

April 21, 2016

Senator John Barrasso
Chairman
Subcommittee on Public Lands, Forests
and Mining
U.S. Senate
Washington, D.C. 20510

Senator Ron Wyden
Ranking Member
Subcommittee on Public Lands,
Forests and Mining
U.S. Senate
Washington, D.C. 20510

**Hearing Statement on S. 1167, a bill affecting the Owyhee Canyonlands
Wildernesses in Idaho**

Dear Senators Barrasso and Wyden, and Members of the Subcommittee:

On behalf of Wilderness Watch and Friends of the Clearwater, we are writing to express our strong opposition to Section 3 of S. 1167. Please make this statement part of the hearing record.

S. 1167 deals with six Wildernesses in the Owyhee Canyonlands area of Idaho. Congress designated these six areas as Wilderness as part of the 2009 Omnibus Public Lands Management Act, P.L. 111-11.

Section 3 of S. 1167 would allow ranchers to drive trucks, ATVs, or other motor vehicles into all six of the Owyhee Wildernesses “for livestock monitoring, herding, and gathering....” It is this provision to which our organizations vigorously object, and for the following reasons:

1. Motor vehicles will significantly degrade the wilderness character of these six Wildernesses. Allowing ranchers to routinely drive motor vehicles into these Wildernesses would degrade the wild character of the areas. Motor vehicle use is not allowed under the 1964 Wilderness Act (36 U.S.C. 1131-1136).

The Wilderness Act contains a prohibition on motor vehicles inside of designated Wildernesses. This prohibition is one of the strongest protections for Wilderness under the Act. Section 4(c) of the Wilderness Act states the following:

“ [T]here shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.”

This protection in the Wilderness Act protects an area’s wilderness character, the preservation of which is the prime directive of the law. Section 3 of S. 1167 would negate this fundamental protection for the six Owyhee Canyonlands Wildernesses.

The quiet desert environment of the Owyhee Canyonlands Wildernesses would be shattered by motor vehicle traffic. Section 3 of S. 1167 threatens to make these six Wildernesses, covering over a half million acres, into something substantially less than real Wilderness.

2. This provision is not needed. Ranchers across the West conduct their livestock activities inside designated Wildernesses without trucks and motor vehicles. There is nothing about the Owyhee Wildernesses that would suggest ranchers here need special treatment not afforded to ranchers who use other Wildernesses for grazing their livestock.

The use of motor vehicles inside the Wildernesses would certainly be more *convenient* for the ranchers in the Owyhee Wildernesses, but convenience is not the same as a need. The Owyhee ranchers can conduct their livestock activities in designated Wilderness without trucks, ATVs, or other motor vehicles, just as ranchers in Wildernesses elsewhere across the West do.

3. Limited motor vehicle use for livestock management is already allowed in Wildernesses, but section 3 of S. 1167 would go far beyond what is currently allowed and be unprecedented in the National Wilderness Preservation System. Section 3 of S. 1167 goes far beyond what is allowed under either the 1964 Wilderness Act or the Congressional Grazing Guidelines.

Section 4(d)(4) of the Wilderness Act states:

“...the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.”

Under the Wilderness Act, some limited motor vehicle use has been allowed for livestock purposes.

In 1980, in an appendix to House Report 96-617, Congress elucidated what kinds of activities were permitted in Wilderness in what has become known as the Congressional Grazing Guidelines. Among many other provisions, the Congressional Grazing Guidelines include:

“Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such

activities can reasonably and practically be accomplished on horseback or foot.”

The guidelines further on also state:

“The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. The privilege is to be exercised only in true emergencies, and should not be abused by permittees.”

As this language shows, some limited motor vehicle use for livestock purposes is already allowed in Wildernesses under the Congressional Grazing Guidelines. These guidelines were later reiterated by Congress for BLM-managed lands in 1990 in House Report 101-405. Public Law 111-11, which designated the Owyhee Wildernesses, incorporated the grazing guidelines as Appendix A of House Report 101-405. Section 3 of S. 1167, however, would allow routine motor vehicle use for all livestock purposes, and such unlimited motor vehicle use would be unprecedented in the entire National Wilderness Preservation System.

4. This provision could be replicated and expanded in future wilderness bills.

If the ranchers in the Owyhee Wildernesses receive motor vehicle access, ranchers all across the West who run livestock in other Wildernesses will also want the same access. This could lead to a corrosion of standards for the entire National Wilderness Preservation System.

Our research on special provisions in wilderness bills from across the country shows that such repetition and expansion of other wilderness-damaging provisions has already occurred for other issues in Wilderness. Congress shouldn't add to those problems with Section 3 of S. 1167.

Please remove Section 3 from S. 1167.

Sincerely,

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