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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

OREGON NATURAL DESERT ASS’N,

Plaintiff,

v.

KENNY MCDANIEL, Burns District
Manager, BLM, *et al.*,

Defendants.

Case No. CV-09-369-PK

DECLARATION OF
RANDALL RASMUSSEN

I, RANDALL RASMUSSEN, state and declare as follows:

1. My name is Randall Rasmussen and I reside in Corvallis, Oregon. The following matters are personally known to me, and if called as a witness I would and could truthfully testify thereto.

2. I have represented the American Hiking Society (“AHS”) as either an employee or contractor since January 2007. I currently serve full-time as an AHS contractor and throughout 2009 was employed by AHS as its Senior Policy Manager. With a strong

membership base of individual hikers and hiking clubs, the American Hiking Society is the only national organization that promotes and protects foot trails and the hiking experience. Since its founding in 1976, AHS has been the sole national voice for hikers--dedicated to promoting and protecting America's hiking trails and the natural areas that surround them that collectively comprise "the hiking experience." As a recreation-oriented non-profit organization, AHS gives voice to the millions of Americans who hike and is the only national organization that works to ensure positive hiking experiences for this and future generations.

3. In my role with AHS, I collaborate with agency personnel and grassroots recreation and conservation partners throughout Oregon to elevate the voice of "quiet recreationists" in land use and travel planning processes conducted by the Bureau of Land Management ("BLM") and U.S. Forest Service. Key objectives of my work include protecting non-motorized trails and areas, the hiking experience, and related wildlands and wildlife. Prior to representing AHS, I was employed by The Wilderness Society and headed the BLM Campaign for Natural Trails & Waters Coalition (www.naturaltrails.org), an umbrella organization of national conservation and recreation groups who promoted the need for reforms in the management of off-road vehicles ("ORVs") on public lands.

4. I also am a member of the Oregon Natural Desert Association.

5. I currently serve on the Oregon State University Forests' Recreation Advisory Committee and was appointed by the Secretary of Agriculture to represent dispersed recreational interests on the Oregon Coast Range Provincial Advisory Committee, which advises the Siuslaw National Forest and BLM Salem and Eugene districts. I am a volunteer Outings (hiking) Leader for the Marys Peak Group Sierra Club and a founding board member of Trailkeepers of Oregon (www.trailkeepersoforegon.org), whose mission is to inspire action to protect and enhance the

Oregon hiking experience through advocacy, stewardship, outreach and education. I received a Master's degree in outdoor recreation and parks and protected area management from Colorado State University and formerly served as a volunteer river ranger for the BLM in southwestern Colorado (Uncompahgre Resource Area, Montrose District).

6. In 2006, I was the only non-agency participant among 30 attendees in a week-long Recreation Planning Workshop conducted by the BLM National Training Center titled "Effective Engagement in BLM's Land Use Planning Process," held in Portland, Oregon. I have served as a panelist at conferences and workshops regarding outdoor recreation and ORV management, including during both the 2008 and 2010 Annual Public Interest Environmental Law Conferences (held in Eugene, Oregon) and as an invited speaker for travel management workshops conducted by the U.S. Geological Survey (Fort Collins, Colorado, Feb. 2006) and the National Off-Highway Vehicle Conservation Council (Boise, Idaho, Apr. 2005). I have been responsible for organizing and conducting workshops for citizen-activists on ORV and travel management topics, including a "Citizen Guide to Off-Road Vehicle Management on BLM Public Lands: A Two-Day Workshop," (Twentynine Palms, California, Nov. 2004) and have organized conferences such as the Quiet Commotion Summit (Boise, Idaho, Apr. 2008) where I served as a panelist and succeeded in ensuring that agencies such as the BLM were represented throughout the audience and among the various panel discussions (www.quietcommotion.org).

7. Prior to becoming active in non-profit conservation advocacy, I served for a decade as an environmental consultant with regional and international consulting and engineering firms located in the Western U.S. My primary clients were federal land management agencies, including the BLM, for which I served as project manager of environmental analyses required under the National Environmental Policy Act (i.e., a NEPA contractor). Projects I

managed in this capacity ranged from park and recreation master plans to large-scale mining and oil and gas wellfield developments. For these and other projects, I served as technical author for NEPA analyses related to land use, recreation, wilderness, transportation, noise and visual (aesthetic) resources.

8. Steens Mountain is important to me, AHS and hikers nationwide. AHS considers Steens Mountain a “Gem of the West” and for several years has conducted week-long Volunteer Vacations there to assist BLM personnel in rehabilitating hiking and equestrian trails, removing invasive species and performing significant habitat restoration work. I have visited Steens Mountain both for recreational purposes and as it relates to my current line of work. I have hiked the Steens’ extensive backcountry and Wilderness trails and explored its glacially-carved valleys. I will return to Steens Mountain for quiet recreation with my family and for professional responsibilities. Specifically, my wife is extremely interested in witnessing the Kiger mustangs that run free within the area. She owns, maintains and rides a buckskin mare sired by a stallion culled from the wild Steens herds. Our mare bears the telltale signs of its 400+ year-old Spanish ancestry, with a dorsal stripe, “zebra-patterned” legs, two-toned colored mane and tail and hooves as tough as steel. Thus, my wife yearns to observe this striking and celebrated breed in the wild. As such, I promised my wife and kids over a year ago that we would soon camp at Steens Mountain and undertake exploratory hikes in the roadless backcountry, including within Kiger and Big Indian gorges—the latter which I have yet to hike and which a friend who introduced me to Steens Mountain claims as his favorite refuge.

9. Based on my experience, there are vast portions of the Steens Mountain landscape that are largely free of signs and sounds of motorized recreation and where “natural quiet” predominates. My recreational activities in, and enjoyment of, Steens Mountain depend largely

on the absence of sights and sounds of modern society. I seek a quiet experience when I visit Steens Mountain, and I value the benefit of natural quiet to its wildlife and the recreational experience sought by most public land visitors. Knowing that natural quiet will be retained to the fullest extent possible on the land and waters that my family and I use for recreational fulfillment is especially important to me.

10. I firmly believe that comprehensive transportation planning will serve to prevent piecemeal inappropriate recreational access, development and infrastructure from altering Steens Mountain's predominantly wild and quiet landscapes. Thus, my enjoyment of lands within the Steens Mountain Cooperative Management and Protection Area ("CMPA") would be enhanced by strict management of ORV use and thoughtful agency planning regarding the multiple recreational uses of this iconic Western landscape. The BLM's failure to minimize the adverse impacts of ORV and to recognize that natural quiet should be maintained throughout much of the Steens Mountain Cooperative Management and Protection Area harms my ability to use and enjoy these public lands.

INFORMATION REVIEWED

11. I have reviewed the BLM's *Steens Mountain Travel Management Plan Environmental Assessment 05-027-021* (Apr. 2007) and *Finding of No Significant Impact and Decision Record for Steens Mountain Travel Management Plan Environmental Assessment 05-027-021* (Nov. 28, 2007). I also have reviewed pertinent scientific and policy literature. The list of this scientific literature is too lengthy to list here, so I have listed some of it at the end of this declaration. As part of my review, I evaluated whether the BLM's Travel Management Plan ("TMP") for Steens Mountain is supported by scientifically sound conclusions based on its

methods and the best available scientific information. In my review, I also drew on my professional judgment and experience.

SCOPE OF REVIEW

12. I submit this declaration to describe the threats of the TMP to hiking and quiet recreation on Steens Mountain in southeast Oregon. In particular, I focus on the impacts of a travel plan that establishes roads and motorized vehicle use on more than 500 miles of routes on Steens Mountain, while not simultaneously and comprehensively planning for nonmotorized (i.e., quiet) uses. The Steens Mountain Cooperative Management and Protection Act (Steens Act, October 2000) directs the BLM to “conserve, protect, and manage the long-term ecological integrity of Steens Mountain” for the American people and, in doing so, sets a high standard for the area’s management by directing the BLM “to promote grazing, recreation, historic, and other *uses that are sustainable*” for the benefit of present and future generations (P.L. 106-399 Section 102(a) and 102(b)(4), respectively, emphasis added). Unfortunately, the BLM in its *Steens Mountain Travel Management Plan Environmental Assessment* undermines this important goal by rendering a decision to subordinate relatively sustainable, traditional forms of recreation to unsustainable ORV use. In doing so, the BLM decision would foreclose opportunities for current and future “quiet recreationists,” who comprise the vast majority of recreational visitors to Steens Mountain.

DISCUSSION

13. Steens Mountain in southeastern Oregon is a world-class landscape that towers one mile above the Alvord Desert and provides breathtaking views extending into northeastern Nevada and southwestern Idaho. Steens features superior hiking trails like the High Desert Trail, Little Blitzen Gorge Trail and the Wildhorse Lake Loop. It is home to a variety of wildlife

including elk, bighorn sheep, sage grouse and free-roaming wild horses. Steens is a crown jewel of public lands managed as part of the BLM's National Landscape Conservation System. In 2000, Congress passed the Steens Mountain Cooperative Management and Protection Act (Steens Act) in order "to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations."

Traditional Recreation and "Quiet" Use

14. Public lands today receive more pressure from development and recreation than ever before. The ability of public land managers to continue providing quiet recreation settings, and thus the experience necessary to preserve our traditional American past, remains at risk. Traditional and quiet recreational activities include hiking, horseback riding, backpacking, bird watching, hunting and angling and skiing. Yet the high quality experience sought by participants is dependent, to a large degree, on the ability of public land management agencies to provide relatively natural settings that offer visitors an escape from the ruckus and stressors of modern-day life. Inherent to the definition of what comprises a natural landscape is a lack of visible human alterations and the absence of obtrusive, human-generated noise. When these elements are not present, many traditional visitors find it increasingly difficult to achieve the type of recreational experience they desire on public lands.

Quiet Use Represents a Majority of Public Land Visitation

15. The magnitude and extent of environmental impact associated with ORV use is tremendous and disproportionate to the relatively small number of people who participate in this form of recreational activity. Data summarized in the Oregon Statewide Comprehensive Outdoor Recreation Plan demonstrates that hikers comprise 21 percent of Oregon's population while other relatively quiet and non-consumptive recreational activities such as bird-watching and

nature/wildlife observation, for example, are enjoyed by 21 percent and 29 percent, respectively, of the state's residents. Yet less than 6 percent of Oregon residents participate in ORV-related recreation (OPRD 2003). Statistics compiled by the BLM demonstrate a similar trend; ORV use comprises approximately 5 percent of recreational visitation to BLM lands in Oregon (BLM 2004a). Yet as described below, the *Steens Mountain Travel Management Plan* would designate an extensive network of motorized routes (some 500+ miles in total) and would adversely affect quiet recreation throughout most of the Steens Mountain CMPA, including within designated Wilderness areas.

Physical Impacts of ORV Use

16. The following summary of physical impacts caused by ORV use is taken from a 2009 report by the United States Government Accountability Office (GAO 2009).

The environmental impacts of ORV use, both direct and indirect, have been studied and documented over the past several decades. In fact, in 2004, the Forest Service Chief identified unmanaged motorized recreation as one of the top four threats to national forests, estimating that there were more than 14,000 miles of user-created trails, which can lead to longlasting damage. Potential environmental impacts associated with ORV use include damage to soil, vegetation, riparian areas or wetlands, water quality, and air quality, as well as noise, wildlife habitat fragmentation, and the spread of invasive species. For example, studies on the impacts of ORV use indicate that soil damage can increase erosion and runoff, as well as decrease the soil's ability to support vegetation. Additionally, research has shown that habitat fragmentation from ORV use alters the distribution of wildlife species across the landscape and affects many behaviors such as feeding, courtship, breeding, and migration; habitat fragmentation can also negatively affect wildlife beyond the actual amount of surface area disturbed by roads. In 2007, the U.S. Geological Survey reported that as a result of ORV use, the size and abundance of native plants may be reduced, which in turn may permit

invasive or nonnative plants to spread and dominate the plant community, thus diminishing overall biodiversity. Another potential impact of ORV use is damage to cultural resources, including archaeologically significant sites such as Native American grave sites, historic battlefields, fossilized remains, and ruins of ancient civilizations.

17. The increased popularity of ORVs has coincided with technological advances that have enabled these machines to penetrate deeper into the backcountry and pristine areas of our public lands, often at great expense to the landscape. As such, ORVs represent one of the fastest growing threats to both the ecological integrity and function of our public lands—a greater threat in many places than mining or livestock grazing—as a result of their ability to pollute air and water, drive animals away from feeding and nesting areas, tear ruts and ditches into the landscape, reduce the complexity and ecological function of riparian areas, and spread invasive weeds.

Executive Order 11644 and ORV-related Noise

18. BLM regulations require the agency to designate ORV areas and trails only where they “protect the resources of those lands...promote the safety of all users of those lands, and...minimize conflicts among the various uses of those lands.” The directives, found in Executive Order No. 11644 (1972 as amended by Executive Order No. 11989 (1977)) and codified by the Code of Federal Regulations (43 CFR § 8340), require the BLM to make ORV designations with full public participation. The executive order also directs each federal land management agency to develop and issue regulations that designate specific areas and trails on public lands as open or closed with respect to ORV use and with full public involvement. In making these designations, agencies are directed to minimize damage to the soil, watersheds, vegetation, or other resources of the federal lands; harassment of wildlife or significant

disruption of wildlife habitats; and conflicts between ORV use and other existing or proposed recreational uses, “taking into account noise and other factors” (43 C.F.R. § 8342.1). These regulations are unambiguous in directing BLM to allow ORV use only where it does not endanger or interfere with other resources and users of the public lands.

Comprehensive Travel Management

19. The BLM’s *Land Use Planning Handbook* (H-1601-1, revised March 2005) recognizes that there are multiple users of the public lands, including a wide variety of recreationists, and that BLM should take these interests into account when making travel planning decisions. The Handbook provides a definition for this concept, which is appropriately termed Comprehensive Travel Management:

Comprehensive travel management planning should address *all resource use* aspects (such as recreational, traditional, casual, agricultural, commercial, and educational) and accompanying modes and conditions of travel on the public lands, *not just motorized or off-highway vehicle activities* (BLM Handbook H-1601-1, Appendix C, Section II.D) (emphasis added).

20. Thus, by broadening the definition of travel management, the BLM’s leadership wisely put recreational use of ORVs among the many, and sometimes competing, demands for access to and throughout public lands. Comprehensive Travel Management is a vital part of land use planning that permits the BLM to consider protection of the multiple resources, values and uses of the public lands when deciding where, when and how travel should occur.

21. Standards for Comprehensive Travel Management require agency planners to identify areas for travel and recreational use based on program goals and objectives, primary users, reasons for “allowing travel” into an area, the “setting character” to be maintained (including Visual Resource Management), and primary means of travel appropriate to meet

objectives and retain setting character. *See*, H-1601-1, Appendix C, Section II.C. However, public dialogue facilitated by the BLM regarding the *Steens Mountain Travel Management Plan and EA* focused narrowly on what routes to keep open for motorized use, while failing to seek input on important and broad questions like: What is the range of recreational opportunities, experiences, and outcomes that could be realized at this unique and unparalleled unit of the BLM's National Landscape Conservation System?

22. American Hiking Society's scoping letter (dated Jan. 19, 2007, AR 10100) asked the BLM to adopt the agency's definition of Comprehensive Travel Management as it applied to the *Steens Mountain Travel Management Plan and EA*. In fact, one year prior to the onset of public scoping for the *Steens Mountain Travel Management Plan and EA*, I provided verbal and written testimony before the Steens Mountain Advisory Council regarding the need for the plan to include concepts of Comprehensive Travel Management as per the BLM Handbook (December 2005 meeting in Burns, Oregon) (AR 12475 at page 6, STM 1382). I again expressed concerns about the inexplicably narrow scope of the *Steens Mountain Travel Management Plan and EA* in American Hiking Society's public comment letter on the Draft Travel Management Plan and EA (dated May 21, 2007).¹ These requests were roundly ignored by the BLM, which rejected without clarification any notion of comprehensive travel planning.

23. Yet, as stated in American Hiking Society's scoping comment letter, "to be consistent with BLM policy and the Steens Act, the TMP should address a broad range of access and recreational needs, both current and anticipated." AR 10103. It is clear that Congress intended the BLM to craft a wide-ranging travel plan. Section 112(a) of the Steens Act directs the BLM to prepare:

¹ It appears BLM failed to include my May 21, 2007 comments in the administrative record.

...a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall address the maintenance, improvement, and closure of roads and trails as well as travel access.

24. In the *Steens Mountain Travel Management Plan and EA*, however, BLM limits its decision to *motorized transportation*, failing to address *non-motorized* travel and recreation opportunities (see, for example, EA pages 2-3 and FONSI/Decision Record page 4 stating the TMP “focuses on motorized travel routes” and that a future “Comprehensive Recreation Plan” will deal with non-motorized use and routes). Yet the current TMP is neither comprehensive nor does it address the closure of roads and trails that continue to result in resource damage or for which motorized use thereon is resulting in conflicts with other resource values or quiet recreational uses.

25. The decision therefore creates a de facto zoning within the CMPA that would preclude opportunities in the forthcoming Comprehensive Recreation Plan to designate portions of the CMPA for either Primitive or Semi-Primitive Non-Motorized recreational opportunities (according to the Recreational Opportunity Spectrum applied in most BLM land use plans). Consequently, the BLM decision also represents an irretrievable commitment of resources because it fails to address the impact of how and where the designation of motorized routes could serve to preclude or enhance these other types of recreational opportunities.

ORV Use is Largely Unsustainable

26. ORVs are one of many recreational uses of the public lands, but this use presents a high cost to BLM for management, has a high potential to damage non-renewable resources and tends to exclude and displace (or at least substantially interfere with and undermine) other recreational uses such as traditional hiking, hunting, fishing, horseback riding and the enjoyment

of solitude. Many of the proposed ORV routes identified in the *Steens Mountain Travel Management Plan and EA* are redundant, encroach on sensitive habitat, have been created by unauthorized use, lack proper design and engineering, and/or were created to serve non-motorized recreationists. Ironically, one of the purposes of the Steens Mountain Cooperative Management and Protection Area, as listed in the Steens Act is “to promote and foster cooperation, communication, and understanding and to *reduce conflict* between Steens Mountain users and interests” (Steens Act, Section 102(a)(5) emphasis added).

27. The decision by the BLM to designate all but one mile of conceivable motorized routes is not supportable and wholly unsustainable. In addition, the plan fails to recognize the myriad benefits of retaining substantial portions of the CMPA free from the intrusion of motorized vehicles. This failure threatens wildlife populations by not attempting to maintain intact, largely unfragmented habitat, and also threatens fisheries and water quality as a result of increased erosion and sedimentation into water bodies in comparison to watersheds where motorized recreation is not allowed.

Hiking and Quiet Recreation Threatened by ORV Use

28. As stated previously, numerous scientific studies demonstrate that ORV use causes significant soil erosion, destroys vegetation, fills streams with sediment, spreads invasive weeds, damages riparian areas, and harms wildlife. Consequently, hikers can experience conflict even when they do not encounter ORVs on the trail. Evidence of the passage of ORVs, via crushed vegetation or tire ruts, can be evident along a trail and often is apparent to the hiker.

29. Recreational conflict is well documented in the social sciences literature. The most common definition of recreational conflict is “goal interference attributed to another’s behavior” (Manning 1999). People undertake recreational activities in order to achieve desired

experiences, such as achieving solitude, communing with nature, or escaping from the stresses of everyday life. The mere presence and/or behavior of other parties encountered when recreating outdoors can affect an individual's perception of what degree their desired experience for the trip was achieved (Lindberg et. al. 2005). A perceived reduction in the quality of the recreational experience may lead to personal dissatisfaction and a desire to not return to a particular area.

30. Perceived conflict occurs most often between different types of recreationists than between recreationists engaging in the same activity. Moreover, research demonstrates that user conflict is often "asymmetrical," with most recreationists engaged in traditional activities perceiving conflict caused by those using newer technology, such as all-terrain vehicles ("ATVs" but the reverse being less common (Vaske et al. 2000). For example, cross-country skiers may be bothered by snowmobile riders but snowmobile riders are not generally bothered by cross-country skiers. This "asymmetrical conflict" is most likely to occur between motorized and non-motorized recreation activities and led one study on the topic to conclude:

[W]hen comparing the compatibility of all other land-based activities with hiking and ATV riding, it is evident that ATV riding is incompatible with every other land based activity but snowmobiling (Wisconsin DNR 2006).

31. In recognizing the incompatibility of ORV use and hiking, a management plan for the BLM's Lake Havasu District, Arizona, for example, characterized hiking and ORV use of trails as "mutually exclusive activities" (BLM 2006).

32. ORV use also causes adverse impacts on the recreational experiences of almost every other user of public lands. There are significant safety concerns regarding ORV use, as well as conflicts with other public land visitors who seek a quiet and non-motorized public lands experience. ORV conflicts with hikers, hunters, and other non-motorized recreationists are well documented and in rare instances is ORV use compatible with these other uses. An Oregon

Department of Parks and Recreation report, in summarizing public response to a series of statewide questionnaires, underscored the incompatibility of ORV uses with other, non-motorized uses when it reported that:

There is concern that (ORV) riding areas be thoroughly separated from hikers, kayakers, campers, cyclists and other human-powered users of public lands and that environmental impacts be closely monitored and managed (OPRD 2003).

33. To underscore the inherent incompatibility of mixed-use trails on which ORV use is allowed, the American Hiking Society in 2007 adopted a policy on ORV use of public lands. It clearly applies to the Steens Mountain CMPA and states in part:

Hikers visit our nation's parks, forests and deserts to escape the fast pace of modern society, connect with nature, observe flora and fauna, and experience solitude, fresh air, and natural sounds while exploring and enjoying the outdoors on foot... The sight and sounds of ORVs alter the remote, wild character of parks and forests and deny other visitors the quiet, pristine, natural experiences they seek...American Hiking Society views ORVs as incompatible with...trails on which travel by foot is a primary pursuit. American Hiking opposes the use of ORVs in wilderness study areas, roadless areas, and remote portions of backcountry areas...where natural resource protection is the prime management objective (AHS 2007).

34. The challenge for the BLM in the *Steens Mountain Travel Management Plan and EA*, therefore, was to identify locations where ORV use would not result in adverse impact to resources while ensuring that conflicts with non-motorized human uses, including adjacent private landowners, are minimized. The plan should have considered the fact that non-motorized users of the public lands typically outnumber ORV users by a ratio of at least 10:1, while the disproportionately large sphere of influence (i.e., extent of noise, air pollution) and distances

traveled by many ORVs in a single day exacerbate their environmental impact and the perception of motorized uses as a dominant presence on the landscape. The *Steens Mountain Travel Management Plan and EA* failed miserably in this regard.

35. Consistent with guidance in the BLM Land Use Planning Handbook for Comprehensive Trails and Travel Management (H-1601-1, Appendix C), BLM plans must not focus solely on motorized route designation alone, but also on achieving a transportation system that minimizes conflicts between quiet and motorized recreation. The *Steens Mountain Travel Management Plan and EA* should have included an examination of *all* routes, including existing system roads and trails and potential future additions to the non-motorized trail system. The plan also should have defined actions to be taken by the BLM in response to trends in recreational use and, importantly, how the current unmet demand for non-motorized forms of trail-based activities would not be compounded by the designation of motorized routes in areas that otherwise could be managed to provide quality non-motorized recreational experiences. But again, the *Steens Mountain Travel Management Plan and EA* failed miserably in this regard.

Displacement of Quiet Recreationists by ORV Use

36. As described above, the high-impact nature of ORV recreation diminishes the quality of the recreational experience of other visitors (due to noise, air pollution and dust that extend far beyond the trail itself) and ultimately displaces non-motorized visitors. The *Washington Post* recently highlighted this conflict in an article titled “Off-Road Rage Climbs as Trails Get More Crowded.”²

² <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/11/AR2008081102040.html>, accessed July 17, 2010.

37. It has long been recognized that traditional, quiet recreationists often will cease visiting a favorite area if ORV use is not prohibited and/or becomes frequent. One researcher put it bluntly:

Noisier, more consumptive and less contemplative recreationists such as ORVers tend to drive out quieter, less consumptive, and more contemplative users (Badaracco 1978 in Sheridan 1979).

38. More recently, a 2004 management plan for a Colorado National Conservation Area managed by the BLM documented the fact that even managed and controlled motorized use will result in the displacement of traditional recreationists from historically-used foot trails:

Even though the trails are designated as multiple use, heavy motorized use tends to cause other trail users to pursue opportunities at other locations in order to realize desired experiences and benefits (BLM 2004b).

39. Some researchers have evoked concern over the displacement of traditional recreational uses, speculating that “The displacement of multiple types of non-motorized recreation in favor of more intensive (ORV) use may have significant economic impacts on the local economy” (Swanson and Loomis 1996). Yet nowhere is this fact, or concern regarding the potential displacement of quiet recreationists, recognized in the *Steens Mountain Travel Management Plan and EA Decision Notice*.

Natural Quiet an Asset and a Resource to be Protected

40. With increases in public visitation and mechanized travel, air and noise pollution are intruding more and more into preserved natural areas like the Steens Mountain CMPA. Psychological research shows that humans can detect very low levels of these pollutants in natural and laboratory settings, that air and noise pollution detract from the enjoyment of the

visitor experience, and that people place a high value on naturally quiet, pollution-free settings (Mace et al 2004).

41. “Natural quiet” has become increasingly scarce on public lands throughout the Western U.S. Its scarcity is a result of many factors, including the increase in both commercial and military air traffic, and an increase in the use of ATVs and other ORVs coupled with advances in engine technologies that have allowed ORV enthusiasts to penetrate deeper into the backcountry each year.

42. Oregon travel magazines rave about the dramatic scenery of Steens Mountain’s “glacial valleys carved into giant U’s that beg for hiking and horseback riding.”³ The tranquility currently available at Steens Mountain is touted in an on-line realty advertisement for Steens Mountain Packers, a professional outfitting service, as an asset in “enjoy(ing) the quiet life in the majestic Steens Mountains.”⁴

43. Tellingly, the website of the Harney County Chamber of Commerce promotes the importance of natural quiet in tourism to Steens Mountain. In a section titled “Summer on Steens,” the website emphasizes the variety of quiet recreational opportunities that, ironically, would be threatened by the BLM’s decision for the *Steens Mountain Travel Management Plan and EA*. The Chamber of Commerce website states:

Spring and summer often collide on the Mountain as these seasons here are short. Vacation activities abound for those who enjoy fishing, swimming, hiking, rock hounding, scenic touring, horseback riding, star gazing, or just *soaking up the quiet in the tranquil and relaxing*

³ http://www.portlandmonthllymag.com/travel-and-outdoors/find-a-getaway/#/search:*/info:10/, accessed July 16, 2010.

⁴ <http://www.cowboy.com/index.php?nav=listing&id=11687>, accessed July 16, 2010.

atmosphere. Peace and solitude are abundant here while development is minimal. Our trails and scenic sites are primitive in nature and relatively unmarked. The land is open to discovery with not only designate Wilderness, but is also full of Wild places (emphasis added).⁵

44. Natural quiet is a resource worth protecting given its growing scarcity coupled with the beneficial effects of natural quiet to wildlife populations and the recreational experience of most public land visitors. Consequently, the BLM should endeavor to retain natural quiet (to the extent it is within the BLM's control) in important landscapes, watersheds, or "soundsheds" of the Steens Mountain CMPA. Yet it failed to do so in its Travel Management Plan EA.

Noise Associated with 500+ Miles of ORV Routes Would Leave Few Quiet Landscapes Intact

45. Like most hikers, I am easily annoyed by the presence of ORVs or visual evidence of their passage, particularly in backcountry areas of our public lands (via the presence of crushed vegetation, churned soil or trails rutted by knobby tire tracks). Even when I do not have a direct encounter with an ORV, noise generated by ORVs can travel several miles and diminish my experience depending on variables such as wind, humidity, intervening topography, and the presence or absence of vegetative cover. ORV noise destroys natural quiet and conflicts with the type of recreational experience I typically seek, particularly at Steens Mountain. Thus, encounters with ORV riders often impair my enjoyment of public lands, evokes concerns over the safety of my children who often hike with me, and make it unlikely that I will visit an area again that is used by ORVs.

⁵ <http://www.harneycounty.com/steensmountain.html>, excerpted from a description of Steens Mountain. Accessed July 16, 2010. Interestingly, the website does not mention opportunities for riding off-road vehicles on Steens Mountain.

46. My friend and colleague, Craig Miller, of Oregon Natural Desert Association prepared a series of maps depicting hypothetical noise “contours” for noise emanating along the length of each route designated for motorized use in the *Steens Mountain Travel Management Plan Environmental Assessment 05-027-021* (Apr. 2007) and *Finding of No Significant Impact and Decision Record for Steens Mountain Travel Management Plan Environmental Assessment 05-027-021* (Nov. 28, 2007). These maps are appended to my declaration as Attachments 1 and 2.

47. Hypothetical noise contours are depicted in Attachments 1 and 2 for scenarios where it is assumed that noise from ORVs and other motorized vehicles could be perceptible by the human ear a maximum distance of 1 mile and 2 miles, respectively. The extent of this noise is depicted in the attachments with light brown shading and designated in the map legend as 1-Mile and 2-Mile “Route Buffers,” respectively. Therefore, the light brown shading on each map depicts the extent of the landscape that could be subject to ORV-related noise under each of the scenarios (i.e., noise traveling up to 1 or 2 miles).

48. Noise contours in Attachments 1 and 2 are depicted only for those routes that are designated “open” for motorized use on public land within the CMPA; noise contours are not shown for those portions of routes that pass through private land.

49. It is important to note that noise contours depicted in Attachments 1 and 2 do not necessarily reflect conditions on the ground that could serve either to attenuate or reflect motor vehicle-related noise. Factors that could serve to attenuate or reflect noise include topography, vegetative cover and the relative position of the noise source and the noise receptor (e.g., a hiker). For example, a noise-sensitive receptor could be located within one of the CMPA’s many gorges while the noise source could be located beyond the rim of the gorge and, thus, out of

direct line-of-sight and possibly not audible above background noise levels. Conversely, noise could travel further than either 1 or 2 miles within the relatively open sagebrush steppe of the lower mountain or, alternatively, to receptors located upslope of a motorize route when intervening topography serves to reflect noise upslope. Consequently, the noise contours shown in Attachments 1 and 2 are uniform along each route segment on public land and highly generalized.

50. Using Geographic Information Systems mapping software, Mr. Miller compiled the following statistics for the landscape depicted in Attachments 1 and 2:

Total CMPA acres: 496,136
Total *public land* CMPA acres: 428,365
Total *Wilderness* acres: 170,123

51. Applying the noise contours depicted in Attachments 1 and 2, Mr. Miller determined the following:

Total acres within 1 mile of public land open roads: 371,529 (74.9%)
Public land acres within 1 mile of public land open roads: 326,723 (76.3%)

Acres within 2 miles of public land open roads: 450,370 (90.8%)
Public land acres within 2 miles of public land open roads: 391,760 (91.5%)

52. Remarkably, with the BLM TMP decision, *less than 10 percent* of all lands in the CMPA would be further than 2 miles from an open road on public land. Similarly, only 27 percent of all lands in the CMPA would be further than 1 mile from an open road. We can also state this in the obverse, that over 90 percent of all lands in the CMPA lie within 2 miles of an open road, with obvious implications for the disruption of quiet recreation throughout 90 percent of the CMPA as a result of motor vehicle and ORV use.

53. Of interest, the mapping exercise demonstrates *there are no BLM lands outside the 2-mile buffer other than designated Wilderness*, yet the majority of Wilderness is within

2 miles of existing open routes on public land and, therefore, potentially subject to ORV-related noise. A small fraction of non-Wilderness lands are further than 1 mile from open public land routes, but most of the CMPA is within 1 mile of a proposed open route.

54. Yet the *Steens Mountain Travel Management Plan and EA* makes no mention of noise-sensitive receptors (e.g., wildlife) and quiet recreational uses that would be adversely affected by the presence and noise associated with ORV use along designated motorized routes. Moreover, the plan makes no attempt to define the “desired recreational experience” of quiet users—as it does for ORV users. There is nothing even remotely like the analysis I present above, in BLM’s EA.

55. Plainly, the BLM decision is highly flawed and biased toward maximizing the extent and adverse impact of ORV and motorized use throughout the CMPA—contrary to existing law and BLM policy. If implemented, the BLM decision would significantly undermine the type of quality recreational experience sought by me, the Nation’s hikers and all quiet recreationists who view Steens Mountain as a jewel among the crown of the BLM’s National Landscape Conservation System.

SUMMARY AND CONCLUSIONS

56. The BLM decision for the *Steens Mountain Travel Management Plan and EA*, in effect, subordinates all forms of quiet recreation, including hiking, to ORV recreation. The decision was rendered less than two weeks after the close of a public comment period on the draft Travel Management Plan, during which time the BLM received more than 9,800 public comment letters. The outcome of its hasty decision allows the BLM to establish ORV use as the dominate recreational use on more than 500 miles of existing roads and trails throughout the

CMPA, irrevocably changing the landscape even in locations where little, if any, motorized use occurs at present.

57. The BLM decision ignores public input provided by American Hiking Society and others who implored the agency to consider also the needs of wildlife, hikers, and other quiet recreationists as required by BLM regulation. As such, the agency failed to craft a management plan that recognizes the pervasive and profound negative impacts associated with ORV use, while failing to accommodate a reasonable diversity of recreational uses that does not compromise safety, resource values, or generate conflicts with the traditional and quiet recreational uses of public lands.

58. ORVs degrade public lands and their noise destroys natural quiet. Their use is incompatible with the majority of quiet recreational uses. Even moderate levels of ORV use can cause other recreationists to avoid landscapes used by ORVs in the future.

59. The use of ORVs on over 500 miles of roads and trails within the Steens Mountain Cooperative Management and Protection Area would impair both my enjoyment and that of future hikers and quiet recreationists to this spectacular and unparalleled landscape. The potential for ORV-related noise to extend throughout most of the CMPA would cause irreparable injury to me and to the significant “sense of place” and quiet currently found at Steens Mountain. The uniqueness of Steens Mountain and the special experience there would be less special if ORV-related noise impaired my ability to hear the varied songs of migratory birds, the movement of water within its glacially-carved gorges, the thumping of sage grouse or the gentle applause of the wind.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 22nd day of July 2010.

s/ Randall Rasmussen

Randall Rasmussen

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