



C. L. "BUTCH" OTTER
GOVERNOR

June 14, 2010

The Honorable Mike Crapo
United States Senate
239 Dirksen Senate Building
Washington, D.C. 20510

The Honorable James E. Risch
United States Senate
2 Russell Courtyard
Washington, D.C. 20510

VIA EMAIL & U.S. MAIL

RE: Senate Bill 3294—Central Idaho Economic Development and Recreation Act

Dear Senators,

Thank you for the opportunity to provide comments on S. 3294—the Central Idaho Economic Development and Recreation Act (CIEDRA). I apologize for not being there to testify in person; however, I would request this letter be read at the hearing and placed in the record as my official comments.

I am fully aware of the effort expended by Idaho's Congressional Delegation, especially Congressman Simpson, in developing CIEDRA. Congressman Simpson has worked tirelessly for the last decade to make his dream a reality. Like most Idahoans, I share his goal of preserving special places for future generations. However, while I support preserving certain areas, I cannot support protection at the cost of access, sacrificing recreational or hunting opportunities or impacting state endowment lands.

My opposition to CIEDRA and additional wilderness areas in Idaho should not surprise anyone. I recognize the need for economic development in Custer County, Clayton and the surrounding communities, but remain unconvinced that the answer is more wilderness acres and federal red-tape. Even though I support parts of this new bill (i.e. maintenance of the Murdock Creek Trail as a wheelchair-accessible trail, releasing wilderness study areas and transferring federal lands to local communities), I still believe a better alternative exists to protect the proposed areas, create economic development and recreational opportunities in the region.

CIEDRA will provide little, if any, additional protection for these special areas, their character and the landscape. All of the land proposed as wilderness is protected from future development under the most restrictive provisions of the Idaho Roadless Rule, which was authored by then-Governor Risch in 2006. A vast majority of the proposed lands also receive protection as part of the Sawtooth National Recreation Area (SNRA), which was developed by Senator Church and then-Congressman McClure in

1972. Under the Idaho Roadless Rule the three areas (Hemingway-Boulders, White Clouds and Jerry Peak Wilderness Areas) are designated as "Wild Land Recreation," which, like wilderness, directs the U.S. Forest Service to manage in a manner that shows "little evidence of human-caused disturbance and [allows] natural conditions and processes [to] be predominant." Similarly, the SNRA, which covers a large portion of the lands was specifically created:

In order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith....

16 U.S.C. § 460aa. The SNRA as a national recreation area is protected by Congress from development much like wilderness, but without the limits on recreational opportunities or access associated with wilderness. Even without CIEDRA the Boulder-White Clouds and Jerry Peak would be protected from future development under the Idaho Roadless Rule and SNRA.

As an alternative to designating the proposed lands as wilderness areas, Congress could consider expanding the boundaries of the SNRA to cover parts of these areas outside of the recreation area. While this option is not perfect because of previous judicial decisions concerning wolf management in the SNRA, it would provide additional certainty and protection from future development without impacting existing access or recreation.¹

Opportunities abound, even without CIEDRA, for people to enjoy and experience wilderness areas in Idaho. Idaho already has over 4.5 million acres of wilderness in 12 different areas, including the Sawtooth Wilderness Area (217,000 acres) and the Frank Church/River of No Return Wilderness Area (2.3 million acres) within an hour or two of the areas proposed under CIEDRA. Additionally, the Idaho Recreation Council estimates that less than 3% of visitors to national forests ever visit a wilderness area. Which again raises the question why these areas are necessary as wilderness given their close proximity to two established wilderness areas?

Not only is CIEDRA unnecessary, but it will also impact state lands. The State of Idaho currently has over 3,700 acres of endowment land within the proposed Jerry Peak Wilderness Area. Endowment lands were granted to Idaho at statehood for the express purpose of providing revenue for various state institutions. The lands in the Jerry Peak proposal support Idaho's public schools, and we are vitally concerned about our ability to continue our current and future land management activities, in light of the proposed wilderness designation. While the most recent version of CIEDRA includes two provisions that may address the state's concerns, we are nonetheless fearful that once enacted these assurances will be undermined through administrative agency opposition to state land management

¹ If Congress explores expanding the boundaries of the SNRA as an alternative to designating the proposed areas as wilderness it could also revisit and balance grazing, hunting and wildlife management interests within the recreational area.

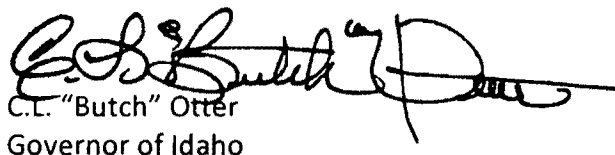
activities and litigation. I am concerned that agency and environmental interests may seek to undermine state management by arguing that access to state parcels is allowed only to the extent it is consistent with the wilderness designation. Courts have repeatedly ruled that wilderness values trump access provided by Section 5(a) of the Wilderness Act.

In the end, I believe CIEDRA will also negatively impact state wildlife management, mechanized recreation and grazing. Despite my opposition to CIEDRA, I would offer the following suggestions if Congress decides to proceed:

- CIEDRA should contain language that all conveyances should be treated as conditions precedent to designating the three areas as wilderness. Alternatively, should either secretary fail to complete the required transfers under CIEDRA then the designated wilderness areas should revert to their former status;
- Provide specific language that imposes an affirmative duty on the secretaries to purchase or exchange the state endowment lands inside the Jerry Peak Wilderness Area for parcels outside of the wilderness area, instead of just providing "adequate access";
- CIEDRA should explicitly state that the only limitation on hunting, fishing or trapping in these areas should be for public safety only and specific language should be included permitting Idaho wildlife managers to land in these areas by plane or helicopter to manage or collar wildlife;
- CIEDRA should contain additional language pertaining to water rights that expressly prohibits, without exception the establishment of any federal water rights for the wilderness areas; and
- CIEDRA should contain language that requires the Forest Service and BLM to aggressively eradicate all invasive or noxious species in the proposed areas.

I understand the sacrifice and devotion Congressman Simpson has committed to this process, which makes opposing this legislation even more difficult for me personally. I know there is a better way to achieve all of the protections necessary to preserve these areas, increase economic activity and recreational opportunities, without locking this land up under wilderness. My dream is for these areas to thrive economically and remain open to all existing uses and recreational opportunities so Idahoans can continue to access and enjoy these lands as they do today for generations to come.

As Always – Idaho, "Esto Perpetua"



C.L. "Butch" Otter
Governor of Idaho

Cc: The Honorable Mike Simpson
The Honorable Walt Minnick