



Oregon Natural Desert Association

January 25, 2006

VIA U.S. MAIL

Dr. Kelly Hogan
Hart Mountain National Antelope Refuge Manager
P.O. Box 111
Lakeview, OR 97630

Re: ONDA Wilderness Inventory Report and Recommendations

Dear Dr. Hogan:

The Oregon Natural Desert Association (“ONDA”) submits for your review significant new information on wilderness resource values and characteristics on public lands within and adjacent to the Hart Mountain National Antelope Refuge. ONDA asks that you analyze and consider this information as an amendment to the Refuge’s Comprehensive Management Plan. In the alternative, we ask that you analyze this information during the upcoming planning process to update the Plan. Prior to that time, we ask that you analyze this information during any site-specific or implementation-level actions that may impact wilderness characteristics within the areas ONDA has identified as having such characteristics.

Over the past year and a half, ONDA staff and volunteers inventoried over 2.6 million acres of public lands within the Bureau of Land Management’s (“BLM”) Lakeview District and the U.S. Fish and Wildlife Service’s (“FWS” or “Service”) Hart Mountain National Antelope Refuge (“HMNAR”). On April 1, 2005, ONDA submitted to the BLM a final wilderness inventory report, recommending nineteen new (including expansion of existing) Wilderness Study Areas (“WSAs”) totaling more than 1.7 million acres, either wholly or partially within the Lakeview District. Included in this report are two proposed WSAs that lie on HMNAR public land: the Hart Mountain Proposed WSA (pp. 87–120) and the Poker Jim Ridge Proposed WSA Addition to Orejana Canyon (pp. 162–181).

ONDA requests that the HMNAR initiate a comprehensive management plan amendment to undertake a wilderness review or consider this information as part of its plan revision process, in order to comply with the requirements of the Wilderness Act, National Wildlife Refuge Administration Act, FWS regulations and guidance, and the current HMNAR Comprehensive Management Plan (“CMP”). In 1964, the Wilderness Act required the Department of the Interior to initiate 10-year studies for wilderness suitability on all roadless areas over 5,000 acres, as well

as roadless islands of any size) in the National Wildlife Refuge System. 16 U.S.C. § 1132(c).¹ The U.S. Fish & Wildlife Service previously has stated that it may conduct a wilderness review any time that significant new information becomes available or when the Service identifies the need to do so. 66 Fed. Reg. 3708, 3725 (Jan. 16, 2001). This includes any time such information becomes available before or after a comprehensive management plan has been developed. *Id.*

According to the CMP, the U.S. Fish & Wildlife Service completed a wilderness study on HMNAR in 1967. CMP/FEIS, Vol. I at 157. Based on that study, the Secretary of the Interior approved the Service's proposal to recommend designation of two units, Poker Jim Ridge and Fort Wagner, as wilderness. The President sent the recommendation to Congress in 1969. The Fort Wagner proposal was later withdrawn and today only the Poker Jim Ridge WSA remains before Congress. *Id.* at 158. The CMP/FEIS also indicates that under the proposed action, three additional areas on the Refuge would be recommended for further study to assess their wilderness potential. *Id.* 90–91. ONDA's proposed WSAs and WSA Additions envelop much of the Refuge.

According to the 1994 CMP, the Service "continues to review" units of the National Wildlife Refuge System for lands and waters that qualify for wilderness study. CMP/FEIS, Vol. I at 158. These periodic reviews also occur via the comprehensive management planning process as required by FWM 602 and FWM 610. One of the goals of refuge planning is "to ensure that [FWS] preserve the wilderness character of refuge lands." FWM 602 FW 1, 1.5 H. In 1994, the Service observed that "[g]iven the changes on the Refuge during the past 20 years (i.e. road closures and acquisitions) the Service will be reevaluating Hart Mountain NAR for potential Wilderness Study Areas." CMP/FEIS, Vol. I at 158. This evaluation was to include assessing road status, degree of naturalness, opportunities for solitude and/or primitive types of recreation, area sizes, and "any other features of scientific, educational, scenic, or historical value." *Id.* For areas that qualify as WSAs, "Wilderness Study Reports" were to be written and recommendations sent to Congress. As far as we know, the HMNAR has not conducted this type of evaluation and has not submitted any such reports to Congress since adopting the CMP. Conditions have continued to change since the Service completed the CMP in the mid-1990s, and the information contained in ONDA's wilderness inventory report therefore is new information and should be extremely useful to the Service as it fulfills this obligation from the CMP.

Because ONDA initiated its wilderness inventory program primarily to assess wilderness resources and characteristics on BLM lands, ONDA conducted its inventory in accordance with the BLM's 2001 *Wilderness Inventory and Study Procedures* handbook (H-6310-1). Although the BLM later rescinded that handbook, it was in force when ONDA began its statewide wilderness inventory program, and we believe it still represents valuable and appropriate guidance for citizens' development of wilderness proposals to be submitted to federal agencies. Moreover, the Department of the Interior's U.S. Fish & Wildlife Service long ago adopted essentially the same criteria as the BLM with respect to the defining characteristics of wilderness (roadless, size, naturalness, and outstanding opportunities for solitude and primitive recreation).

¹ ONDA does not have a copy of this study or report for the HMNAR. Would you please send me one (address at bottom)?

These criteria are, of course, based on the definition of “wilderness” in the Wilderness Act itself. 16 U.S.C. § 1131(c). See also CMP/FEIS, Vol. I at 158 (listing same key factors of wilderness). We believe the Department of the Interior has the authority to designate and recommend new WSAs on National Wildlife Refuge System lands. However, if for any reason the Department, the Service, or the HMNAR decides it does not possess such authority, ONDA nevertheless requests you to consider the information and proposals in ONDA’s report under any other special area management designation you deem appropriate, including, but not limited to, Research Natural Areas.

If you have any questions regarding the report, please contact me at 541-330-2638. I look forward to your response and to working with the Hart Mountain National Antelope Refuge in managing for and conserving the wilderness resource in this special place.

Sincerely,

Bill Marlett, Executive Director
Oregon Natural Desert Association

Encl. (as stated)