

MAY 10, 2006

**PREFACE:** The Shoshone Paiute Tribal government and the Owyhee County government have historically exercised, individually, their statutory coordinate status in relationship to the Bureau of Land Management. Three years ago, the Owyhee Initiative was commenced with the idea that the Tribes and the County could, through government to government coordination, mutually launch a process for achieving resolution of land use conflicts, protection of the landscape resource, protection of cultural resources, and economic stability. A Work Group of land use representatives began the difficult task of developing a proposal to provide the process for achieving the goal established for the Initiative. With diligence, immense patience and strong support from Senator Mike Crapo, the Work Group is now ready to present that proposal. Meanwhile, in an historic move, the Tribes and the County have agreed to terms of a Memorandum of Agreement establishing a process by which their governments can coordinate for the best interests of both. Together, they stand ready to submit the Owyhee Initiative proposal to Senator Crapo for initiation of legislative action to implement the Initiative.

## **OWYHEE INITIATIVE**

**I. Goal:** To develop and implement a landscape-scale program in Owyhee County that preserves the natural processes that create and maintain a functioning, un-fragmented landscape supporting and sustaining a flourishing community of human, plant and animal life, that provides for economic stability by preserving livestock grazing as an economically viable use, and that provides for protection of cultural resources.

**II. Overview:** The Owyhee Initiative arises from the agreement by a Work Group coalition of representatives of landowners, ranchers, environmental organizations, county government, and recreation groups appointed in Owyhee County, Idaho by the Board of County Commissioners, to develop a natural resources project that promotes ecologic and economic health within the County. The proposal adopted by the coalition includes the maps entitled "Owyhee Initiative Project", dated \_\_\_\_\_ and prepared by Spatial Dynamics, Inc. of Boise, Idaho. The Owyhee Initiative Work Group has developed a package of measures including the following elements:"

**A. Owyhee Initiative Board of Directors:** The Owyhee Initiative Board of Directors (OI Board) will oversee and monitor administration and implementation of the Owyhee Initiative. Its duties will include coordination with Owyhee County and appropriate management agencies, recommending priorities and seeking funding for projects and programs identified to fulfill the purposes of the Initiative.

- B. Science Review:** In order to achieve the purposes of the Owyhee Initiative, a process will be established to provide for science review of certain actions by the Bureau of Land Management (BLM). The science review will be conducted by independent scientists.
- C. Conservation and Research Center:** Under the direction of the OI Board and in cooperation with partners, the Center will develop, fund and implement the Owyhee Initiative landscape-scale program to review, recommend and coordinate landscape conservation and research projects.
- D. Wilderness and Wild & Scenic Rivers:** Legislation will resolve status of Wilderness Study Areas (WSA's) by designating some wilderness and releasing others to non-wilderness multiple use management. Propose wild and scenic river designations to achieve specific management to further the overall goals of the Initiative. Legislation will designate wild and scenic rivers to further the overall goals of the Initiative.
- E. Travel and Recreation:** The BLM will fulfill its responsibility to develop and implement travel plans for the public lands in Owyhee County within specified time frames. The travel plans will include a multiple use trail system that will provide a wide range of recreational opportunities and experiences for all users.
- F. Cultural Resources:** Owyhee County is rich in history and culture. The cultural and historical resources important to the people and their ancestors must be protected against abuse and desecration, intentional or unintentional. The Initiative will support measures to protect these resources. Such measures will include language for implementation of the Shoshone Paiute Tribal Cultural Resource Protection Plan which has already been approved by the Tribes and the Bureau of Land Management.

### ***III. Owyhee Initiative Board of Directors***

**A. Purpose:** The Owyhee Initiative will establish an on-going collaborative effort to oversee and monitor administration and implementation of the Owyhee Initiative. This on-going effort will be made through the Owyhee Initiative Board of Directors (OI Board). The OI Board's duties include, but are not limited to: recommending priorities for projects and programs identified to implement the purposes of the Owyhee Initiative, seeking funding for such projects and programs, and recommending policy, procedure and guidance on implementation of the projects and programs to the BLM and other agencies having jurisdiction regarding natural resource management and use in Owyhee County. The OI Board will focus on the faithful implementation of the Owyhee Initiative package to fulfill the purposes of the Initiative.

**B. Implementation:** The Owyhee Initiative represents a carefully balanced agreement among the diverse interests represented. Several elements of the agreement involve implementation after the passage of federal legislation authorizing the Owyhee Initiative package. One of the primary functions of the OI Board will be to serve as the "institutional memory" of the precise understandings that were made in developing the Owyhee Initiative package. A further function of the OI Board will be to coordinate implementation of the Owyhee Initiative with Owyhee County

and appropriate management agencies. Federal agencies charged with implementing the Owyhee Initiative final package will consider the recommendations of the OI Board regarding implementation issues, including but not limited to:

1. Management of wilderness, wild and scenic rivers, and released wilderness study areas;
2. Inventory of wilderness grazing management activities, facilities, and administrative motorized access necessary for existing grazing management and structures and facilities maintenance at the time of wilderness designation;
3. Recreation and access provisions of the Owyhee Initiative Act Any realty actions called for in the Owyhee Initiative-Act; and
4. Appropriations and expenditures to carry out the Owyhee Initiative.

### **C. Board of Directors Membership**

1. Membership of the OI Board will be members of the coalition work group created and appointed by the Owyhee County Commissioners to develop and implement the Owyhee Initiative, as of the time enabling legislation is passed, Membership shall include a representative of the Shoshone Paiute Tribes.
2. The OI Board will consult with other agencies as appropriate.
3. If a representative of one of the member organizations resigns from the OI Board, the member organization shall appoint a replacement.
4. If a member organization resigns from the Board, it shall give the Board written notice of intent to resign at least ninety days prior to an effective resignation date. After coordinating with the Owyhee County Commissioners, the Board shall appoint a replacement organization. In an effort to maintain balance, the Board shall appoint a replacement organization which is representative of the interest group as was represented by the resigning organization.

### **D. Procedures**

1. Meetings: Meetings of the OI Board shall be public.
2. Bylaws: The OI Board shall establish by-laws and implementing procedures by which the functions of the Board will be carried out. The bylaws shall contain provisions for public input.
3. Voting: The OI Board of Directors has worked largely by consensus, and shall continue to strive to reach consensus on all decisions. When consensus is not possible, decisions will be made by an affirmative vote of 9 members of the Board.
4. The OI Board may establish subcommittees and other groups, drawing expertise throughout the community, to advise the OI Board or perform functions needed for the implementation of the Owyhee Initiative.

**E. Staffing and Administrative Functions:** The OI Board will hire an executive director. The executive director will possess strong fundraising and meeting/process management skills and a background in ecology or natural resources management. The executive director will also be capable of motivating participants and keeping positive direction. The executive director's role will be to facilitate OI Board meetings and decisions, help members formulate proposals, secure funding when needed, and assist participants to work together.

**F. Evaluation by OI Board:** The bylaws of the OI Board will contain a process for evaluating the effectiveness and utility of the Owyhee Initiative.

#### ***IV. Science Reviews:***

A. Purpose: To provide for a process for science review of the information utilized by the BLM in developing proposed actions / decisions in Owyhee County. The intent of the science review is to assure that the best available science is appropriately applied in a timely manner. The OI board shall evaluate the Science Review annually under criteria established by the OI Board.

B. Approach: The OI Board will seek to assure that the review process provides individuals requesting review and the BLM with the best available scientific information that they can consider in seeking to resolve the issue in question and to improve future applications of science in decision-making process. The OI Board will administer the science review process in a manner that provides information useful to the public and uses available funding efficiently. The OI Board will develop guidelines and procedures that will address science review panel composition, processing of requests, conduct of science reviews, and evaluations of the science review process.

C. Livestock management: Any person who may be affected by a BLM grazing management action or decision under 43 CFR Part 4100 may file with the OI Board a written request for science review that shall be conducted pursuant to rules established by the OI Board. Requests for review must be made within 10 days of receipt of a signed determination or other documentation indicating the existence of an issue appropriate for science review. A request for review of preliminary documentation does not preclude an additional request applicable to the subsequent proposed decision. No request may be filed later than 10 days after receipt of a proposed decision.

D. Timing: The OI Board intends that the science review will be conducted prior to issuance of a final decision by BLM. However, the fact that a science review has been requested or is in process will not affect the timing of BLM decisions or cause a delay of timely action. Unless otherwise determined by the OI Board, scientific review will be completed within sixty days of the referral.

E. Science Reviewers: The OI Board, will consult with the Dean of the College of Natural Resources of the University of Idaho (Herein after referred to as the Dean), to determine qualifications for review experts. The experts may be from within or without the state of Idaho. Nominations of experts to be included may be made by the public, members of the OI Board, the Owyhee County Commissioners, the University of Idaho and by agencies of local, state and federal government. From the nominations, the OI Board will establish a list of at least eleven natural resource management experts representing a broad range of expertise in natural resource and livestock grazing management. The OI Board will consider the following factors in selecting reviewers who will be on the list:

- 1) Expertise: The group of reviewers will possess the knowledge, experience, and skills necessary to conduct a high quality science review.

- 2) Balance: The group of reviewers will be sufficiently broad and diverse to fairly represent the relevant scientific perspectives and fields of knowledge
- 3) : Conflict of Interest: Reviewers must be free of financial or other conflict of interest as defined by the OI Board in rules governing the science review.

The OI Board will consider the National Academy of Sciences, "Policy and Procedures on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports," May 2003 in developing guidelines for selecting science reviewers.

F. List of Science Reviewers: The list of expert science reviewers will be sent to the Dean, and the OI Board will make public the names, organizational affiliations, and qualifications of all reviewers.

G. Elements of Science Reviews: Science reviews will be specifically limited to one or more of the following science issues.

1. *Whether the scientific study data and information relied upon by the BLM is directly applicable to its intended purpose in the proposed action / decision.*
2. *Whether the BLM followed their protocols in the collection of scientific data and information.*
3. *Whether the BLM's interpretation of and conclusions based on the scientific data and information collected are scientifically supported by their data and information.*
4. *Whether other available scientific data and information disputing the BLM data are directly applicable, reliable, and rationally dispute information BLM used to support a proposed action / decision.*
5. *Whether there are additional management options or alternatives that could reasonably be expected to achieve resource objectives.*
6. *Whether the consequence attributed to the proposed action / decision and/or alternatives is/are supported by widely accepted scientific principles.*

H. Requests for Science Review: Requests for livestock management and multiple use reviews that do not conform to one or more of the elements of review identified above will not be considered. The OI Board will provide guidelines for timely requests that shall specifically state the reason why the requestor believes the BLM data and or information should be reviewed relative to one or more of the above science issues. All requests relevant to a particular BLM proposed action / decision shall be consolidated for review and reporting under rules established by the OI Board.

I. Referral to Science Review Panel: Upon receipt of a scientific review request, the OI Board or its designee will refer the request to the Dean. The Dean will identify from the list of experts three persons to conduct the review who are free of financial or other conflict of interest as defined by the OI Board in rules governing the science review. The Dean shall submit requests for science

reviews directly to the three-member review panel he has selected. If the Dean determines that the nature, number, or scope of science review may prevent the science review from being completed within the schedule set by the OI Board, he shall seek guidance from the OI Board as to how to proceed.

J. **Guidance to Science Review Team:** The review team will determine whether questions have been properly raised regarding one or more of the six elements of review stated in section G. The Science Review Team may seek clarification of the request and provide the requester an opportunity to clarify the request. Pursuant to rules governing the science review process issued by the OI Board, the review team will examine the available record and take such other action as they deem necessary in preparation of a report relative to each of the appropriate issues raised in the request.

K. **Findings and Report:** Upon completion of the science review, the Dean will send the findings and report of the science review team to the Requestor, OI Board, Owyhee County Commissioners and the BLM. The OI Board shall maintain a public file containing the science review report and any written response thereto. The OI Board may seek other ways to obtain the greatest possible broad scale benefit from the review process and information generated by the review including but not limited to consultations between the review team and appropriate BLM personnel and or initiation of research specific to the issue.

L. **Other Multiple Use Reviews:** Any person who may be affected by a BLM non-grazing multiple use decision may request that the OI Board consider science related issues for science review. The OI Board will consider each such request on a case-by-case basis under its rules and will determine whether the request presents a significant question that should be addressed by a science review process. Where appropriate issues are raised, the OI Board will develop and initiate a process for such review.

M. **Evaluation:** At the end of the first year of operation of the OI, the OI Board shall evaluate the Science Review process under criteria set by the OI Board. Each OI Board member will present to the OI Board a written evaluation of the process and any recommendations for change. After reviewing all written assessments the OI Board will issue an evaluation report including necessary changes in the process and/or rules, and shall initiate the process for making such necessary changes. Thereafter, the Board shall then evaluate the OI project annually under criteria established by the Board.

N. **Exemption:** No issue relating to Tribal Cultural Resources shall be subjected to the science review.

## ***V. Conservation and Research Center***

**A. Purpose:** To develop, fund and implement the Owyhee Initiative landscape-scale program and to review, recommend and coordinate landscape conservation and research projects. This work will include the creation of the Owyhee Initiative Conservation and Research Center. The Center will work with government agencies, universities, citizen groups and individuals to increase the efficiencies, likelihood of success and benefits from conservation and research projects undertaken in Owyhee County. When appropriate, research will be designed to meet peer review scientific

standards and be replicable in other areas. As a foundation for the Owyhee landscape-scale program the Center will identify:

1. The current state of scientific knowledge;
2. The scope and status of current ongoing research projects and programs.
3. Information and research gaps;
4. Successful management strategies, research and restoration projects.
5. Appropriate methods of disseminating existing and new research information to administrative agencies and the public.

**B. Coordination:** Several broad-based citizen groups are already active in Owyhee County. These include but are not limited to the Jordan Valley Cooperative Weed Management Area, Owyhee County Sage Grouse Local Working Group, Owyhee County Natural Resources Committee, and the Basin Advisory Groups. The Owyhee Initiative will supplement, rather than replace, these and other existing efforts. Representatives of citizen groups will be invited to inform and participate in Center projects. The Owyhee Initiative will assist citizen groups by providing them a forum to broaden the support for their project proposals and to coordinate with the multiple agencies and organizations active in the County.

**C. Fundraising:** In addition to providing coordination and another level of credibility to conservation and research projects, the Center is specifically authorized to apply for and receive grants, donations and appropriations from government agencies and non-government organizations.

**D. Center Structure:** The OI Board will oversee the Center and have full authority over its operations and finances. The OI Board has no statutory powers to administer public lands or make regulatory decisions. However, the OI Board will hold its members and partners accountable to their commitments to the Center's work. The Center shall be in Owyhee County.

**E. Program Elements:** Initial program areas for emphasis by the Center, under the direction of the OI Board, include the following. The OI Board may modify, add to, or delete any of these program areas.

1. **Monitoring:** Establish a scientific foundation for a landscape-based research, management and restoration program by implementing coordination between existing monitoring programs and promoting new or revised monitoring programs as needed. This program will address landscape monitoring needs for multiple uses, management program implementation and natural resources in both wilderness and non-wilderness areas. Monitoring will focus on assessing trends in landscape function and integrity. Special attention will be given to landscapes affected by altered fire frequency and subject to invasive species and/or noxious weeds. In addition, monitoring programs will be initiated within wilderness designations relative to compliance with recreational vehicle access, range condition and trend, wildfire impacts, the status of invasive species and noxious weeds and the status and impact of predatory species.

2. **Inventory:** Establish a scientific foundation for a landscape-based research, management and restoration program by evaluating the adequacy of current natural resource inventories and promoting new or expanded inventories to meet landscape goals. Initial projects may include:

- a. Coordinate with University of Idaho and BLM for completion of inventory and modeling of western juniper in western Owyhee County;
- b. Coordinate and review vegetation inventories; and
- c. Wilderness monitoring and research program.

3. Wilderness Management: Support implementation of wilderness management and inventory elements of Owyhee Initiative and provide independent evaluation of results of those actions.

4. Noxious weed/invasive species control: Support a consistent and cost-effective weed control and prevention program with the goal of establishing weed management areas that provide effective coordination among land managers. Initial projects for the Owyhee Weed Project include:

- a. Identify relatively weed free areas;
- b. Identify and quantify the existence of and relative threat from noxious, threatening, or invasive plant species.
- c. Cost-share weed coordinator; and
- d. Secure funding to establish additional cooperative weed management areas and develop coordinated prevention and control plans.

5. Fire Management: Restore appropriate fire regimes to maintain and enhance the ecological condition and integrity of the Owyhee Landscape. Initial projects include:

- a. Implement measures to address expansion of Western juniper and protect sagebrush steppe habitat based on landscape goals;
- b. Secure alternative forage sources for participating permittees; and
- c. Ensure research and monitoring from burns or other treatments is communicated to public, permittees and agencies.

6. Species Conservation/Habitat Restoration: Prioritize and help fund conservation and research projects that provide a high probability of success for species conservation and/or habitat restoration.

7. Recreation and Access: Support implementation of recreation and access management elements of Owyhee Initiative and provide independent evaluation of results of those actions.

8. The Conservation and Research Center may develop and implement a recreational user education program: This program will focus upon effective and innovative methods to communicate with, persuade and educate all classes of recreationists about low impact usage of public lands in Owyhee County.

## ***VI. Wilderness and Wild and Scenic Rivers***

### **A. Wilderness Designation**

1. Maps accompanying this document closely approximate the areas to be designated as wilderness and the Wilderness Study Areas (WSAs) to be released to non-wilderness multiple use. These Wilderness Areas will be managed in accordance with the management strategies outlined herein and in existing statutes. Some adjustment of wilderness boundaries in small areas may occur to assist in clear identification of the boundary lines and any final boundary adjustments when the official maps are prepared after designation as wilderness.
2. The understandings and intent of the OI with regard to wilderness designation, planning and management are set forth in the Appendix A of this document.
3. The accompanying wilderness proposal maps also show which roads are proposed to be left open and closed and the wilderness boundary relative to such roads. The maps is to serve as the legislative record for the roads that are to remain open and the roads that are to be closed.
4. Compensation will be provided for voluntary relinquishment of private rights and interests as identified by the OI Board for implementing the purposes of the Owyhee Initiative.

### **B. Wild and Scenic Rivers Designation**

1. Maps accompanying this document closely approximate the watercourses to be designated as wild, scenic, and recreational rivers (WSR) under the Wild and Scenic Rivers Act. Designated areas will be managed in accordance with the management strategies outlined herein and in existing statutes. Some adjustment of WSR boundaries may occur to accommodate private lands, and access within the WSR corridors, and final determination of segments to be included. Some further adjustment may occur when official maps are prepared after designation.
2. The intent of WSR designations is to resolve the WSR status of the segments within Owyhee County as shown on the OI project map.
3. The understandings and intent of the OI with regard to WSR status, planning and management are set forth in Appendix B of this document.

**C. Funding:** Funds will be authorized to the BLM for development, implementation, and enforcement of wilderness and wild & scenic river management plans.

**D. RS 2477 Assertions:** Owyhee County will initiate proceedings to relinquish RS2477 rights of way claims to those routes not identified as remaining open within Wilderness designated areas on the OI project map.

## ***VII. Transportation and Recreation Management***

**A. Travel Plans:** The Bureau of Land Management (BLM) will fulfill its responsibility to develop and implement travel plans for the BLM managed lands outside of wilderness areas in Owyhee County within specified time frames. All public land users are expected to benefit from improved safety, route maintenance, maps, signs, education, and new opportunities provided by establishment of travel route systems. The travel plans and cooperative agreements will be developed in consultation and coordination with the general public, state, and local government entities consistent with the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act (and other applicable laws). The travel plans in this section do not apply to Wilderness boundary roads, cherry stem roads or corridor roads. The system of open and closed roads for Wilderness will be designated through the maps of record in legislation.

**B. System of Routes:** Until the BLM has completed travel planning in Owyhee County, all recreational motorized and mechanized off-highway vehicle, and mountain bike use will be limited to existing roads and trails, and off-trail cross-country travel is prohibited, except in areas specifically identified as open or closed or limited to designated routes by the Owyhee Resource Management Plan. Until the BLM has completed travel planning, over snow vehicle use will continue to be managed in accordance with current resource management plans.

**C. Schedule:** Travel plans will establish a system of designated roads and trails and designated trail heads and parking areas, and will limit the use of recreational motorized and mechanized vehicles to these designated roads and trails. Within one year after the date of enactment, the BLM will complete a travel plan for the Owyhee Front. The Owyhee Front is defined, generally, as that area of Owyhee County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River. Within three years after the date of enactment, the BLM will complete a travel plan for federal lands in the County outside the Owyhee Front. The travel plans will include a multiple use recreational route system that provides a wide range of recreational opportunities and experiences for all users while protecting natural and cultural resources. The travel plans will also address over snow vehicle use, limited to areas designated for their use.

**D. Authority:** Travel management under this section will not affect BLM's authority to manage or regulate off highway vehicle uses as specified under 43 C.F.R. 8341.1(b), which provides: "Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation area." The limitation of motorized and mechanized travel to existing or designated routes will not apply to vehicles used for fire, emergency, law enforcement, or other purposes listed in 43 C.F.R. 8340.0-5(a)(1)-(5).

**E. County/BLM Cooperative Agreements:** A cooperative agreement between Owyhee County, the County Sheriff and the BLM will establish and implement a search and rescue program. The BLM and Owyhee County will also establish a cooperative agreement to monitor and implement travel management on all BLM administered lands in Owyhee County. Funds will be authorized for search and rescue operations, and the, implementation and enforcement of Travel Plans, in Owyhee County.

**F. Designation of Routes:** The Travel Plans will be based on resource and route inventories, will include designation of routes and route systems that are open or closed, and will include, but not be limited to the following management approaches - trail construction, (including reconstruction), road and trail closure, seasonal closures or restrictions, types of use allowed, restoration of disturbed areas, monitoring, maintenance, maps, signs, education and enforcement. Travel Plans will consider whether a road or trail is appropriate.

**G. Geographic Coverage:** The BLM Travel Planning will ensure that all areas of the county, even those currently remote and little used by the public, are included and incorporated into the plans in order to provide for management of anticipated growth in recreational use of these lands, and to develop a system to provide a wide range of recreational opportunities and experiences for all users.

**H. Department of Parks and Recreation:** The Idaho Department of Parks and Recreation (IDPR) may be involved in the implementation of the Travel Plans. The Owyhee Initiative work group is interested in the involvement of the IDPR as an education partner, trail host and trail maintenance partner.

**I. Elements and Funding:** The concepts of completed travel plans within specified time frames; enforcement of regulations; cooperation between government entities; establishment of route systems; and limiting in the interim recreational motorized and mechanized Off Highway Motor Vehicle use to existing roads and trails, prohibiting off trail cross country travel, are essential elements in proper management of public lands in Owyhee County. Additional funding must be made available to assure timely and successful completion of travel plans and implementation of travel management programs.

## ***VIII. Cultural Resources***

Owyhee County is rich in history and culture. The cultural and historical resources important to the people and their ancestors must be protected against abuse and desecration, intentional or unintentional. There are opportunities to increase protection of cultural resources, to monitor influences from outside forces such as recreational activity and to improve the inspection and supervision of major cultural sites. Such programs would help to focus resources that would assure compliance with prohibitions against destruction and or removal of cultural items as well as preventing inadvertent negative impacts. The Initiative will support a broad range of measures to protect these cultural sites and resources, including the Shoshone Paiute Tribes Cultural Resource Protection Plan.

**IX. Tribal Aboriginal Claims:** The Owyhee Initiative shall be implemented in a manner which acknowledges that the Shoshone Paiute Tribes have exerted claims to aboriginal rights in the project area, i.e., Owyhee County.

## (APPENDIX – A)

### WILDERNESS MANAGEMENT

It is the intent of the Owyhee Initiative work group that management of wilderness and use of wilderness will follow the requirements, policies and guidance contained in the Wilderness Act of 1964 and subsequent legislation to establish wilderness in Owyhee County, Idaho.

### **GRAZING MANAGEMENT IN WILDERNESS**

The Owyhee Initiative intends that livestock grazing management fully conform to Section 4(d)(4)(2) of the Wilderness Act and the standards, guidelines and intent of House Report No. 101-405 as applied to BLM managed wilderness.

In accordance with the Wilderness Act and subsequent congressional guidance for activities and facilities that support proper grazing management, an inventory of wilderness grazing management activities, facilities, and administrative motorized access existing at the time of designation will be conducted within one year of designation. The Administrative agency and Owyhee Initiative Board of Directors will consult and coordinate with affected permittee(s) to inventory all grazing allotments or parts thereof within wilderness to document all existing grazing management activities, trail routes, structures facilities and the current and customary motorized access associated with existing grazing management facilities maintenance. It is the intent of the Owyhee Initiative that documented facilities and activities will continue in their purpose and are consistent with wilderness grazing management.

It is the expectation of the Owyhee Initiative that areas approved for inclusion in the national wilderness preservation system within Owyhee County will be managed under the wilderness management regulations at 43 CFR 6300. It is further expected that the wilderness management plan(s) for these areas will fully reflect the intent and guidance provided by current regulation and the language of House Report 101-405.

As used herein, proper grazing management, means to plan schedule and control the timing, intensity and duration of grazing use and the sequence of these over time, in a manner that maintains or enhance the ecological integrity of the landscape. Proper grazing management includes appropriate consideration of all resource values including wilderness and/or other documented special resource values in compliance with BLM regulations.

Allotments where Wilderness Study Areas are designated wilderness will have new opportunities to implement proper grazing management programs. In these allotments, the manner and degree of grazing use will be the amount identified by current grazing management plans as they may be modified by a new grazing decision implementing proper grazing management following designation of wilderness. Any modification of the amounts of grazing in wilderness must

include a demonstration that additional grazing will not have an adverse impact on wilderness values.

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**Legislative Language:** The following specific House Committee report language has been included in all recent wilderness legislation and will be incorporated in the Owyhee Initiative legislative proposal as follows:

Section \_\_\_\_\_, Grazing Management in Wilderness

*Livestock – Within the wilderness areas designated under this title that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in both appendices A and B of said House Report will be quoted,*

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**House Report No. 101-405**  
**Grazing in Bureau of Land Management Wilderness Areas.**  
*(Appendices A & B of House Report No. 101-405 will be inserted)*

**Section 4 (d) (4) (2) 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.”

*The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of the area as wilderness.*

*Including those areas established in the Wilderness Act of 1964. Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying and area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4 (d) (4) (2), will apply to all wilderness areas, regardless of agency jurisdiction.*

*Further, during the 95<sup>th</sup> Congress, Congressional committees became increasingly disturbed that, despite the language of section 4 (d) (4) (2) of the Wilderness Act and despite the history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-*

*the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95-620 and 95-1321) specifically provided guidance as to how section 4 (d) (4) (2) of the Wilderness Act should be interpreted. This guidance appears in these reports as follows:*

*Section (d) (4) (2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (33 CFR 293.7), Grazing in wilderness areas ordinarily will be controlled "under the general regulations governing grazing of livestock on National Forests \*\*\*". This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.*

*Despite the language of these two reports, RARE II hearings and field inspection trips in the 96<sup>th</sup> Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with section 4 (d) (4) (2) of the Wilderness Act. This has led to demands on the part of grazing permittees that section 4 (d) (4) (2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) is managed on the public lands, the Committee feels that the original broad language of the Wilderness Act is best left unchanged. Any attempt to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agency of flexible opportunities to manage grazing in a creative and realistic site specific fashion. Therefore, the Committee declined to amend section 4 (d) (4) (2) of the Wilderness act, opting instead for a reaffirmation of the 4 (d) (4) (2) of the Wilderness language in section 5 of H.R. 5487 and for the following nationwide guidelines and specific statements of legislative policy. It is the intention of the Committee that these guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:*

- 1. There shall be no curtailment of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designation be used as an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range conditions, and the protection of the range resources from deterioration.*

*It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers of animal units months (AUMs) could be made available with no adverse impact on wilderness values such as plant*

communities, primitive recreation, and wildlife populations or habitat, some increase in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.) is permissible in wilderness. 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 of the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the replacement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted in those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with these guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purposes of resource protection and more effective management of these resources rather than to accommodate increased numbers of livestock.

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

In summary, subject to the conditions and policies outlined in this report, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to reestablish uses where such uses have been discontinued.

## APPENDIX B. - WILDLIFE MANAGEMENT GUIDELINES

*Subsection 2(h) of H.R. 2570 explicitly provides that, in furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats that support those populations may be carried out in wilderness areas, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines.*

*The Committee has reviewed the existing BLM policies and guidelines for fish and wildlife management in Bureau of Land Management wilderness areas, as set out in BLM's wilderness management manual, and has found them to be in furtherance of the purposes and principles of the Wilderness Act. Those policies and guidelines are as follows:*

### A. PURPOSE

*This statement of policy and the following guidelines are intended to provide guidance to State and Federal personnel for the management of fish and wildlife in wilderness in accordance with the Wilderness Act of 1964 (16 USC 1131-1136). Both State and Federal agencies are responsible for fostering mutual understanding and cooperation in the management of fish and wildlife in wilderness. These guidelines should serve as a framework for cooperation among the Forest Service, Bureau of Land Management, and the States in the coordination of fish and wildlife management and in the development of cooperative agreements or other management plans.*

*These policies and guidelines were developed within the overall context of the purpose and direction of the Wilderness Act, and they should be made available to all agencies responsible for management of the National Wilderness Preservation System, to appropriate State fish and wildlife agencies, and to other interested parties.*

### B. GENERAL POLICY

*Fish and wildlife management activities in wilderness will be planned and carried out in conformance with the Wilderness Act's purpose of securing an "enduring resource of wilderness" for the American people. The wilderness resource is defined in section 2(c) of the Act, as an area essentially "untrammeled by man", where natural ecological processes operate freely and the area is "affected primarily by the forces of nature." The National Wilderness Preservation System will be managed to ensure that ecological succession, including fire and infestation of insects, operate as freely as possible with only minimum influence by humans.*

*Fish and wildlife management activities will emphasize the protection of natural processes. Management activities will be guided by the principle of doing only the minimum necessary to manage the area as wilderness.*

*Section 4(d)(7) of the Wilderness Act stipulates that "Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests." Angling, hunting, and trapping are legitimate wilderness activities, subject to applicable State and Federal laws and regulations.*

*This nation is fortunate in having a National Wilderness Preservation System encompassing a wide range of ecosystems. Specific on-the-ground conditions will result in slightly different application of these guidelines in so vast a system. These different applications are spelled out in National Forest Plans or wilderness management plans. This is both appropriate and proper, if we*

are to allow nature to play the dominant role.

### 1. Use of motorized equipment

Section 4(c) of the Wilderness Act states:

*Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there 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.*

*The emphasis is on the management of the area as wilderness as opposed to the management of a particular resource. This language is viewed as direction that all management activities within wilderness be done without motor vehicles, motorized equipment, or mechanical transport, unless truly necessary to administer the area or are specifically permitted by other provisions in the Act. It means that any such use should be rare and temporary; that no roads can be built; and that wilderness managers must determine such use is the minimum necessary to accomplish the task. Any use of motorized equipment or mechanical transport requires advance approval by the administering agency.*

### 2. Fish and wildlife research and management surveys

*Research on fish and wildlife, their habitats and the recreational users of these resources is a legitimate activity in wilderness when conducted "in a manner compatible with the preservation of the wilderness environment" (Sec. 4(d)(1) of the Wilderness Act). Methods that temporarily infringe on the wilderness environment may be approved if alternative methods or other locations are not available. Research or management surveys must be approved in writing, on a case-by-case basis, by the administering agency.*

*Helicopters and fixed-wing aircraft overflights may be used to conduct approved fish and wildlife research activities. Aircraft must be used in a manner that minimizes disturbance of other users, including humans and wildlife.*

*All fish and wildlife studies within and over wilderness must be conducted so as to preserve the natural character of the wilderness. Aerial counts and observations of wildlife may be permissible for management of wilderness wildlife resources. Capturing and marking of animals, radio telemetry, and occasional temporary installations (such as shelters for cameras and scientific apparatus and enclosures and exclosures essential for wildlife research or management surveys) may be permitted, if they are essential to studies that cannot be accomplished elsewhere.*

#### Guidelines

- a. Obtain specific written approval or permits from the administering agency before erecting any structure, enclosure, or exclosure.*
- b. Locate and construct all structures so as to make them unobtrusive on the landscape.*
- c. Construct structures of native materials or camouflage to make them blend with their natural surroundings.*
- d. Plan aircraft flights over wilderness to minimize disturbance. Consider time of day, season of*

the year, route and altitude of flight, and location of landing areas on the perimeter of the wilderness.

e. Research projects underway when a wilderness is designated may continue, but modify research methods to minimize disturbance of the wilderness environment.

f. Installation of permanent base stations within wilderness is not permitted for monitoring of radio-instrumented animals.

g. The administering agency should only approve capture methods that minimize the impact on the wilderness environment.

### 3. Facility development and habitat alteration

In rare instances, facility development and habitat alteration may be necessary to alleviate adverse impacts caused by human activities on fish and wildlife. For the benefit of wildlife that spend only part of the year in wilderness, give first priority to locating facilities or habitat alterations outside wilderness.

Flow-maintenance dams, water developments, water diversion devices, ditches and associated structures, and other fish and wildlife habitat developments necessary for fish and wildlife management (which were in existence before wilderness designation) may be permitted to remain in operation.

Clearing of debris that impedes the migratory movements of fish on primary spawning streams may be permitted, but only in a manner compatible with the wilderness resource.

Maintenance of existing water supplies and development of additional water supplies may be permitted, but only when essential to preserve the wilderness resource and to correct unnatural conditions resulting from human influence.

#### Guidelines

a. Submit proposals for new structures or habitat alterations to the administering agency for approval.

b. Build or maintain new and existing structures permitted for wildlife management in a manner that minimizes the visual impacts on the landscape.

c. Limit clearing of debris from spawning streams to those identified in the wilderness management plan as being critical to the propagation of fish.

d. Use only nonmotorized equipment to clear debris. Use explosives only when the use of hand tools is not practical, and only outside of heavy visitor-use periods.

e. The administering agency and the State agency will jointly make decisions to remove existing water related improvements.

f. If it is necessary to restore essential food plants after human disturbance, use only indigenous plant species.

### 4. Threatened and endangered species

Many wilderness areas provide important habitat for Federally listed threatened and endangered species of wildlife. Actions necessary to protect or recover threatened or endangered species, including habitat manipulation and special protection measures, may be implemented in wilderness. But such actions must be necessary for the perpetuation of recovery of the species and it must be demonstrated that the actions cannot be done more effectively outside wilderness. Use

*only the minimum actions necessary and the methods most appropriate in wilderness.*

#### *Guidelines*

*a. Manage wilderness to protect known populations of Federally listed threatened or endangered species where necessary for their perpetuation and to aid in their recovery in previously occupied habitat.*

*b. When alternative areas outside of wilderness offer equal or better opportunities for habitat improvement or species protection, take actions to recover threatened or endangered species outside of wilderness first.*

*c. Threatened and endangered species may be transplanted into previously occupied habitat within wilderness.*

*d. All transplants or habitat improvement projects require approval by the administering agency.*

*e. To prevent Federal listing, protect indigenous species that could become threatened or endangered or are listed as threatened or endangered by States.*

#### *5. Angling, hunting and trapping*

*Angling, hunting and trapping are legitimate wilderness activities subject to applicable State and Federal laws and regulations.*

#### *6. Population sampling*

*Scientific sampling of fish and wildlife populations is an essential procedure in the protection of natural populations in wilderness.*

#### *Guidelines*

*a. Use only methods that are compatible with the wilderness environment.*

*b. Gill netting, battery-operated electrofishing, and other standard techniques of population sampling may be used.*

*c. Closely coordinate sampling activities with the administering agency and schedule them to avoid heavy public-use periods.*

#### *7. Chemical treatment*

*Chemical treatment may be necessary to prepare waters for the reestablishment of indigenous species, to protect or recover Federally listed threatened or endangered species, or to correct undesirable conditions resulting from the influence of man. Species of fish traditionally stocked before wilderness designation may be considered indigenous if the species is likely to survive. Undesirable conditions and affected species shall be identified in wilderness plans.*

#### *Guidelines*

*a. Use only registered pesticides according to label directions.*

*b. In selecting pesticides, give preference to those that will have the least impact on non-target species and on the wilderness environment.*

- c. Schedule chemical treatments during periods of low human use, insofar as possible.
- d. Immediately dispose of fish removed in a manner agreed to by the administering agency and the State agency.

#### 8. Spawn taking

The collection of fish spawn shall be permitted from wilderness when alternative sources are unavailable or unreliable, or where spawn taking was an established practice before wilderness designation.

##### Guidelines

- a. Do not use motorized equipment to assist in collecting and removing spawn.
- b. Use of techniques and facilities necessary to take spawn, which were in existence before wilderness designation, may continue as provided for in the wilderness management plan.
- c. Facilities for spawn-taking stations approved after wilderness designation must be removed after the termination of each season's operation.
- d. Decisions to prohibit spawn taking, where it was an established practice before wilderness designation, will be made jointly by the administering agency and the state agency.

#### 9. Fish stocking

Fish stocking may be conducted by the State agency in coordination with the administering agency, using means appropriate for wilderness, when either of the following criteria is met: (a) to reestablish or maintain an indigenous species adversely affected by human influence; or (b) to perpetuate or recover a threatened or endangered species.

Selection of species for stocking will be determined jointly by the administering agency and the state agency. Exotic species of fish shall not be stocked. The order of preference for stocking fish species is (a) Federally listed threatened or endangered indigenous species, (b) indigenous species. Species of fish traditionally stocked before wilderness designation may be considered indigenous if the species is likely to survive. Numbers and size of fish and time of stocking will be determined by the State agency.

Barren lakes and streams may be considered for stocking, if there is mutual agreement that no appreciable loss of scientific values or adverse effects on wilderness resources will occur.

##### Guidelines

- a. The State agency shall make fish stocking schedules available to the administering agency, indicating what species and numbers are planned for each water within a wilderness.
- b. Adjust stocking rates to minimize the likelihood of exceeding the carrying capacity of the water being stocked so as to reduce the chance of producing a population imbalance and to minimize the likelihood of attracting overuse detrimental to the wilderness resource.

#### 10. Aerial fish stocking

Aerial stocking of fish shall be permitted for those waters in wilderness where this was an

*established practice before wilderness designation or where other practical means are not available. Aerial stocking requires approval by the administering agency.*

#### *Guidelines*

*a. As justification for aerial stocking, the State agency will supply the administering agency a list of those waters where stocking with aircraft was an established practice before wilderness designation, indicating the type of aircraft used (fixed-wing or helicopter). This justification will become a part of the wilderness management plan.*

*b. To stock waters that had not been aeriually stocked before wilderness designation, the State agency will demonstrate to the administering agency the need for using aircraft.*

*c. Plan aircraft flights over wilderness to minimize disturbance. Consider season of year, time of day, route and altitude of flight, and location of landing areas on the perimeter of the wilderness.*

#### *11. Transplanting wildlife*

*Transplants (removal, reintroduction, or supplemental introduction) of terrestrial wildlife species in wilderness may be permitted if necessary: (a) to perpetuate or recover a threatened or endangered species; or (b) to restore the population of an indigenous species eliminated or reduced by human influence.*

*Transplants shall be made in a manner compatible with the wilderness character of the area. Transplant projects, including follow-up monitoring, require advance written approval by the administering agency.*

#### *Guidelines*

*a. Motorized methods and temporary holding and handling facilities may be permitted if they are the minimum necessary to accomplish an approved transplant.*

#### *12. Wildlife damage control*

*Wildlife damage control in wilderness may be necessary to protect Federally listed threatened or endangered species, to prevent transmission of diseases or parasites affecting other wildlife and humans, or to prevent serious losses of domestic livestock. Control of nonindigenous species, also may be necessary to reduce conflicts with indigenous species, particularly if the latter species are threatened or endangered.*

#### *Guidelines*

*a. Acceptable control measures include lethal and nonlethal methods, depending upon need, justification, location, conditions, efficiency and applicability of State and Federal laws.*

*b. Control measures will be implemented by the Animal and Plant Health Inspection Service, the administering agency, the State fish and wildlife agency, or other approved State agency, pursuant to cooperative agreements or memoranda of understanding. Wildlife damage control must be approved by the administering agency on a case-by-case basis.*

*c. Direct control at individual animals causing the problem.*

- d. Use only the minimum amount of control necessary to solve the problem.
- e. Use pesticides only where other measures are impractical. Use only registered pesticides according to label directions and subject to the following restrictions:
  - (1) Pesticides may be applied only by certified pesticide applicators.
  - (2) The placement of pesticides shall be accurately indicated on the largest scale USGS map available.
  - (3) Place warning signs at the entrance to the area where pesticides are being used to warn the public of any dangers to themselves or their pets.
  - (4) In the selection of pesticides, give preference to those that will have the least impact on non-target species and on the wilderness environment.

### 13. Visitor management to protect wilderness wildlife resources

*Many wildlife species are sensitive to human encroachments on their ranges. Grizzly bear, bighorn sheep, elk, mountain goat, birds of prey (such as peregrine falcon and bald eagle), other migratory and resident birds, and certain other wilderness wildlife species cannot tolerate excessive human disturbance, particularly during certain seasons of the year.*

*When necessary to reduce human disturbance to a wildlife species, the administering agency, in coordination with the State agency, may take direct or indirect management actions to control visitor use.*

#### *Guidelines*

- a. *Specify in the wilderness management plan the management actions necessary and the agency responsible to reduce conflicts with wildlife.*
- b. *If and when it becomes apparent that public use is significantly degrading the wilderness wildlife resources, limitations on visitor use may be imposed and enforced by the appropriate agency. Any limitations will be applied equitably to all wilderness visitors.*

### 14. Management of fire

*The objectives of fire management in wilderness are to: (a) permit lightning-caused fires to play, as nearly as possible, their natural ecological role within wilderness and (b) reduce, to an acceptable level, the risks and consequences of wildfire within wilderness or escaping from wilderness. Fire ignited by lightning will be permitted to burn or will be suppressed as prescribed in an approved plan. Prescribed fires ignited by man may be permitted to reduce unnatural buildup of fuels only if necessary to meet objectives (a) and (b) above. Although additional benefits may result from man-ignited prescribed fire, vegetative manipulation will not be used to justify such fires.*

H.R. REP. 101-405, H.R. Rep. No. 405, 101ST Cong., 2ND Sess. 1990, 1990 WL 259127  
(Leg.Hist.)

## RELEASE OF WILDERNESS STUDY AREAS

The Owyhee Initiative believes that Wilderness Study Area (WSA) release and livestock grazing management language found in previous wilderness legislation is appropriate for the designation of wilderness in Owyhee County. This language, adapted to the Owyhee Initiative, would provide as follows:

*The Congress hereby finds and directs that all the public lands not hereby designated as . . . [the Owyhee-Bruneau Wilderness Complex within the boundaries of Owyhee County, Idaho] managed by the Bureau of Land Management, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.*

## UNGRAZED WILDERNESS

Where the opportunity exists, some portions of wilderness areas may be reserved from grazing use through the retirement of grazing with the mutual agreement and consent of the affected permittee(s). If it becomes necessary to construct fences to assure that a wilderness area or portion thereof will not be grazed, such fences are allowed along wilderness boundaries and/or within the wilderness area. The Bureau of Land Management will assume the responsibility for the construction and maintenance of any and all fences necessary to facilitate ungrazed wilderness.

## JUNIPER MANAGEMENT IN WILDERNESS AREAS

Portions of Wilderness Areas within Owyhee County have been significantly altered through invasion by Western juniper, which has changed or is changing many of the natural sagebrush steppe uplands, aspen groves, mountain mahogany stands and mountain brush habitat to juniper woodlands. The conversion to juniper woodland results in changes in watershed function, change in the number and kinds of wildlife supported by the habitat, and reduced productivity. Many of these areas can be restored to their natural condition by re-introducing fire into the ecosystem. Wilderness areas designated herein will be included in natural habitat restoration management plans and shall be treated as necessary and advisable within the constraints of wilderness management policy to restore native habitats. Where reestablishment of understory communities is needed, such programs will include use of native species seed when readily available.

In order to accommodate juniper treatment programs (including, but not limited to adequate rest periods) that necessarily displace grazing use for a period of time, the OI will seek to establish a forage reserve program to assist ranchers in obtaining alternative forage when treatment programs are implemented on Federal, State and Private lands. It is important to conduct juniper treatment programs that affect a high level of landscape scale benefit. The nature of intermingled and often unfenced land ownerships along with interdependent grazing use of different jurisdictions can result in land treatments that impact ranchers across jurisdictional lines. Therefore, a forage reserve program will be developed that promotes cooperation among land ownerships to assist in implementing cost-effective and resource effective landscape scale juniper control programs.

Some seral juniper sites offer an opportunity to study the ecological impact of unabated conversion to juniper woodlands. Accordingly, some areas within the designated wilderness may be identified as unavailable for active restoration treatment. All remaining areas of juniper woodland occupying other habitat types both within and outside of designated wilderness will be considered for treatment and restoration of native habitats.

## **WILDERNESS AREA ACCESS**

Travel routes providing access to private lands also provide access to much of the Federal lands beyond, including wilderness within Owyhee County. In order to facilitate free access to areas designated as wilderness and other significant public recreational facilities or sites, the Owyhee Initiative proposes authorization to purchase from or exchange with willing landowners land and/or access rights across private land that will facilitate free public access. In the alternative, the Owyhee Initiative proposes authorization to construct roads wholly on Federal land to provide such access.

Areas identified by the OI for recreational access include:

North of the North Fork Owyhee River near Cliffs, heading east;

South of the Juniper Mountain Road leading to Deep Creek and to Lambert Table;

South of Bull Basin leading to Crutchers Crossing;

West of Bull Basin leading to north of Bald Mountain and to south of Dukes V Spring;

South of the Mud Flat Road leading to Pole Creek;

West of Riddle leading to Yatahoney Creek and Battle Creek drainages;

Indian Hot Springs crossing on Bruneau River;

Bruneau Hot Springs on Bruneau River;

East-West road crossing lower Duncan Creek.

Wilderness boundary lines and management plans will recognize standard setbacks for primary roads, such as the Mud Flat Road (100 feet either side of the center line) primitive wilderness boundary roads (50 feet either side of the center line) and interior wilderness "cherrystem" roads (30 feet either side of the center line).

"Cherrystem" access roads, identified on the OI wilderness map, will be incorporated into the areas designated as wilderness. In addition many of the wilderness boundaries are adjacent to existing roads that provide access to wilderness. These roads will remain open for public access for hunting and other recreational access.

Access to private property within wilderness areas will be maintained and will not be prevented or restricted due to wilderness designation. Roads that currently provide access to private inholdings will be excluded from wilderness through cherrystem designation along with the private inholdings, as identified by the OI wilderness map.

## **WILDERNESS ACCESS /MAINTENANCE**

Wilderness corridor, boundary and cherrystem roads will be identified on the enabling legislation maps, {dated ...} prepared by Spatial Dynamics for the OI. These Wilderness access roads will be maintained so as to be passable to a four-wheel drive

vehicle. The level of maintenance on these roads should assure that the roads are opened seasonally. Maintenance is limited, but will include brush and obstruction removal, maintenance of drainage facilities and maintenance of the road prism.

Detail maps for Owyhee Initiative prepared by Spatial Dynamics will further indicate road and wilderness boundaries for the following:

#### Little Jacks Creek Wilderness

1. Road up slope about one mile from Shoofly Creek to bench. Close road in rocks at rim. Bruneau-Jarbridge River Wilderness.

2. Sheep Creek, across creek from Bighorn Basin on west side in Louse Creek drainage. Wilderness connects on northeast corner of State section, wilderness boundary runs along the rim at the 4600ft. contour.

#### Canyon View on west side Bruneau River, near Miller Water Table

3. Upper end of draw, sloping terrain without defined rim, excluded from wilderness. Robertson Road to rim, to edge of Wilderness, remains open, trail continues into canyon in wilderness and is closed to motors.

#### Bruneau – Indian Hot Springs crossing

4. Camp site in cottonwood trees and boat launch sites excluded from wilderness, where parking and camping currently done, with a line drawn from the NE corner of the private lane north to the bluff one-half mile from the bridge site and west to the middle line of the Bruneau River.

#### Owyhee River Wilderness

5. Wiley Ranch – road open to rim, about 1/8 mile beyond 5093ft. Bench Mark, trail leads to river from there in wilderness and is closed to motors.

#### Crutchers Crossing

6. Crossing and corridor is in Wild classification of Wild and Scenic River. Wilderness boundary follows spur road heading upstream to dispersed campsite and turn around from old homestead, crosses river to take-out, excludes gravel bar.

#### Bull Basin

7. Road corridor in between private land, on east side of 230 acre private segment, and BLM land to allow future construction.

#### Pole Creek Wilderness

8. Road running east-west, just north of Hawes Pasture is south of wilderness boundary and outside wilderness.

#### Dukes V in Owyhee Wilderness

9. Road open along Dukes V ridge parallel to Bald Mountain Canyon to rock outcrop at the 5349ft. elevation marker. Spur road about .9 mile to Dukes V Spring is closed.

## **WILDERNESS WILDFIRE MANAGEMENT AND RESTORATION**

It is anticipated that wilderness management plans will recognize the site specific needs for increased wildfire suppression where landscape values are more drastically impacted by wildfire. It is also anticipated that such plans will provide for a range of restoration practices that are allowed when necessary to adequately preserve and protect both landscape and wilderness resource values. In particular, rehabilitation following fire should not be limited in areas with high risk of conversion to cheatgrass. While native species would be a preference for fire rehab, projects should not be delayed due to inadequate funding for use of native species. A reasonable and prudent standard should be used to assure that effective fire rehabilitation is accomplished in a timely manner.

*Previous wilderness legislation has addressed this issue as follows: "Consistent with Section 4 of the Wilderness Act, nothing in this title precludes a federal, state, or local agency from conducting wildfire management operations, including operations using aircraft or mechanized equipment to manage wildfires in the wilderness areas designated by this title." The Owyhee Initiative has not adopted this or other language for legislation, but believes the concept of site-specific decisions as to wildfire management is an important element in addressing fire management in the diversity of landscapes in Owyhee County.*

## **WILDERNESS FISH AND WILDLIFE MANAGEMENT**

The State of Idaho will retain all authority to manage wildlife and hunting and fishing regardless of wilderness designation. Management of bighorn sheep populations will continue in the same manner as currently employed, including the use of helicopters for monitoring, transplants etc. The Animal and Plant Health Inspection Services, the Idaho Department of Fish and Game, and/or other approved state agency may initiate predator damage control under cooperative agreements, annual work plans or memorandums of understanding. Predatory animal management and wildlife damage management should be approved by the administering agency on a case-by-case basis. It is normally expected that the minimum amount of control necessary to resolve the specific problem will be used.

## **WILDERNESS & MILITARY TRAINING**

The OI recognizes the extremely important role of military training for the security of the nation and for the highest possible level of safety and effectiveness of training for our servicemen. The OI intends that the establishment of wilderness and wild and scenic rivers will not affect military training in the area. Wilderness designation should not affect special use air space over-flights or low-level routes, emergency response capabilities, existing ground instrumentation sites and uses or wilderness compatible ground and air operations for readiness testing, rescue missions or training activities.

## **WILDERNESS WITHDRAWAL FROM ENTRY**

All Federal lands within wilderness areas will be withdrawn from exploration, leasing and entry for mineral, natural gas, oil, rock, rights of way and other non-compatible uses.

## **WILDERNESS BUFFER ZONES**

Wilderness management plans, other land use plans and site-specific management plans, decisions or actions will not recognize any buffer zone on which restrictions would be placed due to the proximity to wilderness or effect on any wilderness related purpose.

Previous wilderness legislation has addressed this issue as follows: "Nothing in this title shall be construed to create protective perimeters or buffer zones around wilderness areas designated by this title. Activities or uses of non-wilderness areas that can be seen or heard within wilderness areas designated by this title shall not be precluded as a result." The Owyhee Initiative has not adopted this or other language for legislation but believes the concept of explicit avoidance of buffer zones is essential.

## **RECREATIONAL LIVESTOCK AND OUTFITTING**

It is the position of the OI that neither wilderness nor wild and scenic river designations will preclude horseback riding, trail maintenance and the entry and grazing of recreational saddle and pack stock in wilderness. The OI supports the continuation of outfitting and guiding in designated wilderness areas and on applicable designated rivers.

Consistent with Section 4.(d)(6) of the Wilderness Act, on lands within Owyhee County Idaho designated as wilderness it is the position and expectation of the OI that the Secretary shall permit the continuance of outfitting and guiding activities where such activities are established, subject to such reasonable regulations as the Secretary deems necessary. The OI recognize that outfitting and guiding plays the legitimate and necessary role of providing access to wilderness for members of the public that lack the skill, knowledge or equipment to visit wilderness on their own, and that outfitting and guiding are proper activities for realizing the recreational, scenic, scientific, educational, conservation, and historical purposes of wilderness areas. Designation of lands as wilderness will not be cause for the Secretary to reduce outfitting activity or the existing system of reserved camps and allocated river launches designated for use by the public who use outfitter services.

## **WILDERNESS / WSR AND EXISTING LAND USE PLANS**

The designation of Wilderness Areas, Wild and Scenic Rivers, and release of Wilderness Study Areas to non-wilderness multiple use management creates a new situation relative to existing Federal Land Use Plans. Changed or new management options associated with Wilderness, Wild and Scenic Rivers, and released WSAs result in different constraints or opportunities for management on these lands and adjacent lands (e.g. grazing allotments formerly in or partially within in Wilderness Study Areas). This changes the basis for choosing some LUP objectives and management actions; therefore, LUPs will need to be reviewed to identify where new situations demonstrate a need for amendment of those plans.

BLM's Land Use Planning Handbook H-1601-1 states, "New information, updated analyses, or new resource use or protection proposals may require amending or revising land use plans and updating implementation decisions." Specifically, BLM's planning handbook states:

New data or information can include, but is not limited to... new national policy or a change in legal duties resulting from laws, regulations, executive orders, or BLM directives. An example would be designation of a river segment under the Wild and Scenic Rivers Act that mandates a protection and enhancement standard that, in turn, may affect resource management objectives, conditions, or uses outlined in the land use plan.

Based on the OI landscape scale management approach, wilderness and WSR designations, and other management actions called for in the OI, special area management designations may no longer require layered management guidance. The BLM should evaluate management requirements and constraints of overlapping special area designations and the special area management should be modified where wilderness, wild and scenic rivers or other new management direction satisfies the objectives for special designations. The OI expects the initial review and identified revisions of management direction will be completed within one year. Nothing in the OI is intended to diminish or affect Congressional actions relative to clean water, threatened or endangered species or other specific environmental directives of the Congress.

The OI proposes Wilderness for approximately 500,000 acres of the most significant canyon lands in Owyhee County covering virtually the entire range of important habitat for Bighorn Sheep. A primary element of the wilderness proposal is the protection of known occupied and critical habitat for bighorn sheep. When wilderness designation and management requirements are successfully implemented wilderness designation will protect the essential bighorn sheep habitat. Special BLM management areas for big horn sheep in Owyhee County, pre-existing the OI, will be mapped by the OI.

## APPENDIX B

### **WILD & SCENIC RIVERS – WATER RIGHTS**

The Wild and Scenic Rivers Act (WSRA) expressly reserves water in designated wild, scenic and recreational rivers. The priority date for such rights in Owyhee County will be the date of passage of legislation adopting the Owyhee Initiative proposal.

Prior appropriations will be senior. Rights for wild and scenic rivers in Owyhee County will be junior rights and will not affect existing water rights. Nothing in the Owyhee Initiative Act shall in any way affect, derogate or diminish existing water rights and claims as recognized under Idaho state law at the time of enactment.

As stated in the Wild and Scenic Rivers Act, federally held water rights related to the designated rivers are limited to only the quantity of unappropriated water necessary to protect the scenic, recreational, geologic, fish and wildlife, historic cultural or other outstandingly remarkable values that form the basis for designation of the rivers.

At present there is very limited foreseeable opportunity for new uses of water upstream of the rivers proposed for designation. There are few communities, no large-scale agricultural uses, no commercial and industrial uses, and very little private land in these areas. Only a small percentage of the private land is susceptible to new irrigation. In addition, the availability of water for new uses is extremely limited by surface sources and existing uses. Therefore, foreseeable future uses for stock water and domestic use in these upstream areas in Owyhee County appear to be so limited that they will not impair the values of proposed wild, scenic and recreational rivers.

As a practical matter, the OI expects that existing diversions and uses, together with wild and scenic river water rights will not preclude future uses of water in the watersheds of designated rivers in Owyhee County for domestic and de minimus stockwater purposes. The OI expects that providing a specific quantity of water for future domestic and de minimus stockwater uses of 0.02 cubic feet per second or less, in accordance with state law, in the watersheds of designated rivers in Owyhee County, will not impair water necessary to protect the values of the proposed wild, scenic, and recreational rivers.

The OI also agrees that it is prudent to set aside a reserve of unappropriated water (where it exists) in each of the three principal watersheds containing designated rivers for unanticipated irrigation, commercial, municipal and industrial uses. However, in recognizing the ecological importance of river flows in this arid region, and recognizing the wishes of Owyhee County residents to maintain and protect their current way and quality of life, the OI anticipates that future appropriations of unappropriated water for irrigation, commercial, municipal or industrial uses in watersheds of designated rivers will comply with the following guidelines:

1. Cumulative withdrawals will be limited to a maximum diversion rate of 10 percent of the mean monthly flows during the typical high water months of March, April, May and June, and may be diverted from streams in the watersheds of designated rivers only during those months.
2. Irrigation, commercial, municipal or industrial water obtained after designation may not be transferred out of basin, nor will future withdrawals for those purposes de-water perennial streams or prematurely de-water intermittent streams.
3. Water diverted from tributary streams for irrigation, commercial, municipal or industrial purposes will not be stored on historic perennial streams, rather, it will be diverted to off-stream storage sites.
4. Future irrigation, commercial, municipal or industrial water rights granted by the State of Idaho, consistent with state law and in compliance with the conditions set forth in this Appendix, will be administered as senior to any federally held Wild & Scenic rights reserved at the time of designation.

## **WSR BUFFER ZONES**

WSR management plans, other land use plans and site-specific management plans, decisions or actions will not recognize any buffer zone on which restrictions would be placed due to the proximity to a designated segment of WSR, WSR boundary or to a WSR related purpose.

## **WSR ACCESS / MAINTENANCE**

Key access points to the rivers designated as WSRs are to be maintained. Over the past several years the main access roads to Crutchers Crossing, Garat, and Bruneau Hot Springs have deteriorated to the point that travel is hazardous and threatens damage to vehicles.

The roads on both north and south sides of the Owyhee River to Crutchers, the road on the south side of the river to Garat, and the road on the east and west sides of the Bruneau Hot Springs will be maintained so as to be passable to a four-wheel drive vehicle. The level of maintenance on these roads should assure that the road is opened seasonally. Maintenance is limited, but will include brush and obstruction removal, maintenance of drainage facilities and maintenance of the road prism.

The existing river crossings at the 45 Ranch on the South Fork Owyhee and the Bruneau Hot Springs will remain open by virtue of designating short segments at the crossings as Recreational River.

The road on the south side of the Owyhee River at Garat will remain open to motorized use to the WSR boundary, as identified by the OI Map dated \_\_\_\_\_ prepared for the Owyhee Initiative by Spatial Dynamics of Boise, Idaho. The wilderness boundary on the north side of the river at Garat will close the crossing to motorized use and the route proceeding north from Garat to Windy Point and Jarvis Pasture will be included in wilderness, remaining open for wilderness use.

Road access from both the north and south side of Crutchers Crossing on the E. Fork of the Owyhee River will remain open, allowing motorized use of the crossing as specifically designated by enabling legislation and the legislated map. The river crossing at Crutchers will not be maintained or improved and will remain an unconstructed crossing. The ability to actually cross the river with a motorized vehicle will be determined by "naturally occurring" water events at the site. The spur road, just north of the old Oley Skamfer homestead, leading to the river crossing will remain open to motorized use and will remain unconstructed.

The river crossing at Crutchers and adjacent upstream lands on the north and south sides of Crutchers Crossing on the E. Fork of the Owyhee River that contain spur and access roads will not be designated wilderness. A specific map indicating the approximate amount of land to not be designated wilderness in this area will be prepared for the Owyhee Initiative by Spatial Dynamics of Boise, Idaho.

# **Amendment to the Amendment of the Owyhee Initiative Agreement signed on September 12, 2005**

## **Owyhee Initiative Wild and Scenic Rivers Act Water Rights Agreement**

This Agreement is entered as of 5/10, 2006 by the undersigned parties, who, as the parties comprising the Owyhee Initiative ("OI"), propose that Congress designate certain river and stream segments in the basins of Jacks Creek, Owyhee River, Bruneau River, and Jarbidge River, all in Idaho's Owyhee County as wild, scenic, or recreational under the Wild and Scenic Rivers Act. These stream segments are defined below and referred to collectively in this Agreement as the "Designated Rivers."

The Act expressly reserves rights to unappropriated waters in such rivers in quantities no greater than necessary to accomplish the purposes of the Act and with a priority date as of the date the President signs the bill making the designation. The OI expects that the Interior Department or other appropriate federal agencies will file federal reserved water right claims in the Snake River Basin Adjudication and take such other actions necessary to assure that the reserved water rights are quantified and administered consistent with the understanding of the parties as set forth herein. Specifically, the claims will recognize that the water rights in existence when the legislation becomes effective will be senior. This means that federal reserved water rights for the Designated Rivers will be junior to and will not affect senior water rights. Nothing in this Agreement shall in any way affect, derogate or diminish existing water rights as recognized under Idaho state law at the time the rivers are designated.

At present there is very limited foreseeable opportunity for new uses of water upstream of the Designated Rivers. There are few communities, no large-scale agricultural uses, no commercial and industrial uses, and very little private land in these areas. Only a small percentage of the private land is susceptible to new irrigation. In addition, the availability of water for new uses is extremely limited because surface water sources typically are small or intermittent and private water rights already have been established in all of these basins. The parties recognize, however, that some provision must be made for a limited amount of future development. Thus, they have agreed that any reserved water right claim will contain a subordination to a specified amount of future uses.

Reserved water rights in the Designated Rivers for purposes stated in the Act will be subordinate to future uses of water under new water rights for domestic and de minimis stockwater purposes in the watersheds of the Designated Rivers in Owyhee County, either on a Designated River or on a tributary, above an ending point.

The reserved water rights established in the Designated Rivers pursuant to the OI process will be administered as junior to later-established domestic and de minimis stockwater rights having points of diversion and places of use within the basins of, and upstream from, the ending points.

The OI expects that providing for the establishment of future domestic and de minimis stockwater rights, in accordance with state law, in the watersheds upstream of the respective ending points will not impair water flows necessary to protect the values of the Designated Rivers.

In addition, it is prudent to set aside, by means of a subordination of the reserved water right, a reserve of unappropriated water in each of the watersheds containing the Designated Rivers for future in-basin irrigation, commercial, municipal, industrial and other state-recognized beneficial uses. However, in recognizing the ecological importance of stream and river flows in this arid region, and recognizing the wishes of Owyhee County residents to maintain and protect their current way and quality of life, new appropriations of unappropriated water for irrigation, commercial, municipal, industrial or other state-recognized beneficial uses made after the designation, where the point of diversion is in the watershed of a Designated River above an ending point, shall comply with Idaho law and all of the following conditions:

1. In-basin irrigation, commercial, municipal, industrial or other state-recognized water rights with priority dates after the date the Designated Rivers are established, consistent with state law and in compliance with the conditions set forth in this Agreement, will be administered as senior to the reserved water rights established in the Designated Rivers.
2. Cumulative withdrawals of water from each Designated River's principal watershed, above the respective ending points, shall be limited to a maximum instantaneous diversion rate of ten percent of the mean monthly flows, in cubic feet per second, during March, April, May, and June. Water may be diverted only during these months and may not exceed the maximum diversion rate for each individual month. The mean monthly flows will be measured at the relevant basin gages. The mean monthly flows will be determined by examining the relevant basin gage record for the period of record of the gage for the months of March through June.
3. Future withdrawals of water for irrigation, commercial, municipal, industrial or other state-recognized beneficial uses within a Designated River's principal watershed in Owyhee County shall not de-water perennial streams or prematurely de-water intermittent streams. All transfers of water rights within the watersheds of the Designated Rivers will continue to be subject to the conditions and requirements of Idaho law, including the rule that other water rights are not injured as a result of any transfer.
4. Water appropriated for storage to serve any irrigation, commercial, municipal, industrial or other state-recognized beneficial uses shall not be stored in reservoirs constructed within the bed or between the banks of any perennial stream. Rather, all such waters will be diverted to off-stream storage sites

Finally, it is recognized that the reserved water rights, once quantified, will be administered by the State of Idaho in accordance with state law.

**Definitions.** For purposes of this Agreement, the following terms shall have the meanings stated below, it being understood that a definition in the singular shall be interpreted also to include the plural:

“Act” means the Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271, *et seq.*

“Basin gage” means the United States Geological Survey gage listed for each respective principal watershed in the ERO Report.

“De minimis stockwater” water rights, purposes, or uses shall have the same meaning, and be subject to the same limitations and conditions, as: 1) the language permitting the “use of water for . . . livestock” contained in Idaho Code § 42-111; 2) the definition of “stock watering use” in Idaho Code § 42-1401A (11); and, to the extent consistent with these two Idaho Code sections, 3) the “watering of livestock” as set forth in Idaho Code § 42-113.

“Designated River” means those streams or rivers, of segments thereof, listed in Appendix A.

“Domestic” water rights, purposes, or uses means those water rights or entitlements defined at Idaho Code § 42-111.

“Ending point” means: The lower, or downstream, terminus of a river or stream reach in which a federal reserved water right is established on a Designated River pursuant to the Wild and Scenic Rivers Act.

“Perennial stream” means a natural watercourse that, under normal meteorological conditions, contains some visible water flow during each month of the year.

“Principal watershed” means the watershed of each of the following, as measured by the respective basin gage and described in the report prepared by David Shaw and entitled *Water Supply for Non-de Minimis Water Uses From Stream Reaches Upstream from Wild and Scenic Designated Streams*, ERO Resources Corporation (September 6, 2005) (the “ERO Report”): Owyhee Basin, South Fork Owyhee Basin, Bruneau Basin, East Fork Bruneau Basin, Jarbidge Basin, and Big Jacks Basin.

“Reserved water right” or “federal reserved water right” means a water right held by the federal government and established by operation of the Act.

“Transfer” means any change in a water right’s place or time of use, point of diversion, or nature of use, actions that currently are subject to state approval under Idaho Code 42-222.

“Tributary” means any perennial or intermittent stream that supplies water during any portion of the year to a Designated River above an ending point.

“Water right” means: Any right to divert and place to beneficial waters in Idaho, and recognized by license, court decree, permit, or by the use of water for domestic or stock watering purposes as provided in Idaho Code §§ 42-111 and 113.

APPENDIX A

**Owyhee Initiative Agreement  
Wild and Scenic Rivers  
Boundaries and Outstandingly Remarkable Values**

**Owyhee Watershed**

Little Owyhee River WILD	11 miles from confluence with South Fork of the Owyhee River to the upstream boundary of the Owyhee River Wilderness.  Wildlife
North Fork of the Owyhee River RECREATIONAL	5.7 miles from Idaho-Oregon border to the segment described below.  Scenic, recreation (kayaking and backpacking), geologic, wildlife and vegetation (Montane Western Juniper Woodland Sublime)
North Fork of the Owyhee River WILD	15.1 miles from the western/downstream boundary of the North Fork Owyhee River Wilderness to the northern/upstream boundary of the North Fork Owyhee River Wilderness.  Scenic, recreation (kayaking and backpacking), geologic, wildlife and vegetation (Montane Western Juniper Woodland Sublime)
Battle Creek WILD	23.4 miles from confluence of Owyhee River to upstream boundary of Owyhee River Wilderness.  Scenic, recreation (backpacking), geologic
Camas Creek SCENIC	3.0 miles from confluence with Pole Creek to east boundary of Section 26,T10S R2W B.M.  Scenic, recreation, geology, wildlife, prehistoric cultural clues
Deep Creek WILD	13.1 miles from confluence with Owyhee River to upstream boundary of Owyhee River Wilderness

	Scenic, recreation (float boating and backpacking), geologic, wildlife
Deep Creek SCENIC	26.4 miles from boundary of Owyhee River Wilderness to upstream crossing of Mud Flat Road  Scenic, recreation (float boating and backpacking), geologic, wildlife
Dickshooter Creek WILD	11 miles from confluence with Deep Creek to upstream boundary of Owyhee River Wilderness  Scenic, recreation, geology, wildlife, prehistoric cultural clues
South Fork of the Owyhee River WILD	31.4 miles from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada border.  Scenic, recreation (float boating), geology, wildlife
South Fork of the Owyhee River RECREATIONAL	1.2 miles across private lands in Section 25 and 36 of T14S R5W, B/M.  Scenic, recreation (float boating), geology, wildlife
Owyhee River WILD	67.3 miles from the Idaho-Oregon border to the upstream boundary of the Owyhee River Wilderness.  Scenic, recreation (float boating and backpacking), geologic, wildlife, other (Tules ancient river bed)
Pole Creek SCENIC	14.3 miles from the confluence with Deep Creek upstream to the south boundary of Section 16 of T10S R2W, B.M.  Scenic, recreation, geology, wildlife, prehistoric cultural clues
Red Canyon WILD	4.6 miles from confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness.  Scenic, recreational, geologic, wildlife

**Big Jacks Creek Watershed**

**(The BLM has not completed wild and scenic river studies on these rivers. Outstandingly remarkable values have not been identified.)**

Big Jacks Creek WILD	35 miles from downstream border of Big Jacks Creek Wilderness in T8S R4E Section 8 to where it enters the Northwest Quarter of Section 26 T10S R2E, B.M.
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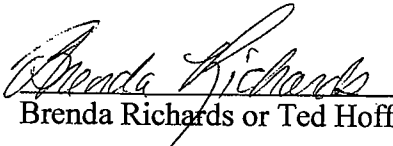
Cottonwood Creek WILD	2.6 miles from confluence with Big Jacks Creek to upstream boundary of Big Jacks Creek Wilderness
Duncan Creek SCENIC	5.2 miles from eastern boundary of Section 18 of T10S R4E, B.M. upstream to the NW corner of Section 1 of T11S R3E, B.M.
Duncan Creek WILD	0.9 mile from confluence with Big Jacks Creek to the beginning of reach described above.
Little Jacks Creek WILD	13.2 miles from downstream boundary of Little Jacks Creek Wilderness, upstream to NW quarter of Section 27 of T9S R2E, B.M.
OX Prong WILD	1.3 miles from the confluence with Little Jacks Creek to the upstream boundary of the Little Jacks Creek Wilderness
Wickahoney Creek WILD	1.5 miles from confluence with Big Jacks Creek to upstream boundary of Big Jacks Creek Wilderness


#### Bruneau Watershed

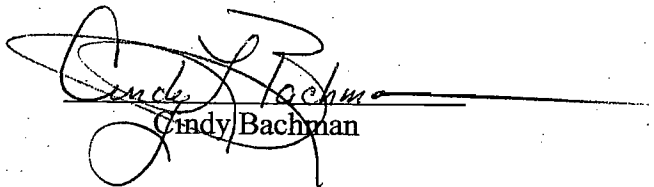
Bruneau River WILD	39.3 miles from downstream boundary of Bruneau-Jarbidge Wilderness to upstream confluence with the West Fork Bruneau River and the Jarbidge River.  Scenic, wildlife, recreation, geologic, archaeological
Bruneau River RECREATIONAL	0.6 mile at the Indian Hot Springs public road access. REC.  Scenic, wildlife, recreation, geologic, archaeological
West Fork of the Bruneau River WILD	6.2 miles from confluence with Jarbidge River to upstream boundary of Bruneau-Jarbidge Rivers Wilderness  Scenic, wildlife, recreation, geologic, archaeological
Jarbidge River WILD	28.8 miles from confluence with West Fork Bruneau River to upstream boundary of Bruneau-Jarbidge Rivers Wilderness  Scenic, wildlife, recreation, geologic, archaeological
Sheep Creek WILD	25.6 miles from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness  Scenic, wildlife, recreation, geologic, archaeological

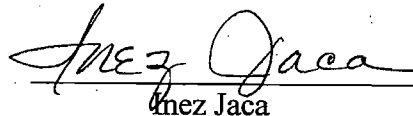
The Owyhee Initiative Agreement titled "Amended Owyhee Initiative Agreement of September 12, 2005" shall be amended and to reprint as follows "Amendment to the Amendment of the Owyhee Initiative Agreement"

Signed this 10<sup>th</sup> day of May, 2006.


  
Brenda Richards or Ted Hoffman

  
Lou Lunte

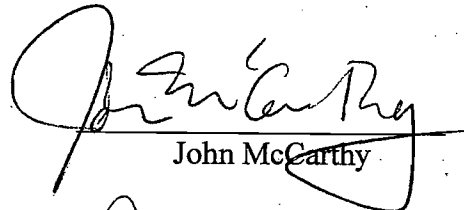
  
Cindy Bachman

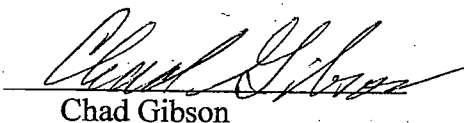
  
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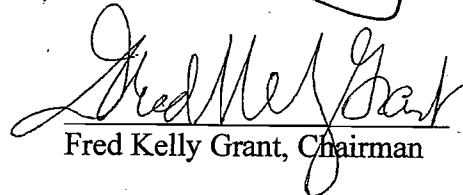
  
Craig Gehrke

  
Grant Simonds

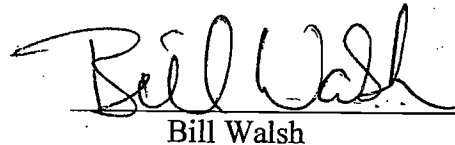
  
Jessica Ruehrwein

  
John McCarthy

  
Chad Gibson

  
Fred Kelly Grant, Chairman

  
Bill Sedivy

  
Bill Walsh