Dear Mr. Lacy:

The Bureau of Land Management (BLM) deeply values collaboration in the stewardship of public lands and resources. Our leadership recognizes the contributions that broad involvement brings to addressing public land issues and implementing our multiple use mission. While there may be times when we cannot meet the expectations of all segments of public land users concurrently, we strive to address their concerns as best we can. In this spirit, we appreciate your involvement in the Proposed Southeastern Oregon Resource Management Plans (RMP) and Final Environmental Impact Statement (PSEORMP/FEIS). Our Headquarters Office has carefully reviewed and considered your protest letter of December 5, 2001. The purpose of this letter is to inform you of the results of that review.

Under the planning regulations at 43 CFR 1610.5-2, for a protester to have standing he or she must have participated in the planning process, have an interest which is or may be adversely affected, and raise only those issues which were submitted during the planning process. For a protest to be valid it must be addressed in writing to the Director within 30-days after the Environmental Protection Agency has published the Notice of Availability in the Federal Register. For a protest on an EIS-level plan revision to be valid it must be addressed in writing to the Director and received within the 30-day protest period established by the responsible BLM Field Office. The protest must contain: 1) the name, mailing address, telephone number, and interest of each protester; 2) a statement of issues and parts of the land use plan being protested; and 3) a concise statement explaining why the State Director's proposed decision is believed to be wrong. Disagreement, by itself, with a proposed decision, how the data are used, or unsupported allegations of violations of regulation, law, legal precedents, or other guidance documents, will not meet the requirement of the regulations. We find that you have satisfied BLM's requirements and your protest is considered valid.

Your letter of protest contained ten issues and each is addressed below.

**Issue 1:** “The range of alternatives considered in the PSEORMP remains unreasonable and inadequate, in violation of the National Environmental Policy Act (NEPA).”

**Response:** We find that the PSEORMP considers and analyzes the range of reasonable alternatives, in accordance with NEPA and consistent with the laws which guide Bureau programs and policies, and the Council on Environmental Quality guidance on formulation of alternatives. The planning criteria used in the PSEORMP were developed and adopted locally and are consistent with current Bureau guidance for land use plans. The range of alternatives is also consistent with Instruction Memo IM- 2001-075, which provides guidance that alternatives considered should not be limited, and the impacts of all alternatives addressed must be fully analyzed.

Alternatives D1, D2 and portions of alternatives C and PRMP (the proposed plan) provide substantial restrictions on numerous activities with the potential for surface disturbance. When wilderness study areas, existing and potential wild and scenic rivers, Areas of Critical Environmental Concern and other sensitive places are included, high percentages of the mineral estate is closed or severely restricted. There is no formula for percentages of restricting activities or programs by alternative. Instead, the interdisciplinary team used planning criteria to determine which restrictions should be applied and utilized the analytical tools of a Geographic Information System to portray and calculate these areas. As a result the PRMP provides foreseeable mineral allocations of 30 percent closed, 4 percent no-surface-occupancy, 46 percent special lease stipulations and 20 percent with standard lease stipulations. In a similar manner, OHV use allocations would be 56 percent open, 43 percent limited and 3 percent closed under the proposed plan. The FEIS provides an appropriate mix of multiple uses and mechanisms for monitoring and changing that mix if future conditions change and support RMP amendments.

Alternative E, as revised, is undoubtedly not a traditional mix of multiple uses or consistent with numerous federal laws and programs which require the Bureau to provide access to federally owned minerals, allow appropriate use of public lands for utility and transportation corridors, allow motorized recreational access, provide for livestock grazing where appropriate and various other land uses and resource allocations.

The revision of alternative E design from the draft to the final EIS, the addition of alternative D2, and the formulation of a new proposed alternative were based on analysis of public comments, interdisciplinary team reviews and further analysis. The Southeastern Oregon Resource Management Plan contains (in Volume 1, Chapter 5, pages 667-676; Volume 2, Appendix A, pages 1-13, Scoping Comments, and Volume 3, pages 1-276, Comment Response and reprinted letters) the summary of public participation, interagency consultation and coordination.

Field office records indicate that the Oregon Natural Desert Association has long been on record in favor of virtually eliminating livestock grazing, mining, mineral leasing and off-highway-vehicle use in the high desert area of eastern Oregon. It was for this reason that Alternative E was developed and analyzed in the draft plan and EIS, and modified in the final EIS to reflect your comments.

Therefore, the SEORMP DEIS and FEIS acknowledge the field staff and State Director's perception that adoption of Alternative E would be outside the Bureau's legal jurisdiction. We believed alternative E would be challenged in court and would not be sustained as consistent with the Federal Land Policy and Management Act (FLPMA) and other key legislation related to public lands. Nevertheless, Alternative E was included to better respond to public comments. In addition, even though Alternative E is believed to be outside the BLM's authority, including and analyzing the alternative is consistent with CEQ guidance, published in 1981, *Forty Most Commonly Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*. Question 1 explains that a range of alternatives "includes all reasonable alternatives," while question 2b states that "[a]n alternative outside the legal jurisdiction of the lead agency" and "alternatives that are outside the scope of what Congress has approved or funded" must be evaluated in the EIS if they are reasonable. Alternative E, as modified, provided useful information to the interdisciplinary team and decision maker and responded to public scoping comments. Since 100 percent elimination of some resource uses was not considered legally sustainable, other alternatives were analyzed to meet resource needs.

**Issue 2:** "The PSEOEMP fails to adequately discuss cumulative impacts and new information."

**Response:** The proposed RMP would provide broad allocations for lands and resources on more than 4.6 million acres of land for a period of up to 20 years. Although public lands in the planning area are generally in large, contiguous blocks, providing some Bureau control over activities, there remains considerable uncertainty about climatological, biological, economic and political factors which can be expected to influence activities on public lands. The PSEORMP FEIS, Volume 1, Chapter 4, pages 387-663, provides resource and/or program impact assessments and conclusions for each alternative as well as a Summary of Impacts for each resource or value. These qualitative cumulative effects' analyses address all programs or land uses which might create reasonably foreseeable cumulative adverse or beneficial effects.

Cumulative effects are defined by CEQ at 40 CFR 1508.7 "as the impact on the environment which results from the incremental impact of the action, when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." Cumulative effects in precise quantitative terms for diverse programs, over a large area and extended period of time is not feasible.

By design, Alternatives D1, D2 and E display the differences between the proposed action (PRMP) alternative and different land allocations over a long period of time. The contrast between alternatives shows the differences in effects in both the short and long term, especially for continued livestock grazing on public lands. The PSEORMP was designed to set broad goals and objectives for resource management, with specific strategies designed at the sub-basin level where the cumulative effects of specific allotment management strategies can be integrated to address and resolve specific problems with local decisions. At the scale of the RMP decision making, site specific impact assessment is not practical.

The Louse Canyon Assessment is an ongoing, step down assessment from the PSEORMP at the fine scale and will contain more detailed, site specific monitoring, assessment and management recommendations for a relatively small portion, Geographic Management Area (GMA), of the planning area. This process is outlined on Volume 1, pages 141-150 of the PSEORMP and is fully consistent with existing policy concerning monitoring and assessment of rangelands and guidance for implementation of the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Rangelands in Oregon and Washington (S&Gs), approved by the Secretary of Interior on August 12, 1997. More information concerning S&Gs including assessment and monitoring is included in Volume 2, Appendix Q, pages 360-370. The Louse Canyon GMA assessment was not completed at the time the PSEORMP was published. Information contained in this and other GMA assessments are and will be shared with any interested publics. Summaries will be included in subsequent planning updates. The PSEORMP will be updated as needed as a result of these and other assessments or activity level planning through plan maintenance or amendment processes, as provided by 43 CFR 1610.5-4 and .5-5.

**Issue 3:** “The PSEORMP fails to disclose the assessment and inventory of acres suitable for livestock grazing and fails to determine which areas are “chiefly valuable” for grazing or forage production, before allocating those areas to grazing.”

**Response:** The Taylor Grazing Act (TGA), 43 U.S.C. § 315, authorizes the Secretary of the Interior “*in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof. . . which in his opinion are chiefly valuable for grazing and raising forage crops.*” “Chiefly valuable” determinations were initially made with implementation of TGA in the 1930's to differentiate between public domain lands within grazing districts and public domain lands outside grazing districts. The Act defined processes for administering public land livestock grazing within grazing districts under a permit system, different from those processes for administering livestock grazing outside grazing districts under a lease system. It did not differentiate between public land where grazing would and would not be authorized. All public lands in the PSEORMP planning area are within the Vale Grazing District. Land use planning policy does not require making these “chiefly valuable” decisions again, and, even if these determinations were revisited, lands determined to not be “chiefly valuable” for livestock grazing and withdrawn from the grazing district would most likely continue to be grazed under the TGA’s lease system.

Alternative D2 was formulated using strict criteria to identify areas where livestock grazing would be discontinued. These criteria are selected habitat of Mulford's milkvetch, a special status plant species which is vulnerable to livestock impacts; habitat of fish and aquatic species listed under the Endangered Species Act; redband trout/Columbia spotted frog strongholds; selected habitat of sagebrush-dependent species utilizing sage grouse as an indicator species; management corridors of four Congressionally designated NWSR's; four additional river segments found administratively suitable within Alternative C for potential designation by Congress as NWSR's; and selected ACEC's (PSEORMP, Volume 1, page 250). Chapter 4 analysis of implementing Alternative D2 does not indicate a significantly better ability to meet management objectives in those areas than with implementation of the PSEORMP where appropriate changes in livestock management will occur on a site specific basis as management practices are evaluated with GMAs. As a result of analysis, strict criteria for determining areas where livestock grazing would be discontinued were not included in PSEORMP.

Appropriate livestock management actions on a site specific basis may be exclusion or changes to seasons and/or intensities of use as identified in Appendix R, pages 375-387 and would be implemented through the adaptive management process. Criteria for livestock removal or exclusions have been successfully implemented in existing land use plans and are proposed for inclusion in the PSEORMP. However, those criteria may be implemented through the adaptive management process found in Volume 1, Chapter 2 (page 94) and Volume 2, Appendix T, pages 395-404. Those criteria include identified riparian vegetation communities adjacent to streams, reservoirs, springs, and wetlands; developed water sources; special status plant or animal habitats; relevant and important values for which ACEC's are designated; outstandingly remarkable values (ORV's) for which NWSR's are designated; wilderness values; research and study plots; administrative sites; recreation sites; archaeological sites; and waste disposal sites. Livestock grazing would be discontinued on approximately 58,900 acres (Volume 1, page 253), and would be excluded from approximately 18,000 additional acres (Volume 2, Appendix T, page 94) with implementation of the PSEORMP.

The most current inventories were used to develop the Analysis of the Management Situation and throughout development of the land use plan to date. The information used is the best available that can be reasonably supported. Because monitoring and inventories are ongoing activities, as new information becomes available (either during or a result of plan implementation) it will be considered as part of the plan evaluation process as appropriate. If new information clearly indicates a need to change the scope of management direction outlined in the proposed plan, a plan amendment will be pursued, consistent with the planning regulations.

Volume 1, Chapter 4 of the PSEORMP provides analysis by resource value and alternative on anticipated impacts of proposed grazing and other practices (pages 387-663). Volume 2, Appendix R, pages 375-387, provides general information of the effects of seasons and intensities of livestock grazing. Similarly, Volume 2, Appendix F, pages 283-298, identifies impacts of grazing management practices on wildlife habitat.

**Issue 4:** “The PSEORMP is strongly biased toward the continuation of widespread livestock grazing over other uses and resource values, despite an overwhelming response from the public advocating selection of a more balanced alternative. This is contrary to the Federal Land Policy and Management Act’s (FLPMA) mandate to manage the public lands according to principles of multiple use and prevent unnecessary or undue degradation to the public lands.”

**Response:** The PSEORMP addresses livestock grazing as one of many authorized uses of public lands in the planning area. Livestock grazing was considered and analyzed in the context of existing laws, regulations and policies. This analysis also considered a range of other uses and the trade-offs between all other uses. As stated in Volume 1, Chapter 3, pages 246-247, current levels of grazing use would be continued with implementation of the Proposed Plan but criteria are established by which livestock management practices will be evaluated on a site specific basis within GMAs (Volume 1, pages 141-150) to identify where changes are appropriate to meet identified management objectives. Site specific livestock management changes may include adjustments to seasons and intensities of use, decreases or increases in authorized use or removal of all livestock use as appropriate (Volume 1, pages 253-255; Volume 2, Appendix R, pages 375-386). Additionally, the Proposed Plan recognizes that significant acreage is within grazing allotments that livestock do not typically use or only use lightly (Volume 1, page 94). Limitations on implementation of actions to increase grazing use in these areas are provided in the Proposed Plan to protect values other than livestock forage production (Volume 1, page 253).

The Desired Range of Future Conditions (DRFC) identified in the plan, which is a management goal for all lands, was defined to provide resource values which support a variety of uses and values (Volume 1, pages 139-140). Further, authorization of one use does not preclude all other potential uses although some uses may be excluded on some lands (Volume 1, planning criteria, pages 13-14).

Environmental impacts were organized by resource value and are discussed in Volume 1, Chapter 4, pages 387-663. Impacts of implementing individual actions proposed in each alternative, as well as impacts of implementing all actions proposed in each alternative, were fully analyzed. As a result, grazing impacts are not addressed in only one portion of the document but are found throughout sections of Volume I, Chapter 4, pages 387-663. Additionally, general effects of implementing various intensities and seasons of grazing are identified in Volume 2, Appendix R, pages 375-387. Similarly, Appendix F, pages 283-298, identifies some of the consequences of grazing management practices on wildlife habitat.

Current soil and microbiotic crusts information was discussed in the affected environment section (Volume 1, Chapter 2, pages 36-37) and potential impacts were addressed to the extent possible with existing information in the vegetation section of the environmental consequences section (Volume 1, Chapter 4, pages 387-663). The Soils section (Volume 1, Chapter 2, pages 36-37), also discussed existing data as well as the new Order III soil survey and Ecological Site Inventory scheduled to commence in 2003. This survey will delineate/map soil series, and ecological site, as well as identify the dominant vegetation, and ecological status. It will also be

noted whether microbiotic crust occurs and an estimate of cover percentage of lichens, moss, etc. for each site write-up area and associated soil mapping unit. As provided for in the PSEORMP, survey results will be incorporated through the adaptive management process into the GMA process as areas are addressed on a priority basis. Vale District currently utilizes existing soil surveys and current observations when assessing resource conditions on priority GMAs and records information on soils, microbiotic crusts, and vegetation. The Order III soil survey and Ecological Site Inventory will add new data to the information presently used to characterize the status of current resource conditions. Management changes, if necessary, will be implemented from resource recommendations made during the GMA evaluation process. Once implemented, these adjustments will be monitored for short- and long-term trends to identify whether resources are improving.

Public comments received on the Draft RMP varied greatly as expressed in Volume 3, pages 1-276, Comment Responses and Reprinted Letters. Public interest, law, policy and regulation require allowing resource uses which continue to meet multiple use and sustain resource values for future generations. Management objectives and actions proposed in the SEORMP would meet these public desires and would include authorizing livestock grazing while meeting management objectives. The PSEORMP provides the framework to manage the public lands in the planning area in accordance with the Federal Land Policy and Management Act's (FLPMA) mandate to manage the public lands according to principles of multiple use and prevent unnecessary or undue degradation to the public lands.

**Issue 5:** "The PSEORMP fails to provide meaningful objective, numerical standards for management of rangelands and their associated vegetative and soil resources. This includes a failure to comply with the Fundamentals of Rangeland Health regulations (Standards and Guidelines)."

**Response:** The PSEORMP would establish program constraints and general management practices needed to meet resource condition goals and objectives identified by program area in Volume 1, Chapter 3, pages 129-386, of the document. The PSEORMP also recognizes that our knowledge of ecological processes, our information concerning site-specific resource conditions, and the public's demand for values from public lands will continue to shift over time. As a result, this planning document defines criteria and objectives including those contained in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Rangelands in Oregon and Washington (S&Gs), Volume 2, Appendix Q, pages 360-370, under which public lands in the planning area would be managed. Adaptive management, a process described in Volume 1, Chapter 3, pages 149-150, would be utilized to assess current management, and to develop, implement, monitor and evaluate site specific activity plans and management actions within GMAs. Vale District currently utilizes existing soil surveys and current observations to assess resource conditions on priority GMAs and records information on soils, microbiotic crusts, and vegetation. As the soil survey and ecological site inventory progress, new data will add to the information presently being used to characterize the status of current resource conditions. As resource condition assessments are completed by GMA, these

assessments will evaluate current resource condition status, including that of the soil, vegetation, and microbiotic crusts, relative to land health standards. Management changes, if necessary, will be implemented based on resource recommendations made during the evaluation process. Once implemented, these adjustments will be monitored for short- and long-term trends to identify whether resources are improving.

The initial classification of grazing allotments as Improve, Maintain, or Custodial allotment categories was made in previous planning efforts to prioritize and concentrate public funds and management efforts on allotments that were perceived to have the most significant resource problems and potential for improvement. The classifications were not based on an assessment of whether the allotments were or were not meeting the standards outlined in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Rangelands in Oregon and Washington (S&Gs). The PSEORMP is fully consistent with existing policy concerning monitoring and assessment of rangelands and guidance for implementation of the S&Gs. More information concerning S&Gs including assessment and monitoring requirements is included in Volume 2, Appendix Q, pages 360-370.

**Issue 6:** “The SEORMP violates the Executive Order on Invasive Species by proposing to move forward with an action that is likely to cause or promote the introduction or spread of invasive plant species, without first making a determination that the benefit of such action outweigh the potential costs.”

**Response:** The SEORMP and FEIS Volume 1, Chapter 2, pages 44-45, acknowledges the serious nature of noxious weeds and other undesirable invasive species. The interdisciplinary team recognized the Executive Order requirements to control weed and other invasive species and therefore the Rangeland Vegetation Objective 3, in Chapter 3 on page 161, is common to all alternatives. Appropriate individual program alternatives provide direction to minimize the risk of invasive species infestations. These include Rangeland Vegetation restrictions on rest following wildland fires, and appropriate mitigation measures for special use permits and transportation planning. The proposed RMP analysis of the weed program is found in Volume 1, Chapter 4 on page 431. You should note that the weed program is focused on all sources of surface disturbance or seed spread that might result in weed introduction or spread, including wildland fires. Because the Bureau must meet multiple use objectives and accommodate existing rights for access, our strategies are not aimed at excluding uses, but controlling activities and providing for mitigation measures that would control any infestations and restore or move plant communities to the desired future condition. That is part of the reason for emphasizing the use of native species, where such use is expected to be successful. However, in some cases, where fire frequency has eliminated native seed sources and promoted undesirable invasive species, desirable nonnative species will be used as an interim measure to stabilize areas until native species can be successfully reintroduced.

(The Bureau is currently preparing a national vegetation environmental impact statement which should provide additional data, analyses, and decisions to allow a more comprehensive interstate approach to this serious problem.) We agree the cited Executive Order requires careful consideration of discretionary actions by land managing agencies and we believe that the PSEORMP does fully consider those actions in this manner. However, the spread of weeds and other invasive species is not limited to livestock and off-highway-vehicles (OHV) on public lands. The seeds are spread by wind, water, wildlife, wild horses, highway and train travel and various forms of non-motorized recreation on public and private land. Although large portions of the SEORMP planning area are well blocked, many of the roads must be kept open to allow access to private in holdings, utility facilities, to conduct management actions including fire suppression and weed control and to provide for search and rescue and other authorized activities.

The proposed plan would continue the majority of traditional uses that are permitted, funded or otherwise authorized on the public lands, while aggressively working with state and local weed boards, ranchers and other interested parties to reduce or halt the spread of invasive species. This will be an integrated approach, combining a variety of tools to identify, isolate, treat and monitor invasive plant populations. Public education and appropriate terms and conditions on Bureau authorized activities will be part of the program to comply with the Executive Order and related laws at both the Federal, State and local levels.

**Issue 7:** “The PSEORMP fails to provide for compliance with water quality standards by referring only to potential future implementations of “adaptive management” measures, rather than providing for objective standards with definite triggers and responses to water quality problems.”

**Response:** The Water Resources and Riparian/Wetland Areas section of the PSEORMP provides directives designed for protection and enhancement of critical riparian/wetland habitats and water quality (Volume 1, Objectives 1, page 222 and 2, page 227). Streams and water bodies not meeting State water quality standards and/or Proper Functioning Condition (PFC) would be managed to attain an upward trend in the composition and structure of key riparian/wetland vegetation and desired physical characteristics of the stream channel. Uses and activities within the riparian conservation area (RCA) and contributing upland watershed areas that adversely affect water quality would be adjusted, restricted, or limited if water quality and PFC cannot be attained or maintained with existing management. Management options would focus on uses and activities that allow for protection and maintenance of RCA’s and upland watersheds and measurable progress toward attainment of water quality standards and PFC.

As described throughout the PSEORMP, Vale District is currently assessing resource conditions on priority Geographic Management Areas and is documenting resource and water quality information for watersheds, stream-side riparian, and wetland areas utilizing existing historic data and current observations. As the assessments are completed, Geographic Management Area evaluations will incorporate existing watershed resource information for upland soils and

vegetation, riparian and wetland area functioning conditions, and existing water quality data. Management changes, if necessary, will be implemented based on recommendations made during the evaluation process. Once implemented, these adjustments will then be monitored for short- and long-term trends to identify whether resources are improving.

The Oregon Department of Environmental Quality (ODEQ) is currently preparing TMDLs for each river basin within the state on a priority basis. These TMDLs are being developed by the state over an 8 to 10 year period and are not expected to be completed in portions of the PSEORMP area until at least 2007. Once a TMDL is established for each river basin (the PSEORMP lies within 5 river basins) a Water Quality Management Plan (WQMP) will be developed by the state to implement criteria established within the TMDLs. The PSEORMP recognizes the need to implement changes in resource management in river basins where adjustments are needed and to address water quality and watershed problems whether or not a TMDL has been established. The PSEORMP has established methodologies and criteria to address upland watersheds, riparian/wetland areas and water quality through the GMA and adaptive management process by incorporating resource condition assessments and historic data from studies and long-term monitoring. In addition, the BLM and USFS, with EPA review, have developed a protocol for addressing Clean Water Act Section 303(d) listed waters in the Pacific Northwest and protecting water quality under Sections 303, 313, and 319 of the Clean Water Act. This protocol is incorporated into the PSEORMP to address 303(d) listed streams by developing a Water Quality Restoration Plan (WQRP) through the Geographic Management Areas process (PSEORMP, Volume 1, Chapter 3, pages 222-230, and Volume 2, Appendices D, O, 337-345, and R, 375-387). The GMA process of addressing geographic or landscape areas containing 303(d) listed waters is currently being implemented in high priority areas whether or not a state developed TMDL/WQMP is in place for a specific river basin.

**Issue 8:** "The PSEORMP fails to address an adequate range of alternatives with respect to off-highway vehicle (OHV) use and fails to manage OHVs pursuant to FLPMA's principles of multiple use and in accordance with FLPMA's requirements to prevent unnecessary or undue degradation of public lands."

**Response:** Establishing extensive areas with a closed OHV use designation is not necessary to meet specific resource management objectives within the planning area. Where some restriction of motorized vehicle uses is needed to meet management objectives, this can be accomplished predominately under a limited OHV use designation. Between the alternatives, OHV use is limited to existing or designated vehicular routes year round within a range of 4,635,262 acres (100 percent) to 1,337,554 acres (29 percent) of the planning area, with the PSEORMP being 2,004,369 acres (43 percent). Unless otherwise specifically authorized by BLM, the driving of motorized vehicles off of the vehicular routes within these designated limited areas is precluded, thus providing a comparable degree of protection of resources within those areas, were they designated closed to OHV use. Areas where off-highway motorized vehicle use will be limited to designated roads and trails include Areas of Critical Environmental Concern, certain locations of known special status plant and wildlife species, roaded portions of wilderness study areas,

existing designated Wild and Scenic Rivers, and within certain special recreation management areas. Additionally, off-highway motorized vehicle use will be limited to existing roads and trails in other areas to provide protection for such resources as crucial wildlife wintering areas, certain sensitive soils, other locations of special status plant species, and identified areas with a visual resource management class II designation. Because OHV use within the planning area may possibly increase up to an estimated 150 percent over the next 20 years, all alternatives provide that emergency OHV closures or use limits may be implemented where and when determined necessary throughout the life of the plan. Further, under most of the alternatives, the public lands designated open to OHV use provides for a broad spectrum of possible motorized vehicle use opportunities for the public. Collectively, these measures for the management of motorized vehicles within the planning area meet FLPMA's requirements to manage the public lands under the principle of multiple uses and to prevent unnecessary and undue degradation of the public lands.

The PSEORMP is in conformance with both BLM regulations and applicable Executive Orders. In the plan, the public lands are designated as open, limited or closed in accordance with BLM's OHV regulations (Title 43 of the Code of Federal Regulations, subpart 8340), which were promulgated pursuant to Executive Order 11644 for the protection of resources, promotion of the safety of all users of the public lands, and the minimization of conflicts among various uses of the public lands. As required by Executive Order 11989, the PSEORMP provides for implementing site-specific emergency closures of motorized vehicle uses within the planning area to prevent considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources during the life of the plan. To aid the enhancement of managing motorized vehicle use within the planning area, the BLM Vale District will appropriately utilize the guidance and recommendations addressed in the BLM's "National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands."

The PSEORMP acknowledges that the use of motorized vehicles may damage ecosystems. OHV management prescriptions in Volume 1, Chapter 3, The Alternatives, pages 129-386, provide for protective measures to preclude or minimize OHV damage of certain specific ecosystems (e.g., ACEC's with natural research area properties), including limiting motorized vehicle use to designated routes year around. Under Alternative E, although not selected as the proposed plan, all motorized vehicle use is limited to either existing or designated vehicular routes within the planning area. *See also response #8 above.* Further, under every alternative, should future circumstances warrant, emergency OHV closures may be implemented to protect resource values during the life of the plan. The impacts of OHV management prescriptions on resources are addressed in the PSEORMP, Volume 1 Chapter 4, pages 386-663, Environmental Consequences.

**Issue 9:** “The PSEORMP arbitrarily refuses to re-analyze the suitability of non-recommended wilderness study areas (WSA’s) for wilderness, despite FLPMA’s requirement of continuing inventory of public lands and despite new or changed circumstances since the 1989 Oregon Wilderness Final EIS. In addition, the PSEORMP fails to adequately protect WSA’s from adverse impacts from livestock grazing, off-highway vehicles, and actions on lands adjacent to WSA’s.”

**Response:** The protest raises two wilderness related issues discussed below:

1. The Proposed RMP fails to re-analyze the Oregon WSA suitability recommendations.

FLPMA Section 603 directed a review of the roadless areas and islands identified by the inventory required in Section 201 and directed the Secretary to report to the President his recommendations as to the suitability or non suitability of each area or island for preservation as wilderness. This one-time review was completed for Oregon on July 22, 1992, when the President transmitted his wilderness recommendations for Oregon WSAs to the Congress. The BLM has no policy to require the re-analysis of final wilderness suitability/non-suitability decisions made by the Secretary and the President since these suitability recommendations now sit in front of Congress for their deliberations. Because in the normal course of a land use planning process BLM field managers would not revisit decisions made by the President or the Secretary of the Interior, the Purpose and Need for the Southeast Oregon RMP specifically states that the recommendations for wilderness suitability are outside the scope of this planning process.

In our analysis, the specific protest focuses on a broad variety of additional issues such as inventory policies and NEPA requirements. The relationship of this discussion to the issue of suitability is not made clear in the statement of reasons and is therefore not addressed as a protest issue.

2. The Proposed RMP fails to adequately protect WSAs.

The protest did not identify any specific examples where WSA’s in the RMP area were not being adequately protected from adverse impacts. The RMP as written makes no decisions to diminish the positive requirement for BLM to continue to manage WSA’s according to the standard BLM for Interim Management. The FLPMA Section 603 requires BLM to manage WSAs so as to not impair their suitability for preservation as wilderness until Congress has determined otherwise. To implement this direction, WSA’s are managed under the Interim Management Policy and Guidelines for Lands Under Wilderness Review, (H-8560-1). This management policy is commonly called Interim Management, and is continued as a policy under the RMP decisions.

The Proposed RMP implements the Interim Management Policy in several ways including; closing WSAs to mineral leasing (p 397); prohibiting commercial timber harvest within WSAs (p 441); limiting guzzler water development (p 513); limiting wild horse management activities within WSAs (p 559); and limiting Off Highway Vehicle use within WSAs to designated routes (p 590). In addition, many other decisions in the RMP would indirectly benefit natural conditions in the WSAs. In combination, these decisions supported by implementation of the Interim Management Policy will adequately protect the wilderness and other values within WSAs.

Lands adjacent to but outside of WSAs are not managed under the requirements of FLPMA Section 603 and are therefore not managed under the Interim Management Policy.

**Issue 10:** "The PSEORMP arbitrarily continues to place great importance on procedures and plans with significant gaps in the BLM's ability to execute, monitor, and control the installed asset base essential to the plan's success."

**Response:** The PSEORMP does not propose or depend on the development of specific new projects in order to succeed in providing effective land use direction. However, it does allow for future project development, where management benefits may result, consistent with existing law, regulation and policy. The PSEORMP does limit project development in certain special management areas and would limit future developments which would open certain ungrazed or lightly grazed native range to livestock grazing (Volume 1, Chapter 3, page 253-255).

As part of the adaptive management process outlined in the PSEORMP (Volume 1, Chapter 3, pages 141-150), geographic management area assessments and evaluations provide a systematic process for periodically reviewing the efficacy and condition of existing projects. This is so that site specific, activity level assessment and decisions may be made relative to specific projects. These decisions would be made after full review and evaluation of the specific grazing systems and related resource demands which originally supported project construction. If a project is no longer usable or no longer serves the purpose for which it was designed, then after coordination with all interested parties the project may be abandoned. If appropriate, this would be the point at which resource allocations dependant upon the project would be made. These fine scale decisions are best made at the activity or project implementation level, considering all specific factors involved, rather than at the broader land use plan level.

After careful review of your protest letter, we conclude that the BLM Oregon State Director and the Vale District Manager followed the applicable planning procedures, laws, regulations and policies and considered all relevant resource functions and public input in developing the Southeastern Oregon Resource Management Plan. Although there is no basis for changing the Proposed Resource Management Plan as a result of your letter of protest, please feel free to call Dave Henderson, Vale District Manager, (541) 473-6201 if you wish to discuss further any concerns you may have.

This completes our administrative review and is the final agency action for the Department of the Interior on your protest letter. The Interior Board of Land Appeals (IBLA) does not hear appeals from a decision by the Director for the BLM on protests concerning resource management plans (RMPs). Any person adversely affected by a decision of a BLM official to implement some portion of an RMP may appeal such action to the IBLA at the time the action is proposed for implementation.

We thank you for your participation in the Proposed Southeastern Oregon Resource Management Plan, and for your interest in the public lands. We encourage you to remain actively involved in BLM's resource management activities and to provide information and input during the implementation of the Proposed Southeastern Oregon Resource Management Plan.

Sincerely,

*/s/Robert V. Abbey*

Robert V. Abbey  
Assistant Director  
Renewable Resources and Planning

cc: Official-210, LS-1050  
SD, Oregon

DM, Vale District Office

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