

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 10

BY WAYS AND MEANS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, TO THE CHIEF OF THE UNITED STATES FOREST SERVICE, TO THE GOVERNOR OF THE STATE OF IDAHO, AND TO THE LIEUTENANT GOVERNOR OF THE STATE OF IDAHO.
8

9 We, your Memorialists, the House of Representatives and the Senate of
10 the State of Idaho assembled in the First Regular Session of the Sixty-fifth
11 Idaho Legislature, do hereby respectfully represent that:

12 WHEREAS, the United States House of Representatives, the United States
13 Senate, and agencies and offices of the United States Department of Agriculture regularly inventory, evaluate, and, where appropriate, recommend specified public land, waters, and areas as potential additions to the National Wilderness Preservation System, often referred to as Recommended Wilderness Areas (RWAs); and
17

18 WHEREAS, the policy of the United States Forest Service (USFS) for managing RWAs involves determinations of whether specific motorized and mechanized activity, such as mountain biking, snowmobiling, and off-road vehicle riding, in any way compromises the area's future potential for designation as wilderness; and
22

23 WHEREAS, the USFS Northern Region, designated as Region 1, encompasses
24 25 million acres spread over 5 states, including 12 National Forests located within the perimeter of northeastern Washington, northern Idaho, and Montana, and the National Grasslands in North Dakota and northwestern South Dakota. The policy for managing RWAs is to manage them as if they were congressionally designated wilderness managed under the strict prescriptions of the Wilderness Act of 1964, 16 U.S.C. 1131-1136; and
29

30 WHEREAS, in 2006, with no direction from Congress, no rule, and no policy, the USFS Region 1 adopted a policy that resulted in "administratively created wilderness"; and
32

33 WHEREAS, currently in Idaho there are 4,796,559 acres of congressionally designated wilderness and 392,919 acres of administratively created wilderness; and
35

36 WHEREAS, additional acres of administratively created wilderness will be added as National Forests complete their required forest planning, which will inevitably only result in the loss of roads, trails, and areas historically open and available for motorized and mechanized activity; and
39

40 WHEREAS, rural communities that turned to recreation for economic survival since the economic decline of the timber and mining industries will once again struggle to survive as a result of administratively created wilderness.
43

1 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
2 sion of the Sixty-fifth Idaho Legislature, the House of Representatives and
3 the Senate concurring therein, that we advise, recommend, urge, and instruct
4 the United States Secretary of Agriculture to immediately adopt, implement,
5 and enforce a Secretarial Order concerning Allowable Uses in Recommended
6 Wilderness Areas and on other public lands identified as potential additions
7 to the National Wilderness Preservation System for the purposes of effectuat-
8 ating the following:

9 (1) Declaring and recognizing that Congress has the sole authority to
10 designate wilderness under the Wilderness Act of 1964 and that no agency or
11 office of the United States Department of Agriculture has the authority to
12 manage public lands in a manner that administratively creates wilderness
13 without congressional authorization; and

14 (2) Directing that every agency or office of the United States Depart-
15 ment of Agriculture:

16 (a) Apply only the blanket restrictions upon motorized and mechanized
17 activity to those public lands formally designated by Congress to be
18 within the National Wilderness Preservation System; and

19 (b) Protect the physical resources and attributes of RWAs that make
20 such lands candidates for addition to the National Wilderness Preserva-
21 tion System, while simultaneously providing for multiple use of those
22 areas, including by motorized and mechanized activity, in a manner that
23 does not diminish wilderness potential; and

24 (c) Refrain from managing any RWA as wilderness or otherwise treat or
25 refer to it as such until such time as Congress enacts, and the President
26 signs, legislation formally designating such RWA as wilderness; and

27 (d) Refrain from prohibiting any use, activity, project, or equipment
28 in an RWA on the grounds that the same would not be allowed in a formally
29 designated wilderness area; and

30 (e) Presume that established uses, such as hunting, use of firearms,
31 motorized recreation, mechanized recreation, aviation, grazing of
32 livestock, and construction of range improvements occurring in an
33 RWA prior to a designation as an RWA, shall be allowed to continue at
34 historic levels without long-term impairment of suitability for designa-
35 tion as wilderness; and

36 (f) Take such actions and make such changes in agency and office reg-
37 ulations, policies, procedures, guidelines, and handbooks as are nec-
38 essary and appropriate to bring the agencies and office into compliance
39 with these provisions within three months; and

40 (g) Examine all currently designated RWAs and make immediate changes
41 in management plans and directions to comply with these provisions, in-
42 cluding the restoration of historic uses.

43 BE IT FURTHER RESOLVED that we call upon the Governor of the State of
44 Idaho and the members of the Idaho congressional delegation to act in coop-
45 eration with one another, and with others, to effectuate the issuance of a
46 Secretarial Order concerning Allowable Uses in Recommended Wilderness Areas
47 and on other public lands identified as potential additions to the National
48 Wilderness Preservation System in a manner consistent with the provisions of
49 this Joint Memorial.

1 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
2 tives be, and she is hereby authorized and directed to forward a copy of this
3 Memorial to the President of the United States, to the Senate and the House
4 of Representatives of the United States in Congress assembled, to the con-
5 gressional delegation representing the State of Idaho in the Congress of the
6 United States, to the Secretary of the United States Department of Agricul-
7 ture, to the Chief of the United States Forest Service, to the Governor of the
8 State of Idaho, and to the Lieutenant Governor of the State of Idaho.