Decision Record

NEPA Register Number: DOI-BLM-ORWA-P000-2013-0039-EA

Title of Action: Segment 3 Limited Entry Adjustment

BLM Office: Bureau of Land Management, Prineville District, Deschutes Resource Area

3050 NE Third Street, Prineville, Oregon 97754 Phone: 541-416-6700

Background

The Prineville District of the Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to consider changes to boating management on Segment 3 of the Lower Deschutes Wild and Scenic River. Boating use on the Lower Deschutes River is controlled through a Common Pool Limited Entry System which includes daily and seasonal targets for allowable boating use identified in the Lower Deschutes River Management Plan. A change in boating use patterns on the first 3.5 miles of Segment 3 prompted river managers to consider changes to the current management direction by adjusting the Segment 3 boundaries and/or changing the daily and seasonal boating use targets. A range of alternatives was analyzed in the EA. The purpose of this project is to promote the Outstandingly Remarkable Value (ORV) of recreation by improving the recreational experience for Segment 3 users while protecting ORVs.

Compliance

The decision is consistent with the 1986 Two Rivers Resource Management Plan (RMP) and the 1993 Lower Deschutes Management Plan Record of Decision (LDRMP). The RMP, LDRMP, and associated Environmental Impact Statements (EIS) are available for public review at the BLM office listed above and on the BLM's ePlanning website: https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

> "Continue managing areas of high visual and natural quality in the canyon areas while allowing other compatible uses in the same area." (Two Rivers RMP, Page 24)
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> "Segment 3 (Sherars Falls to Macks Canyon) Goal: This river segment will be managed primarily to provide moderate levels of dispersed use by boaters, anglers and overnight campers with vehicles." (LDRMP, Page 27)
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> Furthermore, the decision is in conformance with the Settlement Agreement guidance that states, "This Agreement does not preclude further adjustments, maintenance, or amendment of the Plan in accordance with the 2002 Intergovernmental Agreement.

Nor shall the terms of this Agreement be construed to limit or deny the power of the Agencies to promulgate or amend regulations or to otherwise amend or revise any other planning documents." (Settlement Agreement, Page 5)

The implementation of this project will not have significant environmental effects beyond those already identified in the EIS for the Lower Deschutes River Management Plan and Two Rivers RMP listed above.

Through this EA, the federal, tribal, state and local government managing agencies of the Lower Deschutes River considered a revision to the 1993 Lower Deschutes River Management Plan (LDRMP or the Plan) (USDI BLM 1993). The Plan will be amended to incorporate this EA Decision.

Proposed or selected alternative

Based on the analysis documented in the EA and FONSI, the Lower Deschutes River Managers Group (Managers Group) has decided to implement the following actions, which most closely follow the actions described in Alternative 3, but also include actions described in one or more of the other alternatives or fall within the range of the alternatives. Each of the specific actions below was analyzed in at least one alternative or falls within the range of alternatives analyzed (EA pages 12-14).

- Divide Segment 3 into two separate segments, 3A (Buckhollow to Pine Tree) and 3B (Pine Tree to Macks Canyon).
- Segment 3A will have a daily limit of 300, and Segment 3B will have a daily limit 250.
- These daily limits will be implemented seven days a week.
- Segment 3A will have a seasonal target limit of 15,000, and Segment 3B will have a seasonal target limit of 13,600.
- If a seasonal target is exceeded in two consecutive years, limited entry would be implemented and a 10 percent reduction would be made to the daily limit on that segment after the second year the target is exceeded, in accordance with existing management plan requirements.
- Boaters will not be required to pass through Segment 3A without stopping on public lands, a provision analyzed in the EA but not selected.

As described in Chapter 3, pages 23-24 of the EA under Cumulative Effects, the following actions will continue in Segment 3 regardless of alternative selected: 1) Maintenance to the Buckhollow and Pine Tree boat ramps will be completed annually and improvements will be completed as necessary, 2) The allowable group size between Buckhollow and Pine Tree will be increased from 16 to 24.

FONSI reference

The BLM has completed a FONSI which indicates that the actions contained in this Decision were analyzed in an EA and found to have no significant impacts, thus an Environmental Impact Statement (EIS) is not required.

Public, tribal and other involvement

The BLM developed the EA in coordination with a technical team made up of federal, tribal, state, and local government representatives.

We first requested input on this project in April 2014, when we mailed scoping letters to 29 individuals and groups and all members of the former Lower Deschutes Working Group, Interagency Implementation Team (IIT), and permitted guides and outfitters. At that time the BLM also requested input from tribes with an interest in the area. The BLM received 69 comment letters during the scoping period primarily from river users and tribal and state agency representatives. Comments from this scoping period were considered in the design of alternatives.

The general public was also notified of the project via Prineville District Project Planning Updates which were posted on the Prineville web page from January 2014 through present.

The BLM again requested input in December 2015, when it published the EA to the BLM's public website, issued a press release which was expanded upon in an article in the Bend Bulletin, sent notification letters to those on the original scoping list and others who expressed interest since scoping, and sent an email notification to the Lower Deschutes permitted guides and outfitters. During the 45-day public review period for the EA ending on February 1, 2016, the BLM received six comment letters which expressed approval or disapproval of the various alternatives or of the pass through zone proposed in Alternative 4. A summary of the public comments received is attached.

The BLM shared a summary of the public comments received with the IIT which developed a recommended decision and forwarded it to the Lower Deschutes Managers Group for consideration. The Managers Group decision is documented in this Decision Record. A separate document will amend the Plan to incorporate the EA Decision.

Rationale for the Decision

This Decision was made based upon the final analysis contained in the EA, public input from river users regarding desires for and concerns about the area, recommendations from the Lower Deschutes Interagency Implementation Team and a decision by the Managers Group. The actions listed above were selected based on how well they promote the Outstandingly Remarkable Value (ORV) of recreation for both extended trip boaters and traditional boaters by allowing extended trips to continue while maintaining access to the river for traditional boaters (the purpose of the project as stated in Chapter 1 of the EA). The Managers Group heard from the public a desire to continue to participate in the activities they currently enjoy on Segment 3 of the river. In making this decision the Managers Group considered the public's desires, as well as effects on limited entry, potential economic affects to the community of Maupin and protection and enhancement of ORVs.

The Managers Group did not select the pass-thru zone (with no stopping on public land) as proposed in Alternative 3 and 4 because most of the places suitable for pulling over are on private land and the pass-thru zone would not apply to private land. The Managers Group did not select a higher daily limit of 1,700 as proposed in Alternatives 4 and 5 because this number of boaters 1) would be difficult to manage given the current capacity of the boat ramps involved, 2) could result in user conflicts at boat ramps, and 3) raised concerns about whether potential effects to fishing with a daily limit of 1,700 boaters are completely understood.

The Managers Group believes this Decision allows current uses to continue while making certain all of the river's ORVs (including recreation and fish) are protected and enhanced.

Authorities

The statutory authorities underlying the issuance of permits are the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801 et seq. The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial and competitive recreation uses.

Administrative remedies

43 CFR Sec. 2931.8 - If you are adversely affected by a decision under this part, you may appeal the decision under parts 4 and 1840 of this title. This decision shall take effect immediately

upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)).

This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. Notice of appeal must be sent certified mail. The appellant has the burden of showing that the decision appealed from is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal. A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. Regional Solicitor, Pacific Northwest Region, U.S. Department of Interior, 805 SW Broadway, Suite 600, Portland, OR 97205.

This decision is in effect immediately, and will remain in effect while appeals are pending unless a stay is granted.

Jeff Kitchens
Field Manager, Deschutes Resource Area

9/14/16
Date

Attached: Form 1842-1