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The mission of the Idaho Wildlife Federation is to promote the conservation and protection of our natural resources, wildlife, and wildlife habitat for current and future generations.



**IDAHO WILDLIFE FEDERATION**

*Affiliated with the National Wildlife Federation*

## Testimony

**Before the Subcommittee on Public Land and Forests,  
Senate Energy and Natural Resources Committee  
HR 3603, Central Idaho Economic Development and Recreation Act  
(CIEDRA)  
September 27, 2006**

The Idaho Wildlife Federation (IWF) is a non-profit conservation and education organization that advocates for wildlife and wildlife habitat. IWF informs the public on the state of wildlife populations, wildlife habitat, management of fish and wildlife resources on public lands managed by the Bureau of Land Management, the U.S. Forest Service and other federal agencies with management responsibilities for the perpetuation of Idaho and the nation's wildlife resources, and the State of Idaho agencies responsible for wildlife and wildlife habitat. We have statewide membership and our members represent wildlife interests such as fishing, hunting and wildlife watching and photography. We ask that this testimony be made part of the record on HR 3603.

Much has been said about the difficulty Representative Simpson encountered in bringing some groups together and the hard work in piecing together an agreement and then legislation. But legislation that so broadly effects public lands cannot be deemed a success because it makes other interest groups in Idaho unhappy.

Then there is the question of what is right for public land, and whether or not we are protecting it for the benefit of all citizens for whom it is held in trust. This is perhaps why 47 conservation organizations, 15 based in Idaho, oppose CIEDRA; not even the prospect of wilderness can hide the deficiencies of this legislation.

IWF objects to many components of HR 3603, namely, that it does nothing for wildlife and disposes of 5,100 acres of public lands. This bill reduces wildlife habitat and reduces the opportunity for anglers, hunters, and wildlife enthusiasts to enjoy the use of the resources found on these lands.

CIEDRA gives away 5100 acres of public land with the avowed purpose of aiding local governments. Some of the land giveaways could be acquired under

long-standing laws such as the Public Purposes Act, Small Tracts Act, the Federal Land Transaction Facilitation Act and other means like leases, sales or exchange.

The land giveaways under CIEDRA will not undergo environmental or alternative analysis under the National Environmental Protection Act (NEPA), and CIEDRA allows no discretion for the government not to transfer the lands. NEPA and the long established public land disposal laws provided for analysis and critical public input. These statutes provided for disposal only for lands specifically identified in land use plans, plans that underwent

public participation.

In the late 1960s the Public Land Review Commission undertook a thorough review of public land policy, and in 1976 with the passage of the Federal Land Planning and Management Act, public policy went from disposal of public lands to retention. With CIEDRA, other proposed bills featuring land giveaways and sale and local control, we may be witnessing the undoing of the hard and dedicated work the Public Land Review Commission accomplished thirty years ago. All this is taking place without open public debate.

The current Sawtooth National Recreation Area (SNRA) management effectively regulates uses, such as motorized recreation, livestock grazing, outfitting and guiding and a wide variety of outdoor activities. The current management also efficiently manages the natural resources, such as fish and wildlife. Where motorized use has damaged trails, the U.S. Forest Service (USFS) has closed damaged trails like the Big Boulder Basin Trail through Quicksand Meadows and the Boulder Chain Lake Trail. Under CIEDRA there is no net loss of trails. This severely hampers the efficient management of these resources. The IWF finds this provision particularly onerous.

Without a federal water right the future recovery of salmon and steelhead in Idaho is jeopardized. Sufficient and non-polluted water is essential to salmon recovery. The exclusion of a federal water right further hampers the efforts of all in achieving respectable populations of these fish.

The IWF strongly objects to grandfathering in any further uses than already exist in the Wilderness Act. We feel the inclusion of uses such as outfitting and guiding and horseback riding must not be included in any legislation that includes wilderness or in any stand-alone wilderness bill.

Our organization disapproves of the provision in CIEDRA that loosens protection of resources through which mining claimants have access. Additionally, we oppose any weakening of regulation of livestock grazing, particularly in the White Clouds Peak area. Whenever damage occurs, it takes several decades to recover from the damage, and sometimes full or near complete recovery takes much longer.

We oppose the proposed wilderness management in CIEDRA as inconsistent with the Wilderness Act. The proposed changes were objected to by the USFS in their testimony at the U.S House of Representatives Resource Committee on October 27, 2005. IWF also opposes the release of more than 130,000 acres of Wilderness Study Areas to new and more intensive land uses or development.

The Idaho Wildlife Federation recommends that this legislation be returned to the sponsor and the collaborative group that authored this legislation, with the recommendation that the collaborative expand, especially include a representative(s) from recognized and active wildlife conservation groups in the area, and that all the add items like grandfathering certain uses and no net loss of trails be discarded.

Further, that the public land giveaways also be removed from further consideration. What we do believe is that if a wilderness bill arises from the ashes of CIEDRA and is inclusive of the parties that could draft such legislation; a bill that a majority of Idahoans could support would emerge.

Thank you for your consideration of our testimony.



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September 16, 2006

**TESTIMONY OF RUSSELL W. HEUGHINS  
PRESIDENT  
BEFORE THE SENATE ENERGY & NATURAL RESOURCES COMMITTEE  
REGARDING S 3794  
Hearing of September 27, 2006**

The Idaho Bird Hunters is a non-profit, membership organization founded in 1980 to perpetuate game bird hunting, conservation and educate the public on game bird hunting and wildlife conservation. We are registered as an “interested public” with the Bureau of Land Management (BLM) and routinely review BLM public land management plans, decisions and actions regarding the administration of public lands. Members regularly volunteer to work on wildlife habitat improvement projects.

Today we submit our concerns regarding S 3794.

**S 3794, Owyhee Initiative Implementation Act of 2006.**

Our organization first became involved with the Owyhee Initiative (OI) in December, 2001 when the IBH president met with one of the environmental representatives on the OI Working Group. The OI Working Group members drafted the OI proposals. The first meeting was informational for both parties. We first received a copy of the Draft Owyhee Initiative through our president’s membership on BLM’s Boise District Resources Advisory Council.

After reviewing the Draft OI we advised the Idaho Wildlife Federation (IWF) to review and become involved with the OI. IBH is an affiliate of the IWF. The Wildlife Federation formed a committee to review and analyze the proposal. IBH is a member of that committee. The IWF committee then held a series of meetings with the environmental representatives on the OI Working Group. We presented our concerns that were:

- Access to traditional and popular hunting areas within the proposed wilderness boundaries.
- The creation of a Science Review Process managed by the OI Board of Directors.
- The release of Wilderness Study Areas to multiple use.
- Grazing management language in the proposed wilderness areas.

These were our major concerns at the commencement of the meetings and throughout the meetings. We never received feedback on our concerns from the Working Group representatives. After the fifth meeting, we discontinued meeting with the Working Group representatives. We attribute the lack of progress and feedback to the pre-conditions set down by Owyhee County.

In July, 2001, Owyhee County announced in a press release that stated, “COMMISSION CHAIRMAN HAL TOLMIE SAID THAT THREE ISSUES ARE NOT OPEN TO NEGOTIATION”. The three issues are:

- “...the protection of livestock grazing as an economic use is not negotiable”.

- “...the full protection of water of water rights”.
- “...that we won’t include Jon Marvel and his supporters who oppose grazing federal lands in the discussion”.

Another county commissioner stated in the press release that, “The economic stability of our ranchers and farmers depends upon certainty in grazing and water uses. Those who oppose that concept have no place in discussing resolution of issues.”

We believe the position of Owyhee County is far off the mark. Our position is that members of the public are granted a place at the table in any discussion regarding the administration of public lands, irrespective of location within our nation. This is assured by the Federal Land Planning and Management Act (FLPMA), as are public land permittees assured grazing privileges by the Taylor Grazing Act and FLPMA.

IBH also believes the concept of “economic viability” originated with the County press release. We also understand that this concept has more factors, such as management acumen, the market place, the costs of doing business, weather (for example drought) and other conditions that may exist that periodically effect ranching operations.

When inviting selected publics to become members of the Owyhee Initiative, the County selected the Idaho Outfitters and Guides Association (IOGA) which is represented by their executive director. The County then extended his representation to include hunters in general. It is fair to say that Idaho hunters do not consider a representative of the IOGA as representing the general hunting populace in Idaho. The IBH certainly does not consider a business association as a suitable representative of Idaho game bird hunters.

Given these conditions, it was very difficult to make headway with our concerns with the OI Working Group. There were side meetings addressing access which were equally unsuccessful. From the time the meetings stopped until the present time, acquiring up-to-date information on the OI and its progress was difficult.

We have grave concerns with the potential consequences of the Science Review Process provision of the OI and the implementing legislation. IBH recognizes a potential for this provision to discourage BLM from making decisions based on the needs of public land resources and their ability to sustain these uses without further damage. Our position is that all users of the public lands open to livestock grazing have sufficient opportunity to recommend management practices to the BLM on a continuing basis. In the case of Owyhee County, we believe they have more access to BLM than any other segment in southwest Idaho. They hold monthly meetings with BLM to discuss topics of mutual interest. IBH and IWF have followed their example, and we now meet periodically with the local BLM office.

We further believe that current law and regulations assure adequate input into the decision making process for all members of the public interested in doing so. Adding a provision for additional science review is superfluous, and it can only complicate the resolution of resource conflicts. A willingness on the part of all parties to work with each other to find practical and workable solutions to resource conflicts is a much more acceptable solution. We support this type of conflict resolution that has been missing from public land management for quite some time.

The release of approximately 200,000 acres of Wilderness Study Areas is of great concern to IBH. Much of this acreage is lightly used and is in near pristine condition, making good to excellent wildlife habitat. Our recent experience and our involvement in public land management in Owyhee County lead us to be cautious. Without some limitations, these lands could well be subject to maximum livestock development. Such an occurrence would be detrimental to wildlife and their habitat.

The language in the wilderness management portion of the Owyhee Initiative and proposed to be implemented with S 3794 weakens current wilderness requirements found in the Wilderness Act and House Report No. 101-405. For example, in the OI under Grazing Management the term “current and customary” is used. The Wilderness Act has a more restrictive requirement based on actual need and impact on wilderness. “Current and customary” suggests more frequent access to facilities in wilderness areas. We do not support a broadening of grazing management language in wilderness management.

Another of our concerns is the provisions for the purchase of inholdings and public land exchange option if the land owner opts for exchange rather than sale. IBH believes these provisions are open to potential abuse. That the land owner gets to set the price without an appraisal is highly questionable. The equitable way is to require appraisals for the lands offered for sale or exchange.

We are also having grave concerns that a pool some estimate at 75,000 acres of public lands suddenly becomes available for disposal by exchange without public review and input. Some of these identified public lands support valuable wildlife habitat. The correct procedure is to amend the current land use plan where it will receive public scrutiny and input. If the decision is to dispose of these lands then the existing law and regulation for disposal for exchange must be followed. Consider that should wilderness be designated, then exchange can take place for inholdings following current law and regulation. Additional legislation is not needed.

The IBH believes the funds necessary to implement this legislation are not justified in a time of frugal budgets. There are several unspecified funds to be authorized if this legislation passes. One mandated cost is the fencing on the proposed non-grazing wilderness. We were led to understand that the cost of fencing in the Boise District of BLM is, conservatively speaking, \$5,000.00 per mile. The cost escalates as the degree of difficulty in installation increases. For example, if the fence contractor encounters bedrock the price will correspondingly increase. In the proposed non-grazed wilderness areas there is a lot of basalt rock underlying the soil, and the soil does not have great depth. The OI will require the amendment of three land use plans. What will be the cost of amending them, plus other changes that will be necessitated?

The position of IBH is that some of the OI proposals can be addressed through current law and regulation, and that this particular legislation is not needed, and this bill should be set aside. Wilderness and Wild and Scenic River designation requires statutory authorization; most other OI proposals could be accomplished if some of the contending parties were more cooperative.

The impetus behind this bill is not in the public interest, it is in the interests of Owyhee County, a few public land ranchers, the Idaho Outfitters and Guides and a few environmental groups. It is important that there is an in-depth analysis, disclosure, and deliberation of this legislation that has not occurred at this point.

Thank you for your consideration of these comments and the opportunity to comment.