

APPENDIX B

Summary and Analysis of Public Comment

DRAFT Stockade Block Area Management Plan May 2009

The Draft Stockade Block Area Management Plan (SB AMP) was released by the Department of State Lands (DSL) for public review in late March 2009. Nearly 100 notices concerning the availability of the Plan, review schedule and open house/public hearing arrangements were sent to interest groups, lessees, adjacent landowners, local, state and federal agencies and Indian tribes. A public notice announced the Draft Plan and the open house /public hearing date. Public comments were taken at the open house/public hearing in Burns/Hines on April 2, by email and in writing until April 17.

Open House/Public Hearing

About thirty people attended the open house/public hearing. Most were concerned with the potential for leasing recreation uses, particularly hunting access and with any proposal that would limit public access.

A number of people offered comments and testimony about the Plan.

- Multiple testimonies focused on the presumed consequence of exclusive guided hunting leases and personal concerns that hunters would be excluded from traditionally accessible and used seasonal hunting areas in the Stockade Block. There was much concern that long-established public uses enjoyed on the Stockade Block would be restricted due to proposed hunting leases suggested in the draft SB AMP. Access concerns were compounded by new concerns of trespass violation and enforcement of exclusive guided hunting lease areas.
- Representatives of both the Rocky Mountain Elk Foundation and the Oregon Hunters Association (OHA) expressed concern with and opposition to exclusive guided hunting leases on the Stockade Block. The OHA specifically asked to be notified when the final plan was released.
- A representative of a wind energy generation company currently engaged in a wind investigation lease (meteorological stations monitoring) provided various comments regarding the SB AMP and benefits of wind power opportunities for local communities and the region. The comments included: 1) elk have adjusted to his company's wind generation facilities in Washington state; 2) wind generation has positive multiplier economic impacts; and 3) he believes that wind power generation activities are compatible with grazing and hunting activities.
- A question was asked if wind power generation revenues would impact (lower) grazing fees?
- A suggestion was made that DSL issue wood cutting permits to support the removal of Juniper.
- It was suggested that efforts be made to enhance land owner/hunter relations, in part, through more communication.

- Concern was expressed at the open house that the advertising and public notification of the SB AMP public hearing was inadequate and deficient. Suggestions made included: display ads in local newspaper (rather than the required legal ad); use of radio ads and notices; notice posting in specific locales.

Public Comments from Emails/Letters

The Department received a total of 68 emails and seven letters concerning the Draft Plan.

The public proved quite active with emails and letters received from individuals, conservation groups (e.g. Oregon Natural Desert Association, Audubon Society of Portland and Izaak Walton League) and hunting organizations (e.g. Rocky Mountain Elk Foundation, Backcountry Hunters and Anglers, Oregon Hunters Association [state] and Oregon Hunters Association [Harney County chapter]) from all over Oregon. Of those, nearly every one addressed concerns over the potential loss of public access, particularly hunting access; equally as important was the opposition to any type of exclusive leasing for hunting. Though the Draft Plan did not propose hunting restrictions or leasing for hunting rights, the volume and veracity of the comments made it clear that any such future proposal will meet strong opposition.

The following emails (edited by DSL for length) are exemplary of the comments received on the public access/recreation use lease issue:

“I am totally opposed to the exclusive use of any public lands where the public is unable to access that land for hunting and other outdoor activities while it can be leased to a guide service for a profit exclusive use (page 35 of your proposed manage plan). We the taxpayer have every right to have access to these lands... In addition it will upset the 400,000 hunters who apply for tags in Oregon each year. I am not opposed to hunting guides having exclusive use of areas in relation to other guiding areas but the public should always have access.”

“The proposed idea, to lease public lands to special interest groups should not be allowed, in my opinion. We the outdoorsman, sportsman, taxpayers, do not want to lose any of our opportunities here in Oregon. Public land access is a right, we do already pay taxes, and fees to support State Government, including fish and wildlife.”

“I have read with concern DSL's proposed management plan for the Stockade Block--particularly relating to leasing recreational resources. The net effect of leasing public lands to private individuals or entities is to remove those lands from recreational use by the general public. Tax paying dollars support DSL as well as a variety of county, state, and federal agencies who service the Stockade Block to provide fire suppression, range management consultation,

and law enforcement. Lands which are managed by and supported by public money should remain open to full use by the public.”

“Leasing public lands for hunting disenfranchises those members of the public with limited financial resources. Leases will be sold only to those who are wealthy---the very people who already have unlimited opportunity to purchase such leases from private landowners. I have no objection to leasing public lands for the placement of wind farms, geothermal plants, or solar energy production. Those activities can easily be conducted while allowing public access to public lands and are viable and sustainable income producers.”

“I would like to voice my opinion on the matter of possible land uses concerning the Stockade Block Schools trust land. I have hunted this area for the past fifteen years and would like to continue to do so. This is "Public Land" the hunting rights should not be leased out to the highest bidder. The current land use plan in that area seems to be equitable. More and more land is being locked up, closed to public access yearly. It is public land so we the public have the right to use it for outdoor recreation.”

“...Leasing out hunting rights to private hunting groups and blocking access to public land is not right. The hunters of this State are losing more and more land every year to development. That combined with large timber companies locking their land up leaves a hunter with few choices. You start crowding people into what little public land that will eventually be left and that is a recipe for a disaster.”

“I have a few concerns about the possible management objectives concerning public access in the Stockade Block management area. With private ranchers blocking off more of their lands for the wealthy to pay to hunt or using their lands to block access points to public lands thus locking it up we do not need more land taken away. I am for small blocks for projects such as wind turbines, but not if they block access to historically open to hunt public lands. Any hunting lease strategy will hurt the public lands hunter and force them onto an ever-shrinking hunting land base. Which means more crowding and a lower quality hunt. And the money received from a hunting lease may seem like a lot to an individual, but in the overall picture of budgets it would be insignificant. So to summarize, fine to have small projects that do not affect the access or hunting of the general public.”

Representative of the concern of the hunting organizations is the Oregon Hunters Association (Harney County Chapter) letter:

“We understand the Plan Vision and the ultimate plan goal of maximizing possible financial return to the Common School Fund (CSF) for the State of Oregon. These overriding factors obviously led you to the section entitled ‘Evaluation of Land and Financial Stewardship Opportunities.’ Within that section is a sub-section that OHA finds very disturbing. The subsection ‘Lease for Recreation Uses’ has many potential negative impacts to the public lands user in the state of Oregon. The hunting public is a major economic factor, especially in eastern Oregon, where the majority of hunting activities bring in

revenues from outside the area. Having public land to hunt is the primary reason for most of the hunting population to travel the amount they do on their hunting-related activities.

Maintaining hunter access to both public and private lands is one of the major goals of the Oregon Hunters Association. There are about 11,000 members statewide, and we have over 200 in the Harney County Chapter. Public access continually rises as one of the top issues facing hunters today. So when we read on page 35 of your document "leasing hunting rights offered a potential income producing use of the land" we were obviously alarmed. Leasing hunting guide service rights was listed as another possibility to enhance revenue, either exclusive or non-exclusive. These are red flags for hunters and most public land users. The potential of being denied access to the public lands of the State of Oregon is just not palatable to Oregon hunters.

We find on page 29 of this Draft Plan under Recreation Use Management the following statement: "Recreational and public uses are considered when making management decisions, especially if a decision may involve the closure of areas of state land to general public access and use." The OHA would like to invoke this consideration at this time and in the instance of the potential for leasing out hunting or guiding rights on the Stockade Block. We ask that the description of this leasing potential be dropped from this plan as described on pages 35 and 36. *We feel the impact to public users if limited access is imposed would be far greater than any financial gain to the CSF. While you have several good ideas in this Financial Stewardship Opportunity section such as wind energy and solar energy, we are strongly opposed to listing the leasing of public recreation uses to gain income to the state treasury.*"

An email from one commenter opposed leases for hunting based on a thoughtful financial analysis:

"It has come to my attention that DSL, in draft, intends to adopt a plan to lease the Stockade Block for recreation use. I strongly oppose this proposal!

Oregon does not want to be in the "hunting lease" business. I request that this team does an assessment on the impact to state and local hunting access, as well as look at other states experience. Other states may report increased revenue, but the local hunter who cannot afford to pay the lease is the hunter who suffers. This is the majority of hunters in that county, this state, and in the West.

In your draft you clearly state that you do not know the "Impacts to public users if limited access is imposed". I am sure you will hear from many hunters who oppose this to give you an idea. Every acre that is leased away, whether public or private lands, is a loss to the recreational user. I agree that many private lands are not accessible otherwise, but at one time that wasn't the standard. Oregon is quickly becoming a private land lease state in regard to hunting rights. It is a very sad ordeal. Many lands in Eastern and Central Oregon are receiving approximately \$1 per acre when leasing the hunting rights to private parties. The State could gain \$250,000; at what price? Oregonians losing

hunting access. Very few Oregonians would pay the guide fees to hunt that property. The hunters that would pay this premium would be from out of state. The resident hunters whom then have waited years, even decades, to obtain a coveted pronghorn or deer tag for that area would get the disservice from their own state by not being able to hunt on publicly managed lands.

As an official measurer for many nationally recognized big game record books, SE Oregon only produces a "handful" of trophy deer and pronghorn each year, with no guarantees that they would be produced on the "Stockade Block" lands. Competing guides charge between \$1,200 - \$3,000 for guided "trophy" mule deer and pronghorn hunts across the Western states. If every acre was huntable, and a guide gave the paid hunters and the animals fair space, the guide would account for 1 hunter per 5,000 at the minimum. That could bring in, at best, 50 pronghorn hunters and 50 deer hunters. At maximum price (\$3000 per hunt), that would generate \$300,000 for the outfitter. He would essentially make \$50,000 (one FTE) out of the whole effort unless DSL lowered their lease price.

Of the 630 +/- pronghorn tags that are available for the three big game hunting units that intersect the Stockade Block area, the outfitter would have to book nearly 1 in 10 of those "resident" hunters. Nonresident hunters account for NO more than 3% of that 630, totaling 19 tags. The outfitter would most likely have to book all of these nonresident hunters. That just isn't going to happen.

Booking deer hunters might be a little easier, needing just 50 of the 3000 +/- tags allotted in these three units. But, nonresident hunters only account for NO more than 5% of that 3000, totaling 150 tags. There are a few other guides and outfitters that cater to these units already. I just don't see the outfitter being able to book more than 10 pronghorn and 10 deer hunters per year, and most likely at the price of \$1500 per hunter. So financially, the numbers don't even add up."

One lessee (Tree Top Ranches) commented:

1. Wild Horse Control. Wild horses straying into the Block from adjacent BLM lands are a serious problem. They consistently damage significant stretches of fence, tear up stock water structures and consume significant amounts of forage. It would be in the Block's best interest to develop a procedure with the BLM to facilitate reporting and quick removal.
2. Gates. Gates left open, even briefly or unintentionally can allow cattle to become lost or wander into areas they do not belong. Perhaps DSL could work with Lessees to identify problem areas and install cattle guards to minimize this problem.
3. Juniper Clearing. We support Juniper clearing to prevent the trees from choking out creek beds the native grasses over large areas. This should be done as part of a biologically sound plan, taking the fire potential of the cleared trees into account.
4. Hunting Conflicts. Hunters can be a problem for the private inholdings, in terms of both property damage and safety. Sometimes the game animals are found in private cultivated areas and the hunters set up camps and hunt on these properties. Some hunters are not as considerate as those who attended your presentation, and many do not understand the difference between CSF

and other "public" properties. It might be helpful to work with hunting groups to develop solutions to these conflicts, such as buffer zones and/or informative signage.

5. Opportunity for Input. We hope you will continue to offer Lessees and the public opportunities for input on proposed uses to ensure compatibility to the greatest extent possible.”

An adjacent landowner (Hutchinson of Black Bull Spring Ranch) said:

“1. General Comment: Over-all the draft management plan appears to be sound and should meet the needs of the State of Oregon to articulate a sustainable management strategy for enhancing the environment and financial return to the Common School Fund.

2. Western Juniper Woodland: The positive efforts to control the western juniper woodlands should include provisions for private fire wood cutting and if demand allows commercial fire wood cutting permits. Modest fees could be used to offset the administrative costs for management of the permits and could possible reduce the costs associated with current efforts to control the western juniper woodlands. We should note that public 'demand for firewood will vary with the overall economic conditions in the State of Oregon.

3. Western Juniper Woodland: Even though the lack of wildfire has possibly contributed the increase in western juniper woodlands over the *historic* or pre fire suppression conditions, the plan should clearly state that wildfire suppression will continue. The plan should also clearly state that there will be no "let burn" areas within the Stockade Block.

4. Wild Horses: The plan should clearly state that the Stockade Block does not currently support wild horses, that not forage has been allocated for wild horse use, and that wild horses that trespass on the Stockade Block will be moved back to the wild horse management areas under the oversight of the BLM.

5. Recreation Use: While recreation use should continue at the current level in the Stockade Block, the plan should not propose any facilities to increase recreation use which may degrade the financial return to the Common School Fund or adversely affect the livestock operations on the Stockade Block.

6. Recreation Use: Exclusive use recreation permits should be clearly excluded from the management plan. Non-exclusive permits for recreation guiding services should be included in the plan for use of the Stockade Block greater than 14 days, or groups of more than 10 individuals for any stay, or more than 5 horses in anyone party or group regardless of the number of days.

7. Recreation Use: Exclusive permits should be addressed for very limited areas (less than 1 acre) for temporary faculties such as tent camps, horse corals, or cooking firepits as long as they do not restrict or limit the access of others and do not interfere with wildlife or livestock movement, grazing, or watering.

8. Recreation Use: Recreational horse use must not change the forage available for livestock authorized by leases, or that allocated to wildlife use. If recreation horse use would change the forage available permits should be issued (sold) and lost revenue restored to both the Common School Fund and the livestock lessee.

9. Recreation Use: The off-road vehicle use should be monitored by the Oregon State Department of Land employees as well as the lease holders. If resource

damage is noted more positive efforts may be need to insure sustained revenue over the long term by restricting off-road vehicle to existing roads and trails.

10. In-Holdings: The plan should be amended to clearly state that the Oregon State Land Board respects the concept of private land ownership and recognizes the contributions private land ownership has made to the State of Oregon and the management of the Stockade Block. Without private lands there would be no livestock operations to lease the grazing forage and the financial return to the Common School Fund would be reduced. Your note that "the plan affects only land management actions regarding Department of State Land owned and managed lands in and adjacent to the Stockade Block and in no way imposes requirements on lands not owned by Department of State Lands" is a good approach which should be applied thought the document.

11. In-Holdings: Purchase or exchange of the private "in-holdings" should not be considered by the State of Oregon as such action would reduce the tax revenue to the counties and result in greater state costs for maintenance of the limited infrastructure currently maintained by county property tax revenues. Future economic development opportunities on the private in-holdings may also provide a basis for increasing the revenue return on the Stockade Block.

12. In-Holdings: When the Oregon State Land Board or the private owners identify specific opportunity to increase the income generating potential of the State Lands or the private in-holding the Oregon State Land Board should pursue: cooperative management efforts; leasing private land in order to increase financial return for the adjoining state land; leases of water to increase appropriate use of the state lands; or right-away easements to improve access to the state lands when necessary for financial return.

13. In-Holdings/Access (Roads, Tracks and Trails): There are some unimproved road ways across state land which have historical provided, and continue to provide, vehicle access to private in-holdings. The management plan should clearly state that routes of historic vehicle access will remain open and are not subject to right-of-way requirement for use or maintenance. Of course any new vehicle routes or extensive upgrading of the unimproved roads should be addressed by specific right-of-way procedures.

14. In-Holdings: Continue to include the private landowners in the management process and in the decision making for both general and specific uses and practices on the adjoining state land.

15. Agricultural Development: In some cases the area of state land which would be needed to have conversion from rangeland into agriculture land to make a private effort cost effective would be limited to the design of the irrigation system.

16. Noxious Weed Abatement: Abatement efforts for noxious weeds should include cooperative efforts with the private land owners to address the treatment of each isolated patch and not just that on state land.

17. Global Climate Change: A good management plan does not need to reference short sighted fads or misguided concepts to justify sound management practices. Drop the reference to global climate change wording and stay with the sound sustainability concepts which provide for long term stability of the resources and increase the long term financial return associated with the use of the Stockade Block lands. We all know that local and regional climates vary over time and management direction and specific use may need to adapt to either increases or decreases in moisture and/or temperature."

Oregon Department of Fish & Wildlife's (ODFW) comment letter identified a number of technical corrections and clarifications to the Plan. ODFW requested DSL exclude domestic sheep and goat grazing due to concern for disease transmission to bighorn sheep. Concern was expressed about: conversion of rangeland to agriculture or improved rangeland due to loss of wildlife habitat; impacts of wind energy and communication site projects on wildlife habitat, particularly sage grouse; leases for recreational use as the practice might impact public hunting access; inventory and conservation of riparian, wet meadows and aspen stands; road, trail and OHV management as these features and uses affect wildlife and aquatic habitat.

The Oregon Natural Desert Association (ONDA) and the Audubon Society of Portland wrote in a joint letter:

“ONDA and Audubon are interested in the responsible management and sustainable development of public lands that insures the protection of important resources present on those lands, including ensuring public access for activities including camping, hiking, hunting and fishing. ONDA and Audubon support the development of clean, renewable energy, including wind and solar energy, through a thoughtful process that ensures an open and complete public discussion and a thorough review of the consequences of such development. This process ensures the protection of the human and natural environment affected by such development and the associated infrastructure. We recognize that renewable energy development is potentially an important source of revenue and job creation in rural areas such as Harney and Malheur Counties, if such large-scale industrial development does not harm existing efforts to generate jobs and revenue through tourism and recreation in the area and does not spoil forever the sweeping high desert landscapes for which eastern Oregon is famous or impair public access to public lands.

ONDA and Audubon are supportive of the potential development of lands within the Stockade Block for renewable energy (wind, solar, or geothermal) generation. Because these are state sovereign lands, Oregon's citizens, including ONDA and Audubon members, have a right to expect that any industrial-scale energy development on these lands will be conducted under the strict supervision of the State, and in accordance with resource-protective siting guidelines developed for wind energy projects elsewhere in Oregon. This necessarily includes certification of any project on these lands by the Oregon Department of Energy's Energy Facility Siting Council (“EFSC”), conditioning of project siting, mitigation, and operation on the approval of the Oregon Department of Fish & Wildlife (“ODFW”), and compliance by any developer with the principles and processes outlined in the Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines (Sept. 29, 2008) (“Columbia Plateau Guidelines”).

In the event that DSL determines that wind and solar energy generation is an appropriate potential use to include in the Final AMP for the Stockade Block, ONDA and Audubon would welcome the opportunity to work with DSL, the local

counties, and other interested parties in responsible development of wind or solar energy projects and associated transmission towers and power lines.”

The joint ONDA/Audubon letter expresses concern for siting of wind energy developments and their impact on wildlife habitat, particularly sage grouse. The joint commenter recommends: further consultation with ODFW and adherence to Energy Facility Siting Council regulations during any leasing process; completion of a cultural resources study; propose siting communication site leasing impacts away from the Desert Trail or on “traditional hunting or fishing uses”; no offer of support of recreation leases for “exclusive hunting, fishing, outfitting or other recreational activities”; supporting a study of the potential of issuing non-exclusive recreational guiding permits for “modest fees”; DSL evaluate whether portions of the SB should be designated as “wilderness.”

Two people made the following comments in the same letter and the Izaak Walton League made similar comments:

“Grazing is one of the main revenue generating activities for the area. We feel grazing practices should be required that promote good health for all plant species involved, especially the native grasses. Grazing practices and all other activities should also protect the riparian areas.

It is absolutely essential to exclude domestic sheep and domestic goats from the area at all times. In doing so, the resident, and often far ranging, bighorn sheep will not be exposed to diseases and parasites carried by the domestic sheep and goats.

The public should have access to the public lands at all times except for matters of security, safety and resource abuse management.

Fully cooperate with the Oregon Department of Fish and Wildlife in that Department's mission to manage all fish and wildlife in a scientific manner.

We support the trading of lands of equal value and the purchase of lands to block up land holdings or to remove "in holdings" for improved land use and management efficiency.

We encourage the protection of habitat for sage grouse and other sensitive species. Example: Do not reduce their habitat and create irrigated cropland.”

No comments were received from the Harney County or Malheur County Planning Departments, the federal Bureau of Land Management or the Burns-Paiute Indian Tribe.

Analysis of All Public Comments

Many commenters expressed concerns about recreation leases and restricted access for hunting; a number indicated concerns for the impacts of energy projects and grazing on wildlife habitat. Still others endorsed the Plan's renewable energy emphasis. Some identified vehicle access control as an acceptable practice to protect habitat. Two proposed an annual recreation permit. One commenter supported recreation leasing but "prefers outright sale of the Stockade Block."

Some mentioned habitat and grazing management concerns. Among these were: (1) recommendation to prohibit the grazing of sheep and goats where they might intermingle with bighorn sheep; (2) control and management of wild horses coming onto the SB from adjacent BLM lands; (3) support for juniper clearing; (4) concern for widespread sagebrush conversions; (5) no "let it burn" areas subject to wildfire; and (6) monitoring and control of Off-Highway Vehicle use.

In summary, outside of the prominent issue surrounding the potential for leasing for recreation uses, the major concerns of the public and the agencies are:

1. Leasing for recreation use;
2. Care and management of critical habitat for big game (elk, deer, pronghorn and big horn sheep) and upland birds, particularly sage grouse;
3. Location and status of access roads within and across the SB (who can use them; when and how);
4. Recreation use management in general and as it relates to existing forage lease operations and resource impacts (open gates, camping, horse use, OHV use);
5. Impact of revenue-producing activities (e.g. renewable energy projects, agriculture development, grazing land improvements) on public use and wildlife habitat; and
6. Public and agency notice and coordination with future DSL management actions.

A seventh issue, though not expressed by the public, but evident in their statements is their awareness of the legal and constitutional requirements dictating the management of the SB. While many refer to the SB as "public land" with its attendant tax-supported management, there evidently is a lack of understanding of the unique Trust management responsibilities of the Department and Land Board. This is of no fault of the public, as the Department has only within the last 10 years been more vocal about these duties and responsibilities that rise from Oregon's admission to the Union in 1859.

5/21/09 jlilly