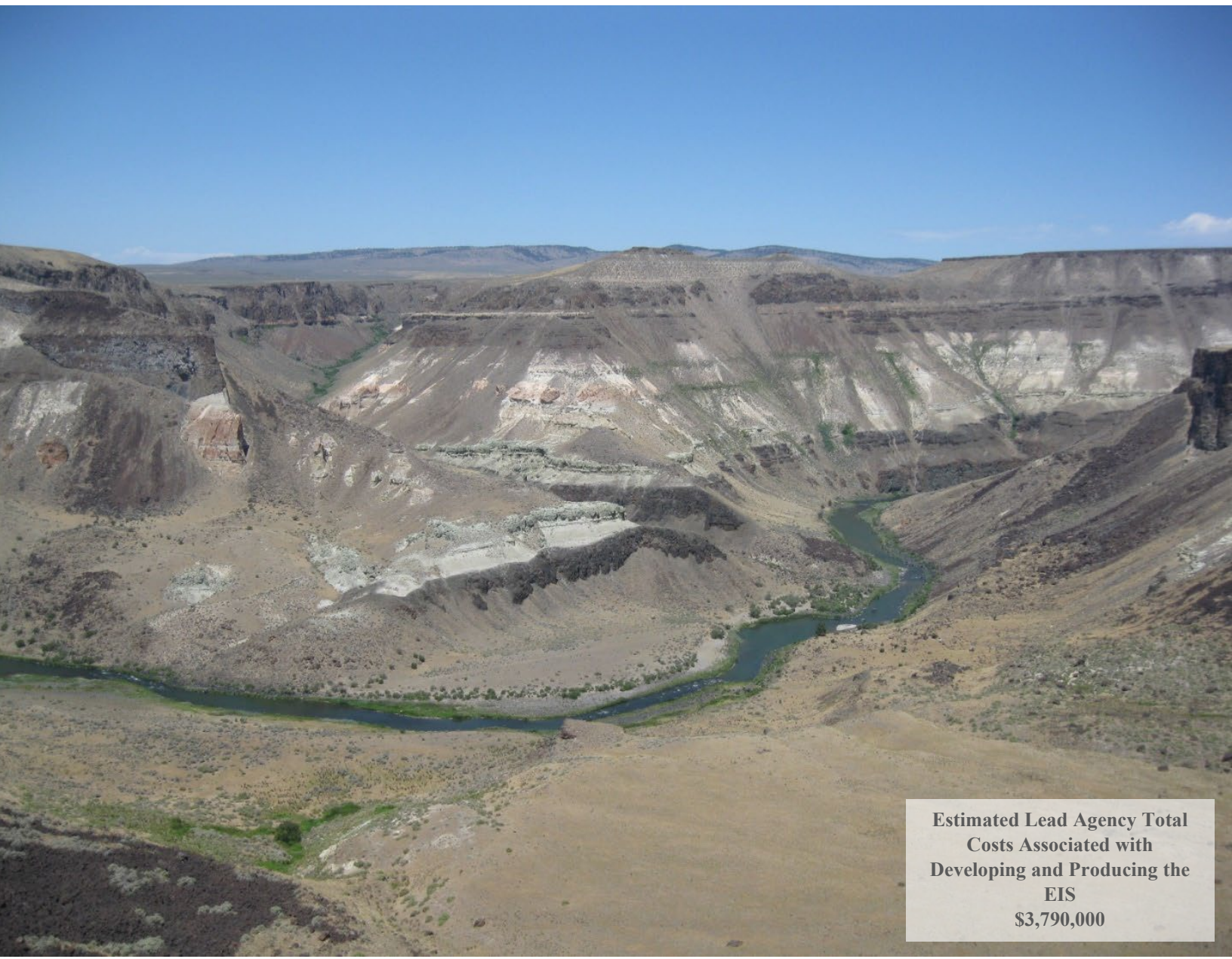


**US Department of the Interior
Bureau of Land Management**

Vale District Office
100 Oregon Street
Vale, Oregon 97918

February 2024

Southeastern Oregon Record of Decision and Approved Resource Management Plan Amendment



**Estimated Lead Agency Total
Costs Associated with
Developing and Producing the
EIS
\$3,790,000**

February 2024

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.¶



**United States Department of the Interior
Bureau of Land Management**

**Southeastern Oregon
Record of Decision
and
Approved
Resource Management Plan
Amendment**

Cooperating Agencies and Consulting Tribe:

U.S. Fish and Wildlife Service

Oregon Department of Fish and Wildlife

Burns Paiute Tribe

**Vale District, Oregon
Malheur Field Office
100 Oregon Street
Vale Oregon 97918**



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Vale District Office

100 Oregon Street

Vale, Oregon 97918

<http://www.blm.gov/or/districts/vale>

In reply refer to:
1610 (LLORV000)
Southeastern Oregon Resource Management Plan

Dear Reader:

The Bureau of Land Management (BLM) is announcing the issuance of the Record of Decision (ROD) and Approved Resource Management Plan (RMP) Amendment to the Southeastern Oregon RMP. The RMP Amendment represents the exceptional input and participation of the Tribes, State and Federal cooperating agencies, local communities, the Southeast Oregon Resource Advisory Council, interest groups, and the public. The Southeastern Oregon planning area is recognized by the public as an extraordinary landscape.

This document includes both the ROD and the RMP Amendment for the planning area. The RMP Amendment identifies the management direction the BLM will follow for:

- *lands with wilderness characteristics;*
- *off-highway vehicle area designations (Open, Limited, and Closed); and*
- *specific aspects of livestock grazing management.*

The ROD and RMP Amendment and the associated National Environmental Policy Act (NEPA) documents can be found at the BLM's National NEPA Register: <https://eplanning.blm.gov/eplanning-ui/project/87435/510>.

A Proposed RMP Amendment (PRMPA)/Final Environmental Impact Statement (FEIS) was released on June 16, 2023, and was subject to a 30-day protest period that ended July 17, 2023. Resolution of protests is delegated to the BLM Assistant Director for Resources and Planning on behalf of the BLM Director. The BLM received two protest submissions during the 30-day protest period. The resolution of the protests are summarized in the Summary Protest Resolution Report for the Proposed Southeastern Oregon RMP Amendment and Final EIS (September 12, 2023), which is available at: <https://www.blm.gov/oregon-washington/directors-protest-resolutions/protest-resolution-report/protest-resolution-report>.

Thank you for your involvement in this planning effort. Your continued involvement in the management of public lands in the Southeastern Oregon planning area is invaluable to our stewardship of this special area.

Sincerely,

Shane DeForest
Vale District Manager

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Record of Decision

Introduction

On April 8, 2010, the Bureau of Land Management (BLM) published in the Federal Register a notice of intent (75 *Federal Register* 17950) to prepare a Resource Management Plan (RMP) Amendment to the Southeastern Oregon RMP and an associated environmental impact statement (EIS). The Southeastern Oregon planning area is managed by the BLM Vale District, Malheur Field Office¹. The BLM subsequently published a scoping report, Draft RMP Amendment (DRMPA)/Draft EIS (DEIS), and Proposed RMP Amendment (PRMPA)/Final EIS (FEIS), all of which are available at the following website: <https://eplanning.blm.gov/eplanning-ui/project/87435/510>.

Throughout this planning process, the BLM engaged with consulting Tribes, cooperating agencies, and the public, as described below. The signing of this Record of Decision (ROD) represents the conclusion of this planning process.

The BLM uses RMPs and RMP Amendments to guide management of the land it administers. This ROD approves the BLM’s proposal to implement the management direction presented in the attached Approved RMP Amendment (RMP Amendment) in the Southeastern Oregon planning area. This RMP Amendment was described as the Proposed RMP Amendment in the Southeastern Oregon PRMPA/FEIS that was released on June 16, 2023, with clarifications as noted in the *Clarifications* section below.

The RMP Amendment is a focused amendment that provides management direction for lands with wilderness characteristics, off-highway vehicle allocations, and specific aspects of grazing management.

Decision Area

The decision area is approximately 4.6 million surface acres of public land administered by the BLM’s Vale District, Malheur Field Office (see *Figures 1* and *2*). The decision does not apply to the subsurface mineral estate administered by the Malheur Field Office. The decision area is primarily in Malheur County, Oregon, with smaller acreages in Baker, Harney, and Grant counties. The decision area borders the BLM Boise District in Idaho and the BLM Winnemucca District in Nevada.

Decision

The decision is hereby made to approve the attached Southeastern Oregon Approved Resource Management Plan Amendment (RMP Amendment).

This RMP Amendment was prepared under the regulations implementing the Federal Land Policy and Management Act of 1976 (FLPMA) (43 CFR 1600). An environmental impact statement was prepared for this RMP Amendment in compliance with the National Environmental Policy Act (NEPA) of 1969. The BLM selected the RMP Amendment after careful consideration of input from consulting Tribes, the Governor of Oregon, cooperating agencies, the Southeast Oregon Resource Advisory Council, and the public.

¹ In 2015, the Malheur and Jordan “Resource Areas” were consolidated into a single administrative unit called the Malheur Field Office. The 2002 SEORMP provided details by Resource Area.

Figure 1. Oregon BLM Districts and the Southeastern Oregon Planning Area



The RMP Amendment is an amendment to the 2002 Southeastern Oregon RMP (BLM 2002), as amended by both the 2015 and 2019 Oregon Greater Sage-grouse Approved RMP Amendments and Records of Decision² (BLM 2015 and 2019a, respectively). All management objectives and management direction not addressed by the RMP Amendment will continue under the direction provided for in the 2002 Southeastern Oregon RMP, as amended.

The RMP Amendment is the Proposed RMP Amendment (PRMPA) that was published on June 16, 2023, in the PRMPA/FEIS, with minor clarifications as described in the *Clarifications* section of this ROD. The decisions contained in the RMP Amendment are expressed as goals, objectives, and management direction. Although decisions identified in the RMP Amendment are final and effective when this ROD is signed; implementing on-the-ground activities may require additional design, environmental review, mitigation, and monitoring. The BLM will prepare appropriate documentation where necessary to comply with NEPA when making implementation-level decisions.

² In March 2019, the BLM amended its 2015 Approved Resource Management Plan Amendment (ARMPA) for Greater Sage-grouse habitat management, issuing an additional Record of Decision (BLM 2019a). The March 2019 amendment retained the 2015 GRSG ARMPA allocations, objectives, and management direction, with the exception of allowing grazing to continue in the Key RNAs. The March 2019 amendment was appealed (*Western Watersheds Project v. Schneider, Case No. 1:16-cv-00083-BLW* [D. Id. Oct. 16, 2019]) and in October 2019, the District Court of Idaho issued a preliminary injunction suspending implementation all of BLM's 2019 Sage-grouse ARMPAs (1:16-CV-00083-BLW). During this injunction, the 2015 GRSG ARMPA ROD remains in effect.

The following paragraphs provide a brief summary of the management direction in the RMP Amendment. See the *Approved RMP Amendment* section for all management objectives, direction, and allocations.

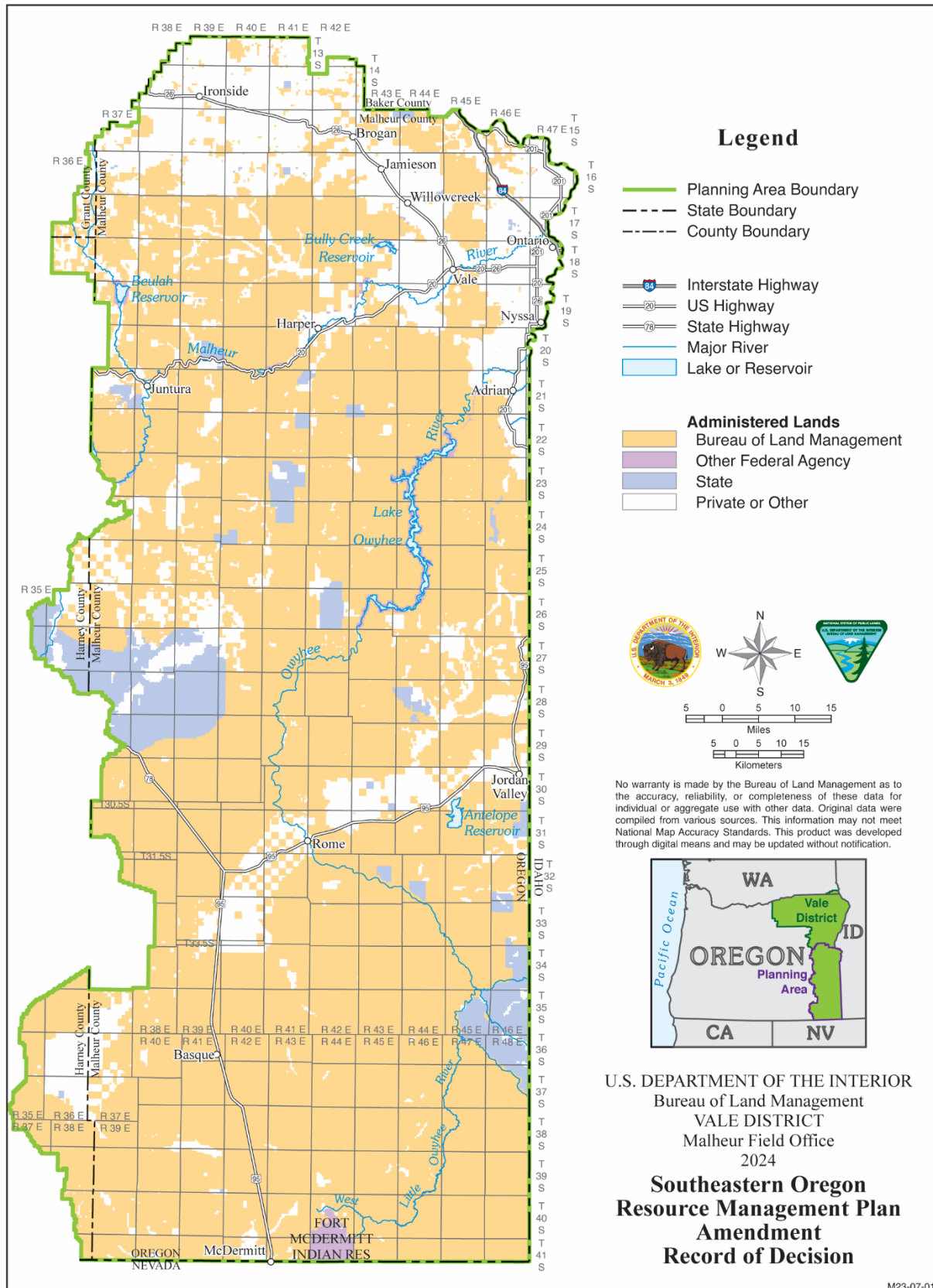
Under the RMP Amendment, the BLM prioritizes protection of 33 of the 76 areas identified by the BLM as having wilderness characteristics. These 33 protected areas are designated as: Visual Resource Management (VRM) Class II (allows only a low level of change to the visual character of the landscape) unless already VRM Class I; Land Tenure Zone 1 (retain in public ownership); and as exclusion areas for major rights-of-way and commercial renewable energy projects. The protected areas will be managed as No Surface Occupancy for leasable minerals and closed to new mineral material sites. Where roads form the boundary of a protected wilderness characteristic area, a 250-foot management setback is established. The setback areas total 9,247 acres. The setback areas provide BLM with management flexibility to, among other things, adapt to resources needs, threats, and opportunities, while maintaining or enhancing the values within the protected areas. Following is a non-exclusive list of actions that are prohibited in the setback areas: projects that would have impacts that are pervasive and omnipresent as seen from within the protected unit; actions in boundary road setbacks that would have the potential to eliminate the wilderness characteristics in the adjacent protected unit; and major rights-of-way and commercial energy projects.

The RMP Amendment also Limits OHV use to existing routes on 319,501 acres that are currently Open to OHV use. This brings the total of OHV Limited acres in the planning area to 4.5 million. All 33 of the protected lands with wilderness characteristic areas are within this OHV Limited category. Two areas near Vale, Oregon, totaling 40,368 acres, will remain Open to OHV use. The 15,829 acres that are currently Closed to motorized use will remain closed.

Finally, the RMP Amendment provides additional guidance on the implementation of the BLM's Standards for Rangeland Health and the processing of voluntary grazing permit relinquishments. The RMP Amendment calls for the BLM to consider taking action in areas that are not meeting Standards for Rangeland Health even if existing livestock grazing is not determined to be a significant causal factor for non-attainment of the standard. The RMP Amendment also clarifies that the BLM will not permit increases to Animal Unit Months if analysis finds that doing so could cause negative impacts to other resources in an area where there is either no Rangeland Health Assessment and Evaluation or if the Evaluation no longer represents the existing resource conditions. The RMP Amendment calls for the BLM to review the suitability and compatibility of livestock grazing use with other existing resources in the permitted area when a voluntary permit relinquishment is received.

See the *Approved RMP Amendment* for all management objectives, direction, and allocations.

Figure 2. Southeastern Oregon Planning Area



Alternatives

The BLM developed a range of approaches—or alternatives—for managing wilderness characteristics, off-highway vehicles and two specific grazing processes related to Standards for Rangeland Health and the voluntary relinquishment of a livestock grazing permit. The alternatives were developed with input from the public, the Southeast Oregon Resource Advisory Council, cooperating agencies (US Fish and Wildlife Service and the Oregon Department of Fish and Wildlife), the Burns-Paiute Tribe and other Tribes, and BLM managers and resource specialists at the Vale District and Oregon/Washington State Office.

In the DRMPA/DEIS, the BLM analyzed a No Action Alternative and four action alternatives. In the FEIS, the BLM analyzed those same alternatives along with the Proposed RMP Amendment (PRMPA), which was developed using elements from the other alternatives and in response to public comments on the DRMPA/DEIS. The PRMPA identified the same 33 lands with wilderness characteristic units for protection that were identified for protection in Alternative D in the DEIS. The PRMPA travel and transportation allocation of 40,368 acres of Open area was between the acreage analyzed for Alternative B (0 acres) and C (107,075 acres) in the DEIS, the Limited allocation of 4,585,249 acres was similar to the 4,518,539 acres in Alternative C in the DEIS, and the Closed OHV allocation of 15,829 acres was the same acreage identified in the No Action Alternative and Alternatives A, C, and D in the DEIS. The clarifications in the livestock grazing direction in the PRMPA were similar to the types of direction analyzed under the No Action Alternative and Alternative C and within the range of the livestock grazing direction analyzed across all alternatives.

The PRMPA alternative in the FEIS was well within the range of the alternatives analyzed in the DEIS, did not represent new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts, could have been reasonably anticipated for consideration by the public, and was responsive to public feedback received on the DRMPA/DEIS. Therefore, the BLM determined that adding the PRMPA between the DEIS and FEIS did not necessitate supplementation.

The alternatives and PRMPA are summarized below. Appendix D to the PRMPA/FEIS describes nine alternatives that were considered but not analyzed in detail. The No Action Alternative and Alternative A represent a continuation of current management direction under the 2002 Southeastern Oregon RMP, as amended. In addition, the No Action Alternative reflects the BLM's commitment under the 2010 Settlement Agreement not to implement any projects that fall within an inventory unit determined by the BLM to possess wilderness characteristics, where such action would be deemed by the BLM to diminish the size or cause the entire BLM inventory unit to no longer meet the criteria for wilderness characteristics, until the BLM completes the NEPA analysis and RMP Amendment.

Alternatives B, C, and D, and the PRMPA incorporated a new management objective and management direction for lands that are prioritized for protection of their wilderness characteristics. These three alternatives and the PRMPA would establish a 250-foot road setback area where roads form the boundary of a wilderness characteristic area proposed for protection. The setback areas would provide BLM with management flexibility to, among other things, adapt to resources needs, threats, and opportunities, while maintaining or enhancing the values within the protected areas. Following is a non-exclusive list of actions that would be prohibited in the setback areas: projects that would have impacts that are pervasive and omnipresent as seen from within the protected unit; actions in boundary road setbacks that would have the potential to eliminate the wilderness characteristics in the adjacent protected unit; and major rights-of-way and commercial energy projects.

Alternatives B, C and D and the PRMPA also included a range of off-highway vehicle (OHV) area designations (Open, Limited and Closed) and proposed livestock grazing management direction as it relates to implementation of management responses when Standards for Rangeland Health are not

attained as a result of existing livestock grazing, and processes used when the BLM receives a voluntary relinquishment of a grazing permit.

No Action Alternative

In accordance with the 2010 Settlement Agreement (see PRMPA/FEIS, Appendix R *Settlement Agreement*), interim protections for the 76 units identified by the BLM as having wilderness characteristics would continue. Any projects that fall within an inventory unit determined by the BLM to possess wilderness characteristics, where such action would be deemed by the BLM to diminish the size or cause the entire BLM inventory unit to no longer meet the criteria for wilderness characteristics, would be prohibited. The BLM would continue to implement the OHV allocations and livestock grazing management direction of the 2002 Southeastern Oregon RMP, as amended.

Alternative A (Preferred Alternative in the DEIS)

There would be no land use plan-level management direction for, or protective measures of, the 76 units identified as having wilderness characteristics. Under Alternative A, the BLM would continue to implement the OHV allocations and livestock grazing management direction of the 2002 Southeastern Oregon RMP, as amended.

Alternative B

All 76 wilderness characteristic units (1,206,780 acres), excluding the 250-foot boundary road setbacks, would be prioritized to protect those characteristics. These units, in addition to all wilderness study areas (WSAs) would be designated as Closed to OHV use. All currently Open OHV areas outside of WSAs and wilderness characteristics units would limit OHV use to existing routes. Grazing permits would be suspended for the life of the RMP Amendment where existing livestock grazing is determined to be a significant factor in not meeting Standards for Rangeland Health. Voluntary relinquishment of a grazing permit would result in certain identified areas (set forth in Provision 29(2) of the 2010 Settlement Agreement; also see PRMPA/FEIS Appendix A *Alternatives Table A-2*, Appendix G *Permit Relinquishment Processes by Alternative*, and Appendix R *Settlement Agreement*) no longer being available for livestock grazing for the life of the RMP Amendment.

Alternative C

Twenty-seven wilderness characteristic units (167,550 acres), excluding the 250-foot boundary road setbacks, would be identified for protection of wilderness characteristics. OHV Open management would continue in eight specific areas. These eight OHV Open areas (107,075 acres) would continue to be available for cross-country motorized travel and 252,794 acres would be managed as OHV Limited to existing routes for motorized vehicle use. 15,829 acres would be Closed to OHV use.

Livestock grazing management direction of the 2002 Southeastern Oregon RMP, as amended would continue regarding the manner in which the BLM evaluates and conducts Standards for Rangeland Health and Guidelines for Livestock Management. The BLM would continue to follow guidance under Washington Office Instruction Memorandum WO IM 2013-184 for processing a voluntarily relinquished grazing permit and would require that NEPA analysis and a subsequent planning-level decision be issued to change a permitted area's forage allocation from livestock grazing to another resource if grazing is determined through analysis to be incompatible with other resources. Alternative C identifies a set of specific resources (PRMPA/FEIS, Table 2-3, Chapter 2) the BLM would consider when a voluntary permit relinquishment is received.

Alternative D

Thirty-three wilderness characteristic units (417,190 acres), excluding the 250-foot boundary road setbacks, would be prioritized for protection of wilderness characteristics. All lands with wilderness characteristics in the 33 units would be managed as OHV Limited to existing routes for motorized vehicles, unless currently closed to OHV access. The OHV allocations under this alternative are similar to the No Action Alternative and Alternative A, with 34,183 fewer acres of Open to cross-country OHV use.

Where existing grazing practices are determined by the BLM to be a significant causal factor for nonattainment of the Standards for Rangeland Health, the BLM would suspend term grazing permits for the duration of the permit (generally up to 10 years) or until monitoring indicates that significant progress is made toward attaining standards. This alternative would designate as unavailable to grazing (or reduced where common use by multiple permittees occurs) those areas of a relinquished permit that overlap lands set forth in Provision 29(1) of the 2010 Settlement Agreement (see PRMPA/FEIS Appendix A, Table A-4 and Appendix G *Permit Relinquishment Processes by Alternative*) for the life of the RMP Amendment.

PRMPA

Under the PRMPA, 33 wilderness characteristic units (417,190 acres), excluding the 250-foot boundary road setbacks, would be prioritized for protection of wilderness characteristics. These 33 protected areas would be designated as: Visual Resource Management (VRM) Class II (allows only a low level of change to the visual character of the landscape) unless already VRM Class I, Land Tenure Zone 1 (retain in public ownership), and as exclusion areas for major rights-of-way and commercial renewable energy projects. The protected areas would be managed as No Surface Occupancy for leasable minerals and closed to new mineral material sites. Where roads form the boundary of a protected wilderness characteristic area, a 250-foot management setback would be established. The setback areas total 9,247 acres. The setback areas would provide BLM with management flexibility to, among other things, adapt to resources needs, threats, and opportunities, while maintaining or enhancing the values within the protected areas. Following is a non-exclusive list of actions that would be prohibited in the setback areas: projects that would have impacts that are pervasive and omnipresent as seen from within the protected unit; actions in boundary road setbacks that would have the potential to eliminate the wilderness characteristics in the adjacent protected unit; and major rights-of-way and commercial energy projects.

The PRMPA would Limit OHV use to existing routes on 319,501 acres that are currently Open to OHV use. This would bring the total of OHV Limited acres in the planning area to 4.5 million. All 33 of the protected lands with wilderness characteristic units would be within this OHV Limited category. Two areas near Vale, Oregon, totaling 40,368 acres, would remain Open to OHV use. The 15,829 acres that are currently Closed to motorized use would remain closed. Finally, the PRMPA would provide additional guidance on the implementation of the BLM's Standards for Rangeland Health and the processing of voluntary grazing permit relinquishments. The PRMPA would require BLM to consider taking appropriate action in areas that are not meeting Standards for Rangeland Health even if existing livestock grazing is not determined to be a significant causal factor for non-attainment of the standard. The PRMPA would clarify that the BLM would not permit increases to Animal Unit Months if analysis found that doing so could cause negative impacts to other resources in an area where there is either no Rangeland Health Assessment and Evaluation or if the Evaluation no longer represents the existing resource conditions. The PRMPA would call for the BLM to review the suitability and compatibility of livestock grazing use with other existing resources in the permitted area when a voluntary permit relinquishment is received.

Rationale for the Decision

The RMP Amendment incorporates a focused set of management decisions for managing lands with wilderness characteristics, travel and transportation, and specific components of livestock grazing management into the existing management framework established under the 2002 Southeastern Oregon RMP, as amended. The RMP Amendment is consistent with the BLM's policy, guidance, and requirements, including the FLPMA. The BLM selected the RMP Amendment to effectively align with existing management while protecting natural landscapes through new management direction for lands with wilderness characteristics, protecting resources through effective travel and transportation management allocations, and ensuring that livestock grazing decisions are based on best available science and accurate inventories of resource conditions. The BLM selected the RMP Amendment after careful consideration of input from consulting Tribes, the Governor of Oregon, cooperating agencies, and the public. This section describes the rationale for the selection of the specific approaches included in the RMP Amendment as well as why the BLM chose these approaches over other alternatives (the range of alternatives analyzed in the PRMPA/FEIS is described above under *Alternatives*).

The RMP Amendment establishes areas where lands with wilderness characteristics—outside of WSAs—are prioritized for protection. Thirty-three of the 76 wilderness characteristics units identified by the BLM in the planning area will be protected for their wilderness values. These 33 units (417,190 acres) are predominantly influenced by the forces of nature, are in a natural condition, and provide outstanding public opportunities to experience solitude and/or primitive recreational activities. Many of the 33 units are adjacent to, or contiguous with, either other wilderness characteristics units or WSAs, providing additional areas where primitive resource conditions and opportunities are dominant. Protection of the 33 units was identified in the PRMPA/FEIS as the proposed alternative in Alternative D in the DRMPA/DEIS (BLM 2019b).

In 2014, the BLM asked the Southeast Oregon Resource Advisory Council to provide input on criteria they considered as important in selecting wilderness characteristics units for protection. Their recommendation identified three criteria that the BLM incorporated into a methodology to consistently evaluate each of the 76 units: hydrologic function, vegetative condition, and adjacency to other areas with wilderness characteristics (including WSAs). From this, the BLM developed a methodology that incorporated these criteria in identifying the units for protection under Alternative D, which was carried forward into the PRMPA/FEIS and the RMP Amendment. During the comment period on the DRMPA/DEIS, comments from Tribes, cooperating agencies, a wide array of interest groups, and the public expressed strong support for the lands with wilderness characteristic units identified for protection in Alternative D. The protection of these 33 units is also consistent with the Biden Administration's *America the Beautiful* initiative.

When determining which areas to prioritize for protection and which to prioritize for other multiple uses, the BLM considered the need for management flexibility to effectively address resource challenges, conditions, and needs in certain areas. The 33 units were selected for protection in the PRMPA/FEIS and RMP Amendment because they represent an appropriate balance between emphasizing protection in these units while allowing for the balancing of other uses and actions in the remaining 43 units. Prioritizing multiple use management in the other 43 units allows more efficient and effective implementation of actions to address restoration and rehabilitation challenges in those units.

Where roads form the boundary of a protected wilderness characteristic area, a 250-foot management setback will be established. The setback areas in the PRMPA total 9,247 acres. Boundary road setbacks were analyzed in Alternatives B, C, D and the PRMPA. Selection of the 250-foot boundary distance is based on Interdisciplinary Team consideration of: common widths of existing and potential linear (roads and utilities) rights-of-way corridors; current management allowances under the 2002 Southeastern

Oregon RMP, as amended in OHV Limited areas³; consideration of management restrictions in support of Greater Sage-grouse habitat; as well as fire suppression and support, transportation management and maintenance, and recreation and interpretive (e.g., signage) needs. The 250-foot setback was selected to provide management flexibility while being compatible with the protected units. The setback areas provide BLM with management flexibility to, among other things, adapt to resources needs, threats, and opportunities, while maintaining or enhancing the values within the protected areas. The BLM will prohibit projects in the setback areas that would have impacts that are pervasive and omnipresent as seen from within the protected unit; actions in boundary road setbacks that would have the potential to eliminate the wilderness characteristics in the adjacent protected unit; and major rights-of-way and commercial energy projects.

Under the RMP Amendment, the BLM modifies the acres of OHV area allocations (Open, Limited and Closed). Two areas totaling 40,368 acres near the city of Vale, Oregon will continue to be managed as open to OHV use. The remaining 319,501 acres currently designated as OHV Open under the 2002 Southeastern Oregon RMP, as amended, will be designated as OHV Limited to existing roads and motorized primitive routes. The currently designated 15,829 acres of OHV Closed is carried forward without change in the RMP Amendment. The BLM selected these OHV designations based on BLM travel management policy to, "...base all OHV area designations on the protection of resources, the promotion of safety of all public lands users, and the minimization of conflicts among various uses of the public lands" (BLM Manual 1626, *Travel and Transportation Management*) (BLM 2016b) and minimize resource damage, disturbance to fish and wildlife habitat, conflicts between OHV and other recreational uses and the impairment of wilderness values (43 CFR 8342.1 (a)-(d)). Through the application of this criteria the BLM identified the appropriate acreages of OHV Open, Limited, and Closed allocations.

The significant reduction in Open OHV areas in the RMP Amendment comports with BLM Manual 1626 which directs that, "Due to the increasing popularity of OHV activities, technological advances in OHVs themselves, and changes in the intensity of management for other public lands resources, the designation or retention of large areas open to unregulated cross-county OHV travel is not a viable landscape-wide management strategy" (BLM 2016b). Additionally, support for limiting cross-country OHV use came from a variety of sources during the comment period on the DRMPA/DEIS including from the Oregon State Department of Fish and Wildlife, livestock permittees, and special interest groups. The RMP Amendment OHV allocations provide for continued OHV recreational activities while protecting natural resources and reducing recreational conflicts. The RMP Amendment provides extensive and diverse OHV opportunities while ensuring resource protection and management effectiveness across the decision area.

The RMP Amendment incorporates modest changes to livestock grazing management. The BLM continues to follow livestock grazing administration regulations found in 43 CFR 4180 in accordance with "Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington" (Standards and Guidelines) (BLM 1997)." The RMP Amendment adds that, if one or more Standard is not being achieved due to factors that are subject to BLM control, then based on the Standards for Rangeland Health Assessment and Evaluation, regardless of causal factor, the authorized officer will consider taking action to make progress toward achieving the Standard(s); these changes could include, but are not limited to, changes in livestock grazing management. Further, the RMP Amendment implements management direction that, if an Assessment and Evaluation is not completed or no longer represents resource conditions previously assessed and evaluated, the BLM will not permit increases in livestock AUMs where, based on analysis, that increase is determined to cause negative impacts. This direction will be in effect until an assessment and evaluation is completed or revised and applies to all lands in the planning area. The BLM selected this direction because it clarifies and reinforces the BLM's responsibility to evaluate resources and consider taking appropriate action when resource conditions

³The 2002 SEORMP/ROD (BLM 2002) authorizes motorized vehicle-supported camping—unless otherwise posted to meet other objectives—up to 150 feet off existing motorized routes (p. 66).

warrant. Additionally, this management direction addresses concerns from the public that increasing AUMs in areas where any Standard is not being achieved could negatively impact the length of time needed to achieve the Standard(s) or reduce the potential to achieve the Standard.

The RMP Amendment incorporates additional processes where a livestock grazing permit is voluntarily relinquished. The BLM will continue to follow the guidance in WO IM 2013-184 (BLM 2013) for processing voluntary permit relinquishments and will examine and document the suitability and compatibility of livestock grazing with other existing resources as well as consider any relevant information and findings from the Standards for Rangeland Health Assessment and Evaluation for the area where the voluntary permit relinquishment is received. The BLM selected this direction because it clarifies the process the BLM will follow upon receipt of a relinquishment and underscores the BLM's commitment to evaluating a wide spectrum of resource needs and issues when considering whether or not livestock grazing should continue to be authorized in an area after a permit is voluntarily relinquished. This permit relinquishment management direction was described in Alternative C in the DRMPA/DEIS. The direction provides improved clarification, relative to the other alternatives, of the process the BLM will use, and establishes a minimum set of resources that will be considered, upon receipt of a relinquished permit. The management direction clarifies that the consideration of the suitability and compatibility of livestock grazing with other resources will occur through a NEPA analysis, and that the resulting decision will establish the allocation of forage resources for the life of the plan; additional land use planning-level analysis will not be required. The management direction for processing voluntary permit relinquishments provides clarity, promotes efficiency, and ensures BLM appropriately considers existing resource conditions in identifying future management allocations and actions in areas where a relinquishment is received.

Clarifications

The RMP Amendment is the Proposed RMP Amendment (PRMPA) published on June 16, 2023, in the PRMPA/FEIS, with the exception of minor grammatical and editorial changes and minor clarifications as described in this section. The following clarifications and the minor edits made are neither substantive nor significant and therefore do not require that the BLM provide the public with further opportunity to comment, as discussed in 43 CFR 1610.2(f)(5) and 1610.5-1(b).

Clarification: The RMP Amendment clarifies, in the *Protected Wilderness Characteristic Units Contiguous to Wilderness Study Areas* section of the RMP Amendment, the BLM's policy for addressing WSAs that are released from further consideration by Congress. In a released area, the BLM will continue to apply the requirements of Section 201(a) of the FLPMA to both the lands within the released WSA and any wilderness characteristics units that adjoin them. Section 201(a) of FLPMA requires that the BLM "prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values" and that "this inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values." In accordance with this requirement, the BLM maintains an inventory of lands with wilderness characteristics. Released WSAs and units that adjoin them will continue to be addressed in this inventory.

This clarification represents the intent of the direction in the PRMPA/FEIS and this minor clarification does not change the management direction proposed or the analysis provided in the PRMPA/FEIS. The clarification was made in response to feedback from the Governor of Oregon during the Governor's Consistency Review of the PRMPA/FEIS and in response to feedback received in the protest letter on the PRMPA/FEIS from the Oregon Natural Desert Association and those they represented (Committee for Idaho's High Desert, Friends of the Owyhee, Great Old Broads for Wilderness, Northwest Environmental Defense Center, Oregon Wild, and Western Watersheds Project).

Clarification: The RMP Amendment clarifies in the *Wilderness Characteristics Units Not Prioritized for Protection* section of the RMP Amendment, how BLM will manage the 43 lands with wilderness

characteristic units that are not prioritized for protection. The BLM has clarified that the management direction in the 2002 Southeastern Oregon RMP, as amended will apply to these units and that the BLM will maintain wilderness characteristics inventories for these areas as required by FLPMA (43 U.S.C. 1711, Section 201(a)).

This clarification represents the intent of the direction in the PRMPA/FEIS and this minor clarification does not change the management direction proposed or the analysis provided in the PRMPA/FEIS. This clarification was made in response to feedback from the Governor of Oregon during the Governor's Consistency Review of the PRMPA/FEIS and in response to feedback received in the protest letter on the PRMPA/FEIS from the Oregon Natural Desert Association and those they represented (Committee for Idaho's High Desert, Friends of the Owyhee, Great Old Broads for Wilderness, Northwest Environmental Defense Center, Oregon Wild, and Western Watersheds Project).

Clarification: The RMP Amendment clarifies language in the *Voluntary Relinquishment of Grazing Permits* section of this RMP Amendment and in the flow chart, Figure B-1 in Appendix B *Voluntary Permit Relinquishment Process* in order to promote consistency in the language and terms used in each. For example, in the PRMPA/FEIS the flow chart (PRMPA/FEIS, Appendix G *Voluntary Relinquishment of Grazing Permits*, Figure G-4) discussed the considerations of Standards and Guidelines Assessments and Evaluations and the suitability of livestock grazing when a voluntary permit relinquishment was received and the language in the proposed management direction for voluntary permit relinquishment in the PRMPA/FEIS, Chapter 2, *Voluntary Relinquishment of Grazing Permits* did not use those same terms. The language in both the management direction in the *Voluntary Relinquishment of Grazing Permits* section in the RMP Amendment and Figure B-1 in Appendix B, *Voluntary Relinquishment of Grazing Permits* are now appropriately consistent. The *Voluntary Relinquishment of Grazing Permits* section also clarifies that the list of resources identified in Table 2 (formerly Table 2-3 in the PRMPA/FEIS) is the minimum set of resources that will be considered when the BLM considers the compatibility livestock grazing with existing resources upon the receipt of a voluntary permit relinquishment. The clarified language from what was presented in the PRMPA/FEIS represent minor clarifications. The clarifications represent the intent of the direction in the PRMPA/FEIS and do not change the management direction proposed or the analysis provided in the PRMPA/FEIS.

Clarification: The PRMPA/FEIS Map WC 6 *Protected Wilderness Characteristics Units in the SEORMPA Planning Area – PRMPA* displayed incomplete Boundary Road Setback information. This has been corrected in the RMP Amendment, Appendix C *Maps* (see Map WC: *Protected Wilderness Characteristics Units in the SEORMPA Planning Area*). The boundary road setbacks were otherwise accurately portrayed in the PRMPA/FEIS (e.g., analysis, tables, and figures). This minor clarification does not change the management direction proposed or analysis provided in the DEIS or FEIS.

Clarification: Areas allocated as unavailable to grazing have been updated since the PRMPA/FEIS to reflect minor spatial data improvements. Acreage changes total fewer than 50 acres overall, primarily with boundary edits to the 2015 Oregon Greater Sage-grouse Approved RMP Amendment for the Black Canyon "Key" Research Natural Area; see Map LVST (North and South) in Appendix C *Maps*. No change has been made to the management decisions related to the official areas unavailable to grazing under the attached RMP Amendment. Management direction regarding these areas is unchanged. This minor clarification does not change the management direction proposed or the analysis provided in the DEIS or FEIS.

Clarification: Map MIN 1 *Locatable Mineral Restrictions in the SEORMPA Planning Area* for the RMP Amendment has been updated to accurately reflect 2002 SEORMP management direction (the updated map is in Appendix C *Maps* and, for comparison, see PRMPA/FEIS Map MIN 16 showing locatable mineral restrictions). This minor clarification does not change the management direction proposed or analysis provided in the DEIS or FEIS.

Clarification: The boundaries of the 33 protected wilderness characteristic units in the RMP Amendment have been added to the following maps to help illustrate the management direction described in the RMP Amendment: Map LAND 1, Map LAND 2, Map LAND 3, Map LAND 4, Map LAND 5, Map MIN 1, Map MIN 2, Map MIN 3, and Map VRM (see Appendix C *Maps*).

Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) regulations require that a ROD state which alternative is considered to be “environmentally preferable” (40 CFR 1505.2(b)). The CEQ has stated, “The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural and natural resources” (Council on Environmental 1981).

Alternative B from the PRMPA/FEIS is the “environmentally preferable” alternative. The alternative would:

- prioritize protection of all 76 wilderness characteristics units (excluding setbacks);
- close all WSAs and all 76 lands with wilderness characteristics units to OHV use; and
- suspend term grazing permits for the duration of the plan, where existing livestock grazing practices are determined by the BLM to be a significant causal factor for nonattainment of Standard(s).

Alternative B would protect the largest amount of acreage for wilderness characteristics among all the alternatives, thus preserving the greatest amount of undisturbed landscapes. Alternative B proposes the most restrictive OHV use and would close all WSAs and lands with wilderness characteristics to OHV use, thereby reducing negative resource effects from OHV use. Alternative B also proposes the most restrictive management direction for livestock grazing, thereby reducing negative resource effects from livestock grazing. The BLM considers Alternative B to be the “environmentally preferable” alternative because it would provide the highest level of protection from negative impacts from potential uses of BLM administered land and would result in the lowest level of negative impacts to the biological and physical environment of all alternatives, including the PRMPA.

Mitigation

In accordance with 40 CFR 1505.2(a)(3), the RMP Amendment has adopted all practicable means to avoid or minimize environmental harm from the alternative selected.

The protection of the 33 wilderness characteristics units in the RMP Amendment allows the BLM to maintain healthy, diverse landscapes that are largely functioning naturally.

By restricting OHV use to existing routes on an additional 319,501 acres, the RMP Amendment provides a significant level of protection across the entire planning area by increasing the total acreage to 4.5 million acres of restricted OHV use. Mitigating potential impacts by focusing OHV use on existing motorized routes both enhances the existing protections and enhances BLM’s ability to monitor and respond to unauthorized activities or unplanned disturbance. Minimizing resource conflicts between motorized and non-motorized uses, while providing extensive recreational OHV activities on existing routes mitigates potential incompatible user conflicts.

Under the RMP Amendment, the BLM continues to prioritize completing Standards for Rangeland Health assessments and achieving Standards for Rangeland Health. The clarification that the BLM will consider taking action to make progress toward successfully achieving the Standards when it determines that one or more Standard(s) is not met due to factors that are subject to BLM control —regardless of causal

factor—provides additional mitigating opportunities to consider a broad range of resource impacts while comprehensively developing management strategies to address landscape health.

Under the RMP Amendment, when a voluntary permit relinquishment is received, the BLM will review the suitability and compatibility of livestock grazing with other resources. These efforts to reduce conflicts with other resources are examples of applying the mitigation hierarchy to reduce and avoid impacts.

Consultation and Coordination

Tribal Government Consultation

There are five potentially affected federally recognized Tribes who have an interest in the planning area: the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, and the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation. The BLM coordinated with all five Tribes on the planning effort. The BLM consulted per BLM Manual 8130 (BLM 2004) and Handbook 1780 (BLM 2016a) and sent copies of documents to tribal officials for review and comment. The BLM contacted the Tribes by mail, email, and/or phone at multiple stages in the planning process (direct outreach, official Scoping period, DRMPA/DEIS comment period, and during administrative review periods) and did not receive any response from four of the Tribes. The Burns Paiute Tribe and the BLM entered into formal government-to-government consultation on the planning effort. The BLM contacted the Burns Paiute Tribe at multiple stages through email, mail, face-to-face meetings, and phone calls to discuss the development of the RMP amendment, provide updates, and to address and accept comments and questions.

State Historic Preservation Office Coordination

The BLM coordinates with the Oregon State Historic Preservation Office (SHPO) on BLM management planning processes in conformance with Section III.A. of the 2015 BLM-SHPO State Protocol. The BLM notified the SHPO of the availability of the DRMPA/DEIS and the PRMPA/FEIS and will notify the SHPO of the availability of the Approved RMP Amendment/ROD.

Regulatory Agency Consultation

The *Endangered Species Act* (ESA), Section 7(a)(2), requires the BLM to consult with the US Fish and Wildlife Service (USFWS) on the effects of the PRMPA/FEIS on species listed as threatened or endangered. The BLM prepared a biological evaluation regarding three species and conducted informal consultation with the USFWS. In the biological evaluation, the BLM found that the PRMPA may affect, but is not likely to adversely affect, the Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*), as the effects of this action are insignificant, discountable, or wholly beneficial. The BLM also determined that implementation of the PRMPA will have no effect on bull trout (*Salvelinus confluentus*) and yellow-billed cuckoo (*Coccyzus americanus*), or their critical habitat. The USFWS concurred with the BLM determination on December 2, 2023, thereby completing Section 7 Consultation. See PRMPA/FEIS Chapter 4 and Appendix H, Section H.3 for more details.

Cooperating Agencies

On February 28, 2018, the BLM invited Tribal governments and State and local agencies with jurisdiction by either law or special expertise, or both, to participate as cooperating agencies in the planning process. A cooperating agency can be a Tribe, federal, state, or local government agency with jurisdiction by law or special expertise that assists a lead federal agency in developing an environmental assessment or environmental impact statement (40 CFR 1508.5).

The USFWS and Oregon Department of Fish and Wildlife signed Memoranda of Understanding (MOU) with the BLM and became formal cooperating agencies. Throughout the planning process, the BLM solicited input from these cooperating agencies. Both agencies provided comments on the DRMPA/DEIS (see PRMPA/FEIS, Appendix S, *Federal and State Agency Comment Letters*). The BLM also held resource-specific conference calls and meetings with the cooperating agencies (see PRMPA/FEIS, Appendix H, *Consultation and Coordination*).

Governor’s Consistency Review

The BLM’s planning regulations require that BLM RMPs and RMP Amendments be “consistent with officially approved or adopted resource-related plans, and the policies and procedures contained therein, of other Federal agencies, State and local governments, and Indian Tribes, so long as the guidance and resource management plans also are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands” (43 CFR 1610.3-2(a)).

The Oregon Governor’s Consistency Review on the PRMPA/FEIS ran for 60 days from June 16 through August 21, 2023. The Governor of Oregon submitted a letter to the BLM that raised concerns and potential inconsistencies between the PRMPA and State policies. The BLM met with the Governor’s Office twice to discuss their concerns. As a result of these meetings, the BLM provided clarifying language to the RMP Amendment as described in the *Clarifications* section of this ROD. The BLM and the Governor’s Office also committed to an ongoing dialogue on issues of interest to the State. The Governor’s Office expressed support for the BLM to move forward with issuance of the RMP Amendment and ROD and did not appeal the PRMPA/FEIS to the BLM Director.

Public Involvement

This plan amendment process was initiated with publication of a Notice of Intent (NOI) in the *Federal Register* on April 8, 2010 (75 FR 17950), followed by a series of five public scoping meetings. The BLM distributed press releases and letters to a complete list of interested publics. Comments were received throughout the 30-day comment period, culminating in the publication of a Scoping Report in 2012 (BLM 2012b). The BLM managers and staff met individually with members of the public, non-governmental organizations, and local governments in the intervening period to identify potential alternatives and issues associated with the amendment.

The DRMPA/DEIS was published in May 2019, initiating a 90-day public review and comment period (BLM 2019b). The BLM received over 4,000 letters, emails, and postcards as part of the comments on the draft document. During the comment period, the BLM held two public meetings in Malheur County, and one meeting in McDermitt, NV, providing opportunities for input on the amendment. Over 60 members of the public attended the three meetings. The BLM considered the comments received on the DRMPA/DEIS when developing the PRMPA/FEIS (see PRMPA/FEIS, Appendix P, *BLM Response to Comments on the SEOR Draft RMP Amendment and Draft EIS*).

Southeast Oregon Resource Advisory Council

Throughout the plan amendment process, the BLM worked closely with the Southeast Oregon Resource Advisory Council (SEORAC). The BLM managers engaged early in the process (2014–2016) with the SEORAC to obtain their input and recommendations on a process for identifying lands with wilderness characteristics for protection. The BLM requested the SEORAC’s recommendations (SEORAC 2014) for potential management allocations for protected units. The SEORAC’s recommendations were a foundation for the development of Alternative D in the DEIS/DRMPA, the PRMPA in the FEIS, and the Approved RMP Amendment. Vale District BLM provided regular status updates to the SEORAC throughout the development of the amendment. Throughout the planning process, the SEORAC was instrumental in providing diverse perspectives on the issues and alternatives addressed in the planning process.

Protest Resolution

On June 16, 2023, the U.S. Environmental Protection Agency published in the Federal Register a notice of availability for the Southeastern Oregon PRMPA/FEIS (88 *Federal Register* 39423), beginning a 30-day protest period that ended on July 17, 2023. Pursuant to the BLM’s planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process and had an interest that may be adversely affected by the decisions in the PRMP was allowed to submit a protest of proposed planning decisions during the 30-day protest period.

Pursuant to the BLM’s 2016 Delegation of Authority Manual (MS-1203 Delegation of Authority, Rel. 1-1779), resolution of protests is delegated to the BLM Assistant Director for Resources and Planning on behalf of the Director of the BLM, whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)). The Assistant Director received two protest submissions filed during 30-day protest period. During the Assistant Director’s review of protests, the BLM Oregon/Washington State Director communicated with both protesting parties to offer an opportunity to discuss their concerns. The Assistant Director’s decisions on the protests are summarized in the Assistant Director’s *Protest Resolution Report for Proposed Southeastern Oregon Resource Management Plan Amendment and Final Environmental Impact Statement (September 12, 2023)*, which is available on the BLM website at: <https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>.

The Assistant Director concluded that the BLM Oregon/Washington State Director followed the applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the PRMPA. Each protesting party was notified of the Assistant Director’s findings and the disposition of their protests. The Assistant Director resolved the protests without making changes to RMP Amendment; however, the RMP Amendment includes minor clarifications from the PRMPA in response to issues raised in one of the protest letters as explained in the *Clarifications* section of this ROD.

Availability of the Approved RMP Amendment

Copies of the ROD and the Approved RMP Amendment may be obtained by viewing or downloading the document from the BLM website located at <https://eplanning.blm.gov/eplanning-ui/project/87435/510>. Limited print copies are available at the BLM Vale District Office (100 Oregon Street, Vale Oregon 97918). Copies are also available at local libraries across Malheur County, Oregon.

Recommendation

Having considered a full range of reasonable alternatives, associated effects, public input, and Department of Interior priorities, I recommend adoption of the attached Southeastern Oregon Resource Management Plan Amendment.



Shane Deforest
Vale District Manager

Approval

I hereby certify that BLM has considered all of the alternatives, information, analyses, and objections submitted by State, Tribal, and local governments, and public commenters for consideration by BLM and cooperating agencies in developing the environmental impact statement. In consideration of the foregoing, I approve the Southeastern Oregon Resource Management Plan Amendment.

BARRY BUSHUE Digitally signed by BARRY
BUSHUE
Date: 2024.02.16 11:26:50 -08'00'

Barry Bushue
BLM Oregon/Washington State Director

Approved Resource Management Plan Amendment

Introduction

The Approved Resource Management Plan (RMP) Amendment to the Southeastern Oregon RMP is the Proposed RMP Amendment (PRMPA) published on June 16, 2023, with minor clarifications as described in the Clarifications section of the Record of Decision (ROD). The Amendment addresses:

- lands with wilderness characteristics;
- off-highway vehicle area designations (Open, Limited, and Closed); and
- livestock grazing issues related to meeting Standards for Rangeland Health and voluntary grazing permit/lease relinquishment processes.

The Approved RMP Amendment (RMP Amendment) is an amendment to the 2002 Southeastern Oregon RMP (BLM 2002), as amended by both the 2015 and 2019 Oregon Greater Sage-grouse Approved RMP Amendments and Records of Decision⁴ (BLM 2015, 2019a respectively). If not otherwise identified herein, no change is made to the existing 2002 Southeastern Oregon RMP management objectives or management direction.

The BLM has only made plan-level decisions in this RMP Amendment; the RMP Amendment does not include implementation actions.

All subsequent implementation level actions will comply with the direction in this RMP Amendment and will be conducted in compliance with all applicable laws including the National Environmental Policy Act (NEPA).

RMP Amendment Management Decisions

Lands with Wilderness Characteristics

Management Objective

Prioritize the protection of wilderness characteristics in the 33 lands with wilderness characteristics units that are identified for protection (see list of 33 units in Table A-1 in Appendix A *Protected Wilderness Characteristics Unit Summary*).

Management Direction

Management of the 33 wilderness characteristics units (417,190 acres), where the protection of wilderness characteristics is prioritized, will emphasize the maintenance and/or enhancement of the wilderness resource: roadless size of the unit, naturalness, and outstanding opportunities for solitude and primitive

⁴ In March 2019, the BLM amended its 2015 Approved Resource Management Plan Amendment (ARMPA) for Greater Sage-grouse habitat management, issuing an additional Record of Decision (BLM 2019a). The March 2019 amendment retained the 2015 GRSG ARMPA allocations, objectives, and management direction, with the exception of allowing grazing to continue in the Key RNAs. The March 2019 amendment was appealed (*Western Watersheds Project v. Schneider, Case No. 1:16-cv-00083-BLW* [D. Id. Oct. 16, 2019]) and in October 2019, the District Court of Idaho issued a preliminary injunction suspending implementation all of BLM's 2019 Sage-grouse ARMPAs (1:16-CV-00083-BLW). During this injunction, the 2015 GRSG ARMPA ROD remains in effect.

and unconfined recreation. Management in these units will be limited to management actions and project designs that maintain or enhance wilderness characteristics. Appendix C provides maps of each protected lands with wilderness characteristics unit under this RMP Amendment; Appendix C Maps, Map WC shows all protected units in the planning area. Within the 33 lands with wilderness characteristics units that are prioritized for protection, management direction for the following resource programs is established.

Travel Management

Manage protected wilderness characteristics units as OHV Limited to existing primitive routes, including within boundary road setbacks, unless currently closed to OHV use.

Visual Resource Management

Manage protected wilderness characteristics units as Visual Resource Management (VRM) Class II, unless currently managed as VRM Class I (see Appendix C, *Maps*, Map VRM).

- The goal of VRM Class II management direction is to preserve the existing character of the landscape. The level of change to the characteristic landscape should be very low and must not attract attention.
- VRM management of protected units—or areas within a unit—which are currently designated as VRM I is unchanged.
- VRM management in boundary road setbacks remain as designated under the 2002 Southeastern Oregon RMP, as amended.

Minerals Management

Leasable Minerals - Unleased Fluid Minerals

Protected wilderness characteristics units will be managed as No Surface Occupancy (NSO) unless current management is otherwise more restrictive (closed to leasing). No waivers, exceptions, or modifications to a fluid mineral lease NSO stipulation will be granted. Leasable minerals management in boundary road setbacks remain as designated under the 2002 Southeastern Oregon RMP, as amended.

Leasable Minerals - Leased Fluid Minerals

Where leasable minerals are currently leased, management will apply the following stipulations:

- Apply reasonable conservation measures consistent with management of wilderness characteristics.
- Require Master Development Plans for fluid minerals processing.
- Require unitization (see Glossary) for fluid minerals when necessary for proper development.
- Identify areas where land acquisitions, including nonfederal mineral rights, may benefit management of wilderness characteristics by consolidating the surface and subsurface rights.
- Continue existing minerals management as directed by the 2002 Southeastern Oregon RMP, as amended, within boundary road setbacks.

Appendix C, *Maps*, Map MIN 2 displays leasable mineral restrictions across the planning area.

Saleable Minerals

Protected wilderness characteristics units will be closed to new mineral material sales (see Appendix C, *Maps*, Map MIN 3).

Expiring mineral material authorizations—including free-use permits⁵ and mineral material sales—may be renewed after environmental review and a determination that the action will be substantially unnoticeable.

There will be a continuation of existing saleable minerals management as directed by the 2002 Southeastern Oregon RMP, as amended, within boundary road setbacks.

Lands and Realty

Land Tenure Zone Category⁶

Protected wilderness characteristics units will be managed as Land Tenure Zone 1 (retention in public ownership). The land tenure zone designation in boundary road setbacks will remain as designated under the 2002 Southeastern Oregon RMP, as amended.

See Appendix C, *Maps*, Map LAND 1.

Rights-of-way (ROW)

Protected wilderness characteristics units—and their associated boundary road setbacks— will be managed as exclusion areas for major ROWs (see Appendix C, *Maps*, Map LAND 2). A ROW exclusion area is not available for ROW location under any condition.

Major ROWs are defined as: projects with a large footprint (either linear or site), large diameter (24 inches or greater) oil or gas pipelines, high voltage transmission lines (115 kV or above), roads, ROWs involving multiple federal jurisdictions, or proposals which have a substantial level of environmental controversy of the action.

Protected units—and their associated boundary road setbacks—will be managed as exclusion areas for commercial renewable energy projects (see Appendix C *Maps*, Maps LAND 4 [Solar] and LAND 5 [Wind]).

Commercial renewable energy projects are defined as solar, wind, and biomass projects with surface disturbance that would cause a reduction or elimination of wilderness characteristics.

Protected units will be managed as avoidance areas—unless currently designated as exclusion areas— for communication sites and other minor ROWs. A ROW avoidance area is an area to be avoided but may be available for ROW location with special management stipulations that ensure the protection of the area's wilderness characteristics.

⁵ BLM regulations (43 CFR 3601.3(a)) provide for the exploration, development, and disposal of mineral material resources on the public lands to any Federal, State, or territorial agency, unit, or subdivision, including municipalities, or any non-profit organization that is appropriately permitted, and in so doing provides for the protection of the resources and the environment.

⁶ The 2002 Southeastern Oregon RMP and ROD (BLM 2002) designated three Land Tenure Zones (Appendix L): Zone 1—retention in public ownership, Zone 2—limited retention and land ownership consolidation through exchange, and Zone 3—BLM land available for disposal by authorized method.

Minor ROWs are those which take less time to process⁷ and have few resource concerns. Minor ROWs will be allowed only where they are consistent with the protection of wilderness characteristics.

Boundary road setbacks will continue to manage communication sites and other minor ROWs as designated under the 2002 Southeastern Oregon RMP, as amended.

Appendix C *Maps*, Map LAND 3 displays the minor ROW designations.

Management emphasis in protected wilderness characteristics units is placed on co-location of new, minor ROWs in existing designated corridors where feasible or in existing authorized ROWs. Co-location will also be a management emphasis for communication sites, where technically feasible. This includes installing new towers within existing communication sites. Co-location will be allowed only where consistent with the protection of wilderness characteristics.

Existing designated ROW corridors are displayed in Appendix C *Maps* on all ROW maps (Maps LAND 2- LAND 5).

Boundary Road Setbacks

Where roads form the boundary of a protected wilderness characteristic unit, a 250-foot management setback is established. The setback is not considered part of the protected wilderness characteristic unit; therefore, the protected unit will begin 250 feet inward from the centerline of the boundary road, where present.

The setbacks are intended to provide the BLM flexibility to adapt to resource needs, threats, and opportunities along the boundary roads, including protection of the values within the protected wilderness characteristics unit. Selection of the 250-foot boundary distance is based on Interdisciplinary Team consideration of: common widths of: existing and potential linear (roads and utilities) rights-of-way corridors; current management allowances under the 2002 Southeastern Oregon RMP, as amended, in OHV Limited areas⁸; consideration of management restrictions in support of Greater Sage-grouse habitat; fire suppression and support needs; and transportation management and maintenance. The 250-foot setback was selected to provide management flexibility while being compatible with the protected units.

The RMP Amendment does not establish setbacks for wilderness characteristics unit boundaries formed by a change in land ownership or by the edge of an existing authorized right of way.

The area in boundary road setbacks totals 9,247 acres. Appendix C, *Maps*, Map WC displays the 33 units that are prioritized for protection, and the relevant setbacks.

⁷There are six ROW Processing Categories. Categories 1–4 are based on the number of federal work hours involved to process an application, ranging from 1–50 hours. Category 5 is for Master Agreements. A ROW that requires more than 50 hours to process is a Category 6. Minor ROWs may fall within Categories 1–4 (43 CFR 2804.14, 2805.16, 2884.12 and 2885.24; also see WO IM-2021-001 (BLM 2021) which establishes the annual cost recovery and monitoring schedule).

⁸The 2002 Southeastern Oregon RMP/ROD (BLM 2002) authorizes motorized vehicle-supported camping, unless otherwise posted to meet other objectives, up to 150 feet off existing motorized routes (p. 66).

The management direction specific to these setback areas is described in each of the preceding sections (e.g., under *Travel Management*, *Visual Resource Management*, etc.). In addition, BLM will not authorize actions in boundary road setbacks that would have the potential to eliminate the wilderness characteristics in the adjacent protected unit. Activities that are highly visible due to their potential for dominating the visual landscape from within the adjacent protected unit will be excluded, including:

- Any project that would have impacts that are pervasive and omnipresent, as seen from within the protected unit, and would thus potentially eliminate the adjacent wilderness characteristics.
- Commercial or industrial renewable energy projects (see *Lands and Realty* section above).
- Major Rights-of-way (see *Lands and Realty* section above and Appendix E *Glossary*).

General Management

The BLM may authorize future management actions within protected wilderness characteristics units including, but not limited to vegetation and habitat restoration, fuels treatments, installation of signage and rangeland management infrastructure and improvements and other multi-use activities. The BLM will only authorize management actions in protected units if, after environmental review, it determines that the actions would meet the management objective and management direction for protected units. Project proposals will be evaluated on a case-by-case basis to ensure wilderness characteristics are maintained and/or enhanced. Actions within the protected units will be subject to NEPA compliance.

Monitoring of protected wilderness characteristics units will be based on conformance with the management objective and management direction established by this RMP Amendment. Because many wilderness characteristics units proposed for protection are contiguous with, or adjacent to, Wilderness Study Areas (WSAs), opportunities to connect monitoring of protected units while monitoring WSAs will be integrated where possible. Identification of unauthorized resource impacts (for example, unauthorized user-created impacts) will be documented, and the appropriate management response implemented. Monitoring will be performed when any ground disturbing action occurs in a protected wilderness characteristic unit. Periodic monitoring will be performed to ensure that identified wilderness characteristics are being maintained.

Protected Wilderness Characteristic Units Contiguous to Wilderness Study Areas

If Congress releases a Wilderness Study Area (WSA) from further consideration as wilderness, these lands would no longer be managed according to Manual 6330, Management of Wilderness Study Areas (BLM 2012a), but instead according to the underlying land use planning allocations and management direction for the area (for example, OHV Limited to existing roads and primitive motorized routes due to 2015 Greater Sage-grouse amendment protections, designated Wild and Scenic Rivers or Areas of Critical Environmental Concern status). If a protected wilderness characteristics unit(s)—including one or more of the associated parcels—is contiguous to a WSA that is congressionally released from wilderness designation, and that unit depends on being contiguous with the WSA to meet the wilderness characteristics criteria, the unit would no longer be prioritized for protection.

The BLM will continue to apply the requirements of Section 201(a) of the FLPMA to both the lands within the released WSA and any wilderness characteristics units that adjoin them. Section 201(a) of the FLPMA requires that the BLM “prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values” and that “this inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.” In accordance with

this requirement, the BLM maintains an inventory of lands with wilderness characteristics. Released WSAs and units that adjoin them will continue to be addressed in this inventory.

Of the 33 protected units, 23 include one or more parcels that are contiguous with WSAs and are dependent on this contiguous association to meet the wilderness characteristics criteria (see Appendix A, *Protected Wilderness Characteristics Unit Summary*, Table A-1).

Should Congress designate a WSA(s) as wilderness, the contiguous lands with wilderness characteristics unit(s) would continue to be managed in accordance with this RMP Amendment unless their management is otherwise addressed by Congress.

Wilderness Characteristics Units Not Prioritized for Protection

There are 43 wilderness characteristics units that are not prioritized for protection of those characteristics. Management of these lands will be guided by existing management, as identified in the 2002 Southeastern Oregon RMP, as amended. The potential effects of actions to these unit's wilderness characteristics will be considered and BLM will analyze the potential effects of the action in the applicable NEPA analysis, should BLM determine it is an issue requiring analysis. As required under Section 201(a) of the FLPMA, the BLM will continue to evaluate and monitor these lands in its wilderness characteristics inventory process.

Travel Management

Management Objectives

The existing Travel Management (OHV) objectives in the 2002 Southeastern Oregon RMP, as amended remain in place and are not changed.

Management Direction

The Approved RMP Amendment makes the following off-highway vehicle designations:

- Two areas, totaling approximately 40,368 acres (see Appendix C, *Maps*, Map OHV 2), will be managed as open to cross-country recreational motorized and non-motorized use.
- An additional 319,501 acres that are currently open to OHV use are now designated as OHV Limited, bringing the total acres of OHV Limited to 4,585,249⁹ in the planning area (Map OHV 1).
- The current 15,829 acres that are closed to motorized use under the 2002 Southeastern Oregon RMP/ROD will remain Closed.

Table 1 provides total acres by OHV designation in the planning area.

Table 1. OHV allocations under the Approved RMP Amendment

| OHV Category | Acres |
|--------------|-----------|
| Open | 40,368 |
| Limited | 4,585,249 |
| Closed | 15,829 |

⁹ This acreage includes the areas designated as “Limited to existing routes” (535,417 acres) and “Limited to designated routes” (1,481,605 acres) in the 2002 Southeastern Oregon RMP (BLM 2002) and the areas designated as “Limited to existing roads, primitive roads, and trails” (2,248,711 acres) in the 2015 Greater Sage-grouse Approved RMP Amendment (BLM 2015). Designated routes were identified in the 2002 Southeastern Oregon RMP as routes that: were in existence as of the issuance of the Southeastern Oregon RMP ROD in 2002 (BLM 2002); are located in special management areas including WSAs, certain ACECs, WSRs, and special habitat areas; and were specifically identified for continued public use. Maps showing these routes are on file at the Vale District Office. Existing routes existed on the issuance date of the 2002 Southeastern Oregon RMP ROD and are located in special management areas and sensitive habitat that otherwise were not designated as Limited to Designated routes (*Ibid.*, 65–67) or Closed. In 2016, the BLM updated its 1626 *Travel and Transportation Management Manual* (BLM 2016b) and in accordance with that direction, this RMP Amendment uses the term “Limited” to mean “Limited to existing roads, primitive roads, and trails” and throughout the PRMPA/FEIS this is commonly shorted to “Limited to existing routes” (see PRMPA/FEIS, Chapter 3, Travel Management).

Livestock Grazing

Management Objectives

The existing livestock management objectives under the 2002 Southeastern Oregon RMP/ROD as amended, remain in place and are not changed.

Management Direction

Standards for Rangeland Health

The BLM will continue to follow livestock grazing administration regulations found in 43 CFR 4180 and manage in accordance with “Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington” (BLM 1997). The BLM will continue to implement the 2002 Southeastern Oregon RMP/ROD management direction that states:

“Where livestock grazing is found not to be consistent with meeting objectives, actions that control the intensity, duration, and timing of grazing and/or provide for periodic deferment and/or rest will be required to meet the physiological requirements of key plant species and to meet other resource management objectives. Upon determining through the adaptive management process that existing grazing management practices or levels of grazing on public land are significant factors in failing to achieve resource objectives, appropriate actions will be implemented.”¹⁰

In addition, the RMP Amendment adds the following management direction:

If a Standards for Rangeland Health Assessment and Evaluation is completed and indicates that one or more Standard is not met in an allotment or pasture due to factors that are subject to BLM control, then the authorized officer shall consider taking action to make progress toward land health standards and land use plan objectives, even if existing livestock grazing is not determined to be a significant causal factor for non-attainment of Standard(s). Actions available to the authorized officer could include, but are not limited to, changes in livestock grazing management.

If a Standards for Rangeland Health Assessment and Evaluation has not been completed for an allotment or pasture, or if the existing evaluation no longer represents resource conditions previously assessed and evaluated, then the BLM will not permit increases to AUMs that, based on analysis, are determined to cause negative impacts to other resources over the term of the renewed permit until the rangeland health assessment and evaluation is completed or revised. The other resources being considered are those identified in the OR/WA Standards and those identified in the 2002 Southeast Oregon RMP, as amended.

¹⁰ Appropriate action means implementing actions pursuant to applicable regulatory authorities that will result in significant progress toward fulfillment of the Standards for Rangeland Health and significant progress toward conformance with the guidelines (43 CFR 4180.2(C)). These actions may include development of grazing-related portions of activity plans and changes to terms and conditions such as either addressing seasons or intensities of livestock use (or both), rangeland project construction and maintenance, temporary livestock exclusion at pasture or allotment-scale (i.e., closure to livestock grazing), or cancellation or suspension of the grazing permit and associated land use plan amendment to change land use allocations to not include livestock grazing. These actions would require NEPA analysis as well as a Proposed and Final Grazing Decisions as described under 43 CFR 4160.

BLM will also continue to prioritize completion of OR/WA Standards for Rangeland Health assessment and evaluations as identified through the Oregon Greater Sage-Grouse Approved RMP Amendment (BLM 2015).

Voluntary Relinquishment of Grazing Permits

The BLM will continue to follow the guidance of WO IM 2013-184 (BLM 2013) should BLM receive a voluntary livestock grazing permit relinquishment. Under this guidance, BLM is required to accept all voluntary relinquishments of grazing permits. The voluntarily relinquished grazing permit would result in ending the relinquishing party's permitted use and preference. The voluntary relinquishment does not in itself result in that forage allocation becoming unavailable for use by livestock.

The following process will be followed upon receipt of a voluntary grazing permit relinquishment. Also see Appendix B *Voluntary Permit Relinquishment Process*, Figure B-1, *Voluntary permit relinquishment process*.

Upon receipt of a voluntary permit relinquishment, BLM will examine and document the suitability and compatibility of livestock grazing with other existing resources (see Table 2 below which describes a minimum set of resource considerations that will be considered) and consider any relevant information and findings from the Standards for Rangeland Health Assessment and Evaluation for the area where the voluntary permit relinquishment is received¹¹. For the allotment, or the portion thereof, where the permitted use is voluntarily relinquished, BLM will utilize the aforementioned information to prepare a NEPA analysis to evaluate management actions and/or potential changes in the forage allocation. Upon the conclusion of the NEPA process, BLM will either issue a decision record to implement a change in forage allocation when an area is found to be unsuitable and/or incompatible with livestock grazing or implement livestock grazing management actions if the area is found to be suitable and/or compatible with livestock grazing. The decision record will provide rationale for how resource considerations were addressed in the NEPA analysis. A decision to change forage allocations will be for the life of the plan; additional land use planning-level analysis will not be required.

¹¹ The "area" relinquished could be a single allotment, multiple allotments, and/or portions of an allotment/allotments, as identified by the grazing permittee submitting the voluntary permit relinquishment.

Table 2. Minimum set of existing resource considerations in evaluating the compatibility of livestock grazing use

| Existing Resource | Resource Considerations |
|--|---|
| Wildlife, Fish, and Plant Habitat | Big game winter range Bighorn sheep habitat, T&E ^a , and other bureau sensitive species Priority Sage-grouse habitat |
| Special Management Areas (SMA) | Single SMA ^b Multiple SMAs |
| Fire and Fuels | Fire return interval Resistance and resilience (H, M, L) ^c |
| Realty, Energy, and Minerals | Private inholdings High level of extractive resource potential Existing/potential development (mining, communication sites, Rights-of-way) |
| Vegetation and Ecology | Existing invasive species concerns Species or habitat at risk of loss due to presence of invasive species Extensive presence of invasive species Unique ecology (plant, animal, and soils) |
| Grazing Management | Presence of grazing infrastructure Grazing restrictions by season Meeting Standards for Rangeland Health Standards for Rangeland Health not meeting due to grazing (historic and/or existing) Forage (AUMs) Common Allotments Custodial Allotment |
| Recreation, Land Use, and Public Impacts | Proximity to urban areas and/or neighboring areas of high use Existing and potential recreation use or demands Lands with wilderness characteristics |
| Tribal, Social, and Community | Traditional use areas, community, and economic concerns Tribal concerns and sensitive areas |
| Physical Characteristics and Water | Topography/relief Riparian, wetlands, and hydrology Water Developments (existing) |

^a Threatened and Endangered.

^b Designated Special Management Areas include Wilderness Study Areas, Areas of Critical Environmental Concern, Research Natural Areas, National Historic Trails, and Wild and Scenic Rivers. These are areas with approved management decisions for designation of special management under policy, regulation, or by congressional action.

^c High (H), Moderate (M), or Low (L) Resistance or Resilience indicates whether a landscape is likely to recover naturally after disturbance or would require active introduction of rehabilitation or restoration efforts.

Additional clarification for each resource found in Table 2 is provided in the list below:

Wildlife, Fish, and Plants: Important wildlife habitat management concerns, including disease transmission, management priorities, forage demands, and grazing impacts to other species.

Special Management Areas: Designated Special Management Areas are managed according to BLM regulations and manuals.¹²

Fire: More areas at risk from fire, historic impacts of fire, geography and ecology conditions influence the relationship with grazing use and systems.

Realty, Energy, and Minerals: Existing and potential mining operations, Rights-of-way, land tenure, mineral resources, and demand influences activities that may be authorized in a permitted livestock grazing allotment.

Vegetation and Ecology: Ecologic condition and potential of landscapes drive opportunities for grazing and other uses. Functioning systems may increase opportunities, while nonfunctioning systems may require treatments or other actions which support reduced, deferred, or rested areas. Areas of invasive species or at risk of conversion may suggest certain types of treatment or restoration needs.

Grazing Management: Alternative grazing systems that adhere to existing land use plan objectives and policies will be considered, as well as the establishment of reserve common allotments, and/or targeted grazing treatments. Existing and future evaluations of Standards of Rangeland Health form the basis for future grazing management decisions to address issues. Custodial allotments are typically small areas of public lands within larger privately owned areas and may suggest opportunities for other uses. Whether a permitted area is a common (multiple permittees) or an individual allotment influences both the impacts to the relinquished permit allocation and related permits in the allotment.

Recreation and Land Use: Existing recreational activities, adjacency to other land ownerships (including inholdings within the permitted area), opportunities for land acquisitions or exchange may be considered in the decision for allocating resources.

Social, Tribal and Community: Historic and current communities depend on public land resources. Changes in grazing have direct and indirect impacts to local communities socially and economically. Traditional tribal uses would be recognized in making future allocation decisions. Social interests are integral to recognize how changes in management may be balanced among protection or restoration efforts and other allowable uses in the future.

Physical Characteristics and Water: Topography, water quality, riparian condition, and ecological site potential would be used to recommend future management.

¹² Designated Special Management Areas include Wilderness Study Areas, Areas of Critical Environmental Concern, Research Natural Areas, National Historic Trails, and Wild and Scenic Rivers. These are areas with approved management decisions for designation of special management under policy, regulation, or by congressional action.

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