



## WILDERNESS WATCH

*Keeping Wilderness Wild*

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Sent via the Internet and Email

Wilderness Watch and Western Watersheds Project provide these comments on the scoping document for the proposed environmental impact statement (EIS) *Airspace Optimization and Mountain Home Air Force Base*. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System. Western Watersheds Project is a nonprofit organization dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West.

The Wildernesses in the Owyhees and the surrounding landscape contain some of the most spectacular wildlands in Idaho. Expanding flights into these areas, either through the numbers of flights, the seasons of use, or the speed and elevation of these flights could have serious negative consequences for the wildlands, wildlife and visitors to the Owyhees. Current restrictions reflected on the map in the scoping letter are due to a court settlement and agreements with the Bureau of Land Management (BLM).

There are 516,000 acres of Wilderness in the Owyhees in the Owyhee Canyonlands. These are the Pole Creek, North Fork Owyhee, Little Jacks Creek, Big Jacks Creek, Bruneau-Jarbridge Rivers, and Owyhee River Wildernesses. Besides these Wildernesses, there are designated Wild and Scenic Rivers and important wildlife habitat for a broad variety of species. These include pronghorn, greater sage grouse, bighorn sheep, river otters, bull trout and redband trout.

The first sentence of Section 2(a) of the 1964 Wilderness Act describes the purpose of the Act:

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

In brief that purpose is to keep some areas unoccupied and unmodified. And this protection is for present and future generations--for all time--in perpetuity. Congress identified a new resource--the resource of wilderness.

Further Congress defined wilderness in section 2(c) as a place "in contrast" to areas where humans and their works dominate, "where the earth and community of life are untrammelled by man, where man himself is a visitor who does not remain." Thus, there is a clear intention that Wilderness must remain in contrast to modern civilization, its technologies, conventions, and contrivances. Indeed, there is the mandate to preserve wilderness in perpetuity.

By definition, the proposal will have negative impacts on Wilderness, as the apparent goal of the proposal is to remove current restrictions. This would negatively affect the Wilderness itself, Wild and Scenic River, human visitors, and wildlife. These negative impacts must be adequately documented in the EIS.

The Owyhees contain some of the most important greater sage grouse habitat in the country. Sage grouse should be listed under the Endangered Species Act, and except for political machinations, they would be listed. Their populations are in steep decline mainly due to livestock grazing and mining. Nonetheless, human-caused noise has been the subject of considerable recent research. This research shows the negative impacts of noise on the species, especially in breeding and brooding areas. Sage grouse, like other wildlife, are negatively affected by startle noise. The draft EIS must look at natural noise levels and compare that to what is projected under various alternatives.

Similarly, bighorn sheep and other wildlife are affected by noise. There is considerable research on the impacts of noise on ungulates. The DEIS needs to incorporate all relevant research into the analysis. There is also an obligation to conduct baseline studies of noise and any other impacts that would occur from changes in current operations. In fact, the impacts of current operations also need to be analyzed as they have changed over the past few decades.

The current court settlement restrict and low level flights to elevations no lower than 5000 feet above ground level and supersonic flights no lower than 15,000 feet above ground level during critical seasons in part of the area. Separate agreements between the Air Force and BLM are also in effect for portions of the Jarbidge, Bruneau, and Owyhee River Canyons during floating

seasons. No alternative should exceed the court settlement because it is a binding, bi-lateral agreement.

The Seventh Circuit Court explains:

No decision is more important than delimiting what these "reasonable alternatives" are. . . . One obvious way for an agency to slip past the strictures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence). . . . If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.

Simmons, 120 F.3d at 660. Further, courts have ruled, "[A]n agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative . . . would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991), cert. denied, 502 U.S. 994, 112 S. Ct. 616 (1991).

Since we are just at the scoping phase, the Air Force needs to look at a wide range of alternatives and take the time to do a well-considered EIS. The Air Force needs to be open to an adequate range of alternatives. Here are options we suggest be considered for the EIS:

- confine training to the existing Juniper Butte and Saylor Creek ranges
- no overflights over Wilderness or sensitive wildlife habitat
- no low level flights below 5,000 feet and no supersonic flights below 15,000 in the greater Owyhee Canyonlands, including all of the designated Wilderness and critical wildlife habitat.

Please keep both organizations updated on this issue. Send us a copy of the draft EIS when it is available for public comment.

Sincerely,

//s//

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