

THE OMNIBUS PUBLIC LANDS MANAGEMENT ACT OF 2009

The Omnibus Public Lands Management Act (OPLMA; Public Law 111-11) was signed by the President on March 30, 2009. Within the planning area, Title I, Subtitle F of this act, entitled *Owyhee Public Land Management*, designates the Bruneau-Jarbidge Rivers Wilderness and releases from consideration for Wilderness areas previously identified as the Bruneau River-Sheep Creek Wilderness Study Area (WSA) and the Jarbidge River WSA that are not contained in the newly designated Wilderness. In addition, OPLMA designates four Wild and Scenic Rivers (WSRs) within the planning area and contains additional management direction for cultural resources and transportation in the portions of the planning area within Owyhee County, Idaho. This subtitle is reprinted in its entirety following this errata sheet.

Provisions of the Act Relevant to the Jarbidge Draft RMP/EIS

Wilderness Designation

OPLMA designates 89,780 acres¹ as the Bruneau-Jarbidge Rivers Wilderness (Map 1). Of this, 60,320 acres are in the planning area (Table 1); the remaining acres are outside the planning area within the Bureau of Land Management (BLM) Bruneau Field Office. Of the acres within the planning area, 46,170 acres were formerly in the Jarbidge River WSA, 13,980 acres were formerly in the Bruneau River-Sheep Creek WSA, and 170 acres were not in either WSA.

Table 1. OPLMA Changes in Wilderness and WSA Management Affecting the Planning Area

| Former Management | | Management Following OPLMA | |
|--------------------------------------|----------------|------------------------------------|------------------------------|
| Field Office | Acres | Bruneau-Jarbidge Rivers Wilderness | Released from WSA Management |
| Jarbidge River WSA | | | |
| Jarbidge FO | 64,110 | 46,170 | 17,940 |
| Bruneau FO | 6,840 | 6,820 | 20 |
| <i>Total</i> | <i>70,950</i> | <i>52,990</i> | <i>17,960</i> |
| Bruneau River-Sheep Creek WSA | | | |
| Jarbidge FO | 28,120 | 13,980 | 14,140 |
| Bruneau FO | 72,860 | 22,490 | 50,370 |
| <i>Total</i> | <i>100,980</i> | <i>36,470</i> | <i>64,510</i> |
| Not within any WSA | | | |
| Jarbidge FO | 170 | 170 | 0 |
| Bruneau FO | 150 | 150 | 0 |
| <i>Total</i> | <i>320</i> | <i>320</i> | <i>0</i> |
| GRAND TOTAL | 172,250 | 89,780 | 82,470 |

OPLMA also contains management provisions for the new Wilderness designations. Management specified by the Act relevant to the Bruneau-Jarbidge Rivers Wilderness is as follows:

- Subject to valid existing rights, the Wilderness shall be administered by the Secretary of the Interior in accordance with the Wilderness Act.
- Subject to valid existing rights, the Wilderness is withdrawn from all forms of:
 - Entry, appropriation, or disposal under the public land laws;
 - Location, entry, and patent under the mining laws; and
 - Disposition under the mineral leasing, mineral materials, and geothermal leasing laws.
- Livestock grazing established as of the passage of the Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, consistent with section 4(d)(4) of the Wilderness Act and the guidelines described in Appendix A of House Report 101-405
- Fences may be constructed and maintained around the Wilderness as determined to be appropriate to enhance Wilderness values.

¹ Acres and miles were calculated using Geographic Information Systems (GIS) and include only BLM-managed lands. All acres have been rounded to the nearest 10 acres. As a result, some acres and miles are slightly different from those contained in the Act.

- The Secretary of the Interior shall accept the donation of any valid existing grazing permits or leases, all or a portion of which is within the Wilderness; for each permit or lease donated, the permit or lease shall be terminated and grazing on the land covered by the permit or lease shall be ended permanently. If the land is also covered by another valid existing permit or lease that is not donated, the authorized grazing level on that land shall be reduced to reflect the donated permit or lease. If less than the full amount of grazing use under a permit or lease is donated, the authorized grazing level shall be reduced to reflect the donation and the permit or lease shall be modified to reflect the revised use levels.
- Land or interests in land may be acquired within the boundaries of the Wilderness through purchase, donation, or exchange. Any land or interest in land acquired in, or adjoining the boundary of, the Wilderness shall be added to and administered as part of the Wilderness.
- A trail plan addressing hiking and equestrian trails will be developed.
- Commercial services, including authorized outfitting and guide activities, are authorized in the Wilderness to the extent necessary for activities that fulfill recreational or other Wilderness purposes.
- Adequate access shall be provided to any owner of private property within the Wilderness boundary.
- Management activities necessary to maintain or restore fish and wildlife populations and habitats in Wilderness may be conducted if the activities are consistent with relevant Wilderness management plans and conducted in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405. These management activities may include the occasional and temporary use of motorized vehicles, if the use, would promote healthy viable, and more naturally distributed wildlife populations that would enhance Wilderness values while causing the minimum impact necessary to accomplish those tasks.
- Any measures that the Secretary determines to be necessary may be taken to control fire, insects, and diseases.
- No protective perimeter or buffer zone shall be created around the Wilderness.
- Non-Wilderness activities or uses outside the Wilderness that can be seen or heard from within the Wilderness shall not be precluded.

Release of Areas from WSA Management

OPLMA releases the remaining portions of the Jarbidge River and Bruneau River-Sheep Creek WSAs from consideration as Wilderness. Within the planning area, 17,940 acres of the Jarbidge River WSA and 14,140 acres of the Bruneau River-Sheep Creek WSA were released (Map 1; Table 1). The released lands are to be managed in accordance with the applicable land use plan adopted under section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA). Within the planning area, the applicable land use plan is the 1987 Jarbidge Resource Management Plan (RMP).

Wild and Scenic River (WSR) Designations

OPLMA designates the following WSRs in the planning area (Map 2):

- A 38.1-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Rivers Wilderness to the confluence with the West Fork of the Bruneau River, except for a 0.5-mile segment at the Indian Hot Springs public road access, to be administered as a wild river²
- A 0.5-mile segment of the Bruneau River at the Indian Hot Springs public road access to be administered as a recreational river
- A 0.3-mile segment of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment to be administered as a wild river
- A 27.9-mile segment of the Jarbidge River from the confluence with the West Fork of the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness to be administered as a wild river

All four of these river segments were identified as suitable for inclusion in the National Wild and Scenic Rivers System (NWSRS) in the 1976 Bruneau Wild and Scenic River Study Report. That report assigned these segments a tentative classification as wild and identified scenic, recreational, geological, fish, wildlife, cultural, and vegetation outstandingly remarkable values.

² 37.8 miles of the wild segment are downstream from Indian Hot Springs, while 0.3 miles of the wild segment are upstream from Indian Hot Springs.

Transportation Management

OPLMA directs the Secretary to prepare a travel management plan for motorized and mechanized off-highway vehicle (OHV) recreation on BLM-managed lands in Owyhee County. In general, the plan will limit recreational motorized and mechanized OHV use to a system of designated roads and trails; this limitation will not apply to snowmobiles. Until the plan is completed, all recreational motorized and mechanized off-highway vehicle use (excluding snowmobiles) shall be limited to roads and trails lawfully in existence on the day before the enactment of the Act.

Implications for the Jarbidge Draft RMP/EIS

When OPLMA passed in March 2009, the Interdisciplinary Team (ID Team) was in the process of finalizing the impact analysis for the Jarbidge Draft RMP/Environmental Impact Statement (EIS). To incorporate OPLMA into the Jarbidge Draft RMP/EIS, the BLM determined numerous acreage changes would be necessary in the document; however, these minor changes would not likely affect the ultimate conclusions of the analysis. Updating the acres in the document would require changes to the description of the No Action Alternative in Chapter 2, 14 sections of the action alternatives in Chapter 2, 6 sections of Chapter 3, and every section of Chapter 4 except the *Wild Horses*, *Areas of Critical Environmental Concern*, and *National Historic Trails* sections. These changes would be extensive due to the structure of the alternatives and analysis. For example, the new mineral withdrawals within the Wilderness designation would affect the *Leasable Minerals*, *Salable Minerals*, and *Locatable Minerals* sections of Chapter 2 and their associated GIS layers. These changes, in turn, would affect the 12 sections of Chapter 4 in which impacts from minerals actions are analyzed.

The ID Team determined this workload would delay publication of the Jarbidge Draft RMP/EIS by approximately one year. Due to the timeline specified in the September 30, 2005, Stipulated Settlement Agreement (SSA) in the case of *Western Watersheds Project v. Bennett et al. (Case No. CV-04-181-S-BLW) (D. Idaho)* (Appendix A), BLM decided to publish the Jarbidge Draft RMP/EIS without full incorporation of the designations and management contained in the Act and incorporate them before publication of the Proposed RMP/Final EIS.

Though the Jarbidge Draft RMP/EIS does not incorporate the OPLMA, the analysis contained in Chapter 4 is still valid. BLM does not expect these changes to affect the ultimate conclusions of the analysis; rather, most changes will only appear as minor variations in acreages or changes in wording. The implications of the provisions of the Act for the Jarbidge Draft RMP/EIS are described in more detail below.

Implications from Wilderness Designation

The new Wilderness designation will change the acres discussed in Chapters 2, 3, and 4, but is not likely to affect the ultimate conclusions of the analyses. Generally, any management or impacts relevant to the former Jarbidge River WSA or Bruneau River-Sheep Creek WSA are relevant to the Bruneau-Jarbidge Rivers Wilderness and discussed accordingly in the Proposed RMP/Final EIS. A new *Wilderness* section of Chapter 4 will be added as well. The analysis contained in the *Wilderness Study Areas* section of Chapter 4 will still apply to the Lower Salmon Falls Creek WSA, which is not affected by the Act.

Implications from Release of Areas from WSA Management

Management for lands released from WSA management for the No Action Alternative has already been described in detail in the *Wilderness Study Area* section of Chapter 2. Impacts to released WSA lands due to this management have already been analyzed in the *Wilderness Study Area* section of Chapter 4.

In an inventory conducted in 1981, lands released from Wilderness review under OPLMA were found to have Wilderness characteristics. In the intervening years, these Wilderness characteristics were protected until Congress could act on them. The Wilderness inventory for lands that were not designated as Wilderness but have been released under OPLMA will be updated to make a determination regarding Wilderness characteristics. Lands determined to have Wilderness characteristics will be incorporated into the *Non-WSA Lands with Wilderness Characteristics* sections in the Proposed RMP/Final EIS as appropriate to each action alternative. That is, under Alternatives I, IV, and V, these lands would be managed for Wilderness characteristics, and under Alternatives II and II, they would be managed for other values. Under all alternatives, proposals regarding the use of these lands would need to analyze impacts to Wilderness characteristics. Accordingly, the *Non-WSA Lands with Wilderness Characteristics* section of Chapter 4 of the Proposed RMP/Final EIS will be updated to analyze impacts to Wilderness characteristics on these lands.

Should any of the released lands be found to not have Wilderness characteristics, those lands would be managed the same as adjacent non-Wilderness lands as appropriate to each action alternative, and proposals regarding their use would not need to analyze impacts to Wilderness characteristics.

Impacts to released WSA lands that would be managed for Wilderness characteristics or managed for other values have already been analyzed in the Draft RMP/EIS in the *Wilderness Study Areas* section of Chapter 4.

Implications from Wild and Scenic River Designations

While the text of the *Wild and Scenic Rivers* section of Chapters 3 and 4 will be revised to show portions of the rivers designated as WSR segments, the management described in Chapter 2 and analysis in Chapter 4 is not affected because Chapter 2 includes identical management for suitable and designated WSRs. The new WSR designations will not change the analyses contained in Chapter 4 as those river segments designated WSRs by OPLMA were all previously identified as suitable WSRs.

Implications from Transportation Management

OPLMA's transportation designations represent an important change to the description of the No Action Alternative, but not to any of the action alternatives. Table 2 displays the travel designations identified in the Jarbidge Draft RMP/EIS for the No Action Alternative for the Owyhee County portion of the planning area and how those acres would change under OPLMA.

Table 2. Travel Designations in Owyhee County under the No Action Alternative and OPLMA

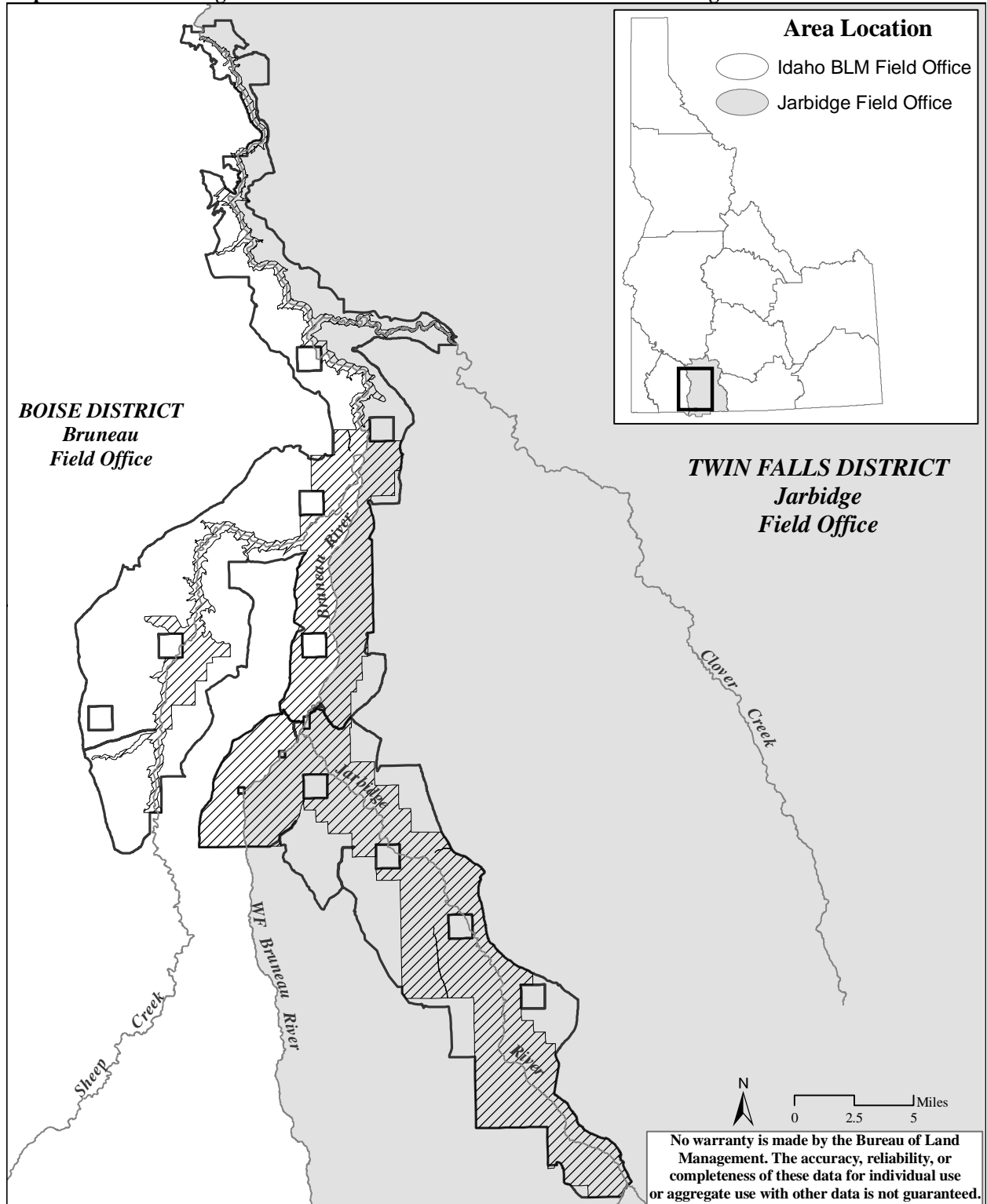
| Travel Designation | No Action Alternative | OPLMA |
|---|-----------------------|---------|
| Open to Cross-Country Motorized Vehicle Use | 719,160 | 0 |
| Limited to Designated Routes | 113,270 | 864,460 |
| Limited to Inventoried Ways | 70,170 | 0 |
| Closed to Motorized Vehicle Use | 22,180 | 60,320 |

OPLMA changes all open areas to limited to designated routes, with a limited to existing routes designation in effect until a transportation plan is completed. The 32,080 acres released from WSA management are no longer limited to inventoried ways and, instead, are limited to designated routes under OPLMA, with a limited to existing routes designation in effect until a transportation plan is completed. Any acres within the Bruneau-Jarbidge Rivers Wilderness are closed to motorized and mechanized vehicle use under OPLMA.

The needed changes to the No Action Alternative in Chapter 2 would also affect sections of Chapter 4 in which impacts from transportation and travel are analyzed. In general, impacts due to transportation and travel management under the No Action Alternative would be more similar to impacts under the action alternatives than they were prior to passage of the Act as the management would be more similar. Due to the major reduction in acres open to cross-country motorized vehicle use under OPLMA, impacts from transportation and travel management under the No Action Alternative to resources such as upland vegetation and wildlife would generally decrease; impacts to resource uses would generally increase due to the potential for decreased levels of motorized access.

In contrast, none of the action alternatives contain any areas open to cross-country motorized vehicle use within the Owyhee County portion of the planning area. The needed changes in the limited to inventoried ways and closed designations in Alternatives I, II, III, and IV are the same as described for the No Action Alternative. In Alternative V, the 32,080 acres released from WSA management would no longer be closed and instead would be limited to designated routes, with a limited to existing routes designation in effect until a transportation plan is completed. Impacts from transportation and travel management under the action alternatives to resources or resource uses are not expected to differ substantially from those already portrayed in Chapter 4.

Map 1. Bruneau-Jarbidge Rivers Wilderness and Former WSAs in the Planning Area



Bruneau-Jarbidge Rivers Wilderness



Former Wilderness Study Areas

Map 2. Designated Wild and Scenic Rivers in the Planning Area and their Classification

