



January 31, 2020

Senator Ron Wyden  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Senator Jeff Merkley  
313 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senators Wyden and Merkley,

First, we express our gratitude for the many varied and difficult issues in which you both engage with vigor and integrity. Oregon and the Pacific Northwest are fortunate to have two such great Senators--indeed, the entire country benefits from your service. Your recent efforts to bring forth a tough compromise for public lands in southeastern Oregon is an example of your boldness in tackling a very difficult issue. Decades have passed without a way to move forward with protections for the Owyhee Canyonlands, a most deserving landscape.

The Great Old Broads for Wilderness (Broads) is a national grassroots organization, led by women, that engages and inspires activism to preserve and protect wilderness and wild lands. While headquartered in Durango, CO, we have forty local chapters, called "Broadbands", in 17 states. These include four in Oregon: Central Oregon, Portland/Vancouver, Willamette Valley, and Rogue Valley. We tackle a variety of conservation issues on public lands, and have been committed to protecting the Owyhee Canyonlands for some time. We conducted a five-day national educational event there in 2015, and have written substantive comments on the Southeastern Oregon Resource Management Plan. Our Bend area group, the Bitterbrush Broadband, led the central Oregon resistance to the Malheur Wildlife Refuge occupation. The Owyhee Canyonlands are a national priority issue for our organization.

We appreciate your efforts to find a compromise solution for the Owyhee Canyonlands through The Malheur Community Empowerment Act (S. 2828). However, we cannot support this bill without substantial changes.

Our Strategic Plan (<https://www.greatoldbroads.org/strategic-plan-2017-2022/>) has as its third goal: "Keep Public Lands in Public Hands." The Broads are committed to protect wild public lands and the bedrock laws needed to protect them. It is in this context that we urge you to consider changes in the current language and proposals in S.2828:

- 1) **A Programmatic Environmental Impact Statement (PEIS) covering 4.5 million acres cannot possibly be detailed enough to cover all the variables** deserving of consideration in such a huge landscape. While recognizing the intent of expediting

“adaptive management,” this type of adaptive management does not preclude a certain level of project/site specific analysis. Additionally, such a PEIS precludes opportunities for public input for specific projects, a fundamental principle of the National Environmental Policy Act (NEPA). Perhaps a “regionalization” approach is warranted within the larger landscape, or language can be inserted to increase efficiency of project/site specific analysis. The “allowed activities” in the PEIS is entirely too broad a list and needs clear “sideboards.” It is inappropriate, and detrimental to the rangeland conditions and to public input processes, that NEPA be eliminated in the grazing permit renewal process.

- 2) **The idea of a programmatic Minimum Requirements Analysis (MRA) fundamentally undermines the Wilderness Act** by eliminating the need to ask, for every project, “what is the MINIMUM disturbance necessary to achieve the necessary action?” Project specific MRA must remain in the proposed Act. The concept of MRA was created to allow for flexibility and compromise in occasionally allowing generally prohibited uses in wilderness. The use of the Minimum Requirements Decision Guide Process determines if the action is necessary, and if so, that the action is the minimum activity. The elimination of the MRA would set a dangerous precedent for wilderness management.
- 3) **The composition of the Community Empowerment for the Owyhee (CEO) Group which is not required to adhere to Federal Advisory Committee Act (FACA) guidelines** creates the very real possibility that the general public will be effectively eliminated from input into decisions about these public lands. The makeup of the CEO Group and its operation must be managed in such a way that the general public is not precluded and fairly represented. Maintaining the key provisions of FACA is essential, even while providing for a strong local voice.
- 4) **Any appearance of undermining our bedrock environmental laws sets precedence for further attacks.** The desire to include a local voice in S.2828 cannot run roughshod over federal laws designed to ensure critical environmental protection and public input. Any language in the act must ensure the opportunity for public input and participation, as public lands are the legacy of all Americans.
- 5) We have some **additional concerns** not specific to maintaining the integrity of the bedrock environmental laws:

While the funding for S.2828 is far from certain in any of the many categories mentioned, it is paramount that **the funding for monitoring must be part of the initial Act.** NO evaluation of adaptive management can be possible without good baseline data and provision for quality assessment going forward. The Owyhee landscape is notorious for inadequate monitoring. It would be a huge paradigm shift to implement adequate monitoring. The Act cannot afford to neglect this factor, either in intent or by failing to provide funding.

**The inclusion of ONLY one 14.7-mile river segment as Wild & Scenic is a gross oversight.** At a minimum, the 8.6 miles of Antelope Creek and the 16.8 miles of Dry Creek should be added. Rattlesnake Creek and the Middle Fork are also most worthy of inclusion. Including only the river section most accessible to public use belies the intent of creating Wilderness.

**A voluntary grazing permit retirement provision needs to be specifically included in this legislation** in order to fulfill the stated objective of improving ecological health through adaptive management. Such a provision provides an option for ranchers to receive compensation from a third party through a voluntary, non-regulatory, market-based solution. This allows for a win-win solution for those who choose this opportunity, while saving tax dollars and allowing for potential benefits to water resources, wildlife, and plant communities. Adaptive management for those sites that cannot support grazing while maintaining minimum rangeland health standards must allow for removal of grazing. Furthermore, it allows livestock producers to use this “tool” as they face the severe challenges of grazing in the desert in the face of climate change. Language in the Act prohibiting a decrease in AUMs while allowing an increase in AUMs is the exact antithesis of adaptive management.

Thank you, again, for a bold effort to provide some security for rural Americans, while preserving a very special place. Please consider our suggestions to improve this Act. Once accomplished, we would like to engage in supporting this bill and help to move it to successful passage while preserving our fundamental environmental laws.

Sincerely,



Shelley Silbert  
Executive Director



Julie Weikel  
Board of Directors  
Ctl. Oregon Bitterbrush Chapter Leadership Team