

**Wilderness Watch
Western Lands Project
Friends of the Clearwater**

June 15, 2010

The Honorable Jeff Bingaman
United States Senate
Washington, DC 20510

RE: Statement on S.3294, Central Idaho Economic Development and Recreation Act.

Dear Chairman Bingaman:

On behalf of Wilderness Watch, Western Lands Project and Friends of the Clearwater, we are providing this statement for the hearing record on S. 3294, the Central Idaho Economic Development and Recreation Act.

Our organizations were instrumental in organizing the Committee to Save the Sawtooth NRA in response to the initial CIEDRA legislation introduced several years ago. The 47 grassroots, regional and national organizations that came together under the CSSNRA worked tirelessly to defeat the bill. Those early versions of CIEDRA would have inflicted untold harm on the wildlands within and nearby the Sawtooth NRA. Those bills would have given away more than 5,000 acres of national forest and other public lands for free. They mandated off-road vehicle corridors through critical wildlife habitat and established motorized recreation as the priority use for many areas. The Wildernesses designated by those bills would have been highly fragmented, and the protections normally afforded by the Wilderness Act were watered-down so that the interests of private groups took precedence over the public good. CIEDRA bestowed the title "Wilderness" on lands while failing to provide traditional wilderness protections. Water rights needed to protect fish and wildlife downstream were stripped from these bills, putting endangered salmon populations at greater risk. More than 200,000 acres of potential Wilderness lands were released from current protections and opened to damaging ORV and other uses.

Through the efforts of our organizations, local concerned citizens, and wilderness-supporting Members of Congress, and in spite of the unflinching support for the harmful CIEDRA bills from the Pew Foundation's Campaign for America's Wilderness, The Wilderness Society, and Idaho Conservation League, those previous versions of CIEDRA met their appropriate demise, making it possible to create legislation that is worthy of one of the most remarkable natural landscapes in America.

We appreciate the efforts of the Committee leadership and Senator Crapo in reshaping those earlier versions of CIEDRA into the much improved version introduced as S. 3294.

With regard to S. 3294, the latest version of CIEDRA, we wish to first acknowledge the many improvements in the legislation over previous versions. Gone are most of the land giveaways, replaced instead with much more limited land conveyances aimed at specific public purposes and more closely adhering to existing law. Gone, too, are most of the damaging Wilderness provisions that allowed for extensive motor vehicle use, habitat manipulations, and commercial special interest rights. Also excised from earlier versions of CIEDRA are the destructive provisions creating the Boulder-White Clouds Management Area and its mandated off-road vehicle routes and prioritization of ORV use for the area. These are all changes that our organizations advocated for since the first CIEDRA bill, and we're very pleased to see those changes in the current bill.

While much improved, S. 3294 still contains a number of provisions that should be changed to provide adequate protection for the natural values of the area and the public interest. Our concerns and recommendations follow:

Title I—Wilderness Designations

The Boulder-White Clouds roadless area, at approx. 475,000 acres is the largest unprotected national forest roadless area in the Lower 48 States. Together with adjacent BLM-administered wildlands, the area harbors a potential contiguous, unbroken wilderness of over one-half-million acres, all of which would be protected in H.R. 980, the Northern Rockies Ecosystem Protection Act. CIEDRA protects only two-thirds of the area. Far more troubling, however, the three motor vehicle corridors in the bill fragment this connected Wilderness into four smaller parcels, two of which are less than 5,000 acres in size. Most damaging would be the Germania Creek motorized/mechanized corridor (section 301(a)) that splits the large roadless area in two. This corridor greatly reduces the amount of core habitat that would be more than a couple miles from a road or vehicle corridor, and would preclude the ability for wilderness visitors to experience wilderness that is more than a few miles from the sights, sounds, and other influences of our culture's ubiquitous mechanization. This preeminent wild area can't serve every demand and still provide its highest and best use to present and future generations as one of America's premier Wildernesses. We can do better, and should. The Germania Creek trail corridor should be removed from the bill and the corridor made part of a contiguous Boulder-White Clouds Wilderness. Moreover, those areas released from wilderness study area status should be protected from degradation by prohibiting any increase in off-road vehicle use or routes.

We also believe the Railroad Ridge area should be permanently protected from vehicle use and included in the Wilderness. Previous versions of CIEDRA included additional protections for Railroad Ridge. The Senate should include additional protections in this bill.

Sec. 102 Administration

As noted above, S. 3294 does not contain most of the damaging Wilderness provisions from earlier versions of CIEDRA. However, some so-called "savings clauses" could cause confusion for wilderness managers and the public, or cause harm to Wilderness, and therefore should be modified to mimic the language in the Wilderness Act. We do not believe it is

sound wilderness policy to grind away at the protections afforded by the Wilderness Act in individual bills. We urge the Committee to modify the language in CIEDRA so that it reflects the precise language in the Wilderness Act.

(f) Outfitting and Guiding Activities—

For the most part this section restates section 4(d)(5) of the Wilderness Act except CIEDRA substitutes the phrase “commercial services...*are authorized*” in place of the Wilderness Act provisions stating “commercial services *may be performed*.” Though the phrases could be interpreted to be essentially the same, we believe the language in CIEDRA raises concerns for two reasons.

First, when there has been some dispute about the meaning of statutory language, the simple fact that Congress changes the provision could be interpreted to mean that Congress meant to accomplish something new and different. Second, the phrase “are authorized” could be interpreted to mean that an agency has less discretion than it would under a “may be performed” standard to decide whether to allow the services.

The language used in the Wilderness Act has allowed for appropriate commercial services in nearly every Wilderness in the National Wilderness Preservation System, and would do so in the Boulder-White Clouds.

(g) Fish and Wildlife—

While CIEDRA’s provisions are similar to the Wilderness Act, they are not the same, raising questions as to how fish and wildlife will be managed differently under the bill. In order to avoid confusion for managers and the public, and minimize the breadth of special provisions in wilderness laws, we urge you to modify this language to mimic the Wilderness Act.

(h) Access—

The Wilderness Act provides private landowners with adequate access *or an exchange* for land of equal value. CIEDRA excludes the option of an exchange. The provision for an exchange has in the past served to protect Wilderness in situations where “adequate access” may have resulted in significant damage. In order to ensure that this provision will be in accordance with section 5(a) of the Wilderness Act, we suggest adding a phrase to end of the last sentence that reads, “or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value.”

Sections 104. Military Overflights.

We believe the Boulder-White Clouds would greatly benefit if the bill required the Secretaries of Agriculture and Interior to enter into discussions with the Sec. of Defense over ways to lessen the impact of overflights on the area’s wildlife and its

human visitors, while still meeting national security needs. With the vast expanse of airspace over southern and central Idaho, it seems the Secretaries ought to be able to identify alternative areas and training practices that would meet the military's training needs while lessening the impact on the Boulder-White Clouds and Sawtooth NRA.

Title II—Land Conveyances for Public Purposes

Many of the conveyances are qualified by the requirement that the conveyance be “consistent with uses allowed under [RPPA].” We believe the bill should require conveyances to be “implemented consistent with RPPA.” This would more plainly ensure that conveyances would be implemented in a manner consistent with the National Environmental Policy Act (NEPA).

Section 202(e) Public Purposes

We believe the proposed use for the “City of Challis” parcel should be stated, whether it's for a park, wastewater treatment plant, or other public need. We appreciate that other conveyances in the bill have stated public purposes, and believe the Challis conveyance should identify the same. Public lands should not transfer out of public ownership unless it is for an identifiable and justifiable public purpose.

Title III—Travel Management

Sec. 301. Trail Management.

As stated previously, the provisions condemning the area around the Germania Creek Trail to perpetual motorized and mechanized use will profoundly impact the wild character of the Boulder-White Clouds. The impact will be compounded by the “buffer zone” provisions in section 105, which virtually ensure wildlife and visitors in the area, including those in parts of the Wilderness, will not be able to escape the “growing mechanization” that the Wilderness Act sought to prevent in our nation's wildest areas. With more than one-third of the suitable Wilderness in the Boulder-White Clouds area being released for other uses, and nowhere in the proposed Wilderness being even ten miles from a road or boundary, it is simply unacceptable to exclude the Germania Trail from Wilderness designation.

The Frog Lake Loop should be closed to vehicle use and included in the Wilderness. As it stands in S. 3294, this proposed vehicle corridor would completely sever a tiny parcel of land from the rest of the White Clouds Wilderness. While we prefer the Frog Lake Loop be included in the Wilderness, if it is not then the small isolated parcel of land, which would not truly be manageable as Wilderness, should be deleted from wilderness designation. Special management provisions could be included to protect it from vehicle use, road construction or other developments. A similar situation exists with a narrow triangle of land isolated from the rest of the Hemingway-Boulders Wilderness by a corridor running between the East Fork Salmon River Road and

Germania Creek. This corridor should be made part of the Wilderness to maintain the physical and biological connectivity of the Wilderness.

Sec. 301(d). Accessible Trail.

We support the proposal to make the first mile of the Murdock Creek Trail a nonpaved, wheelchair-accessible trail. However, we strongly urge Congress to “cherry-pick” this trail from the Wilderness, and to include language preventing any further developments or activities that would detract from the primitive experience available on the trail.

Our organizations support the current language in the Americans with Disabilities Act allowing for wheelchair use in Wilderness, and we support efforts to make the Murdock Creek Trail accessible for those who require a wheelchair for mobility. Both can be met without creating yet another special provision in Wilderness legislation. We are also concerned about the precedent-setting potential of this provision.

Conclusion

We wish to commend the Committee leadership for its arduous and critical work to transform this bill from a virtual manifesto against public land and Wilderness to one that is closer to the ideal. We urge you to take the additional steps outlined above to make this legislation worthy of Idaho’s splendid public lands and waters and one of our nation’s premier unprotected wild areas.

Thank you for your efforts and your consideration of these concerns.

Sincerely,

George Nickas
Wilderness Watch
P.O. Box 9175
Missoula, MT 59807

Janine Blaeloch
Western Lands Project
P.O. Box 95545
Seattle, WA 98145

Gary Macfarlane
Friends of the Clearwater
P.O. Box 9241
Moscow, ID 83843