FINAL PROBLEM STATEMENT

Minidoka North Side Resource Management Plan

Introduction

This Problem Statement is intended to portray all points of view regarding the issues, opportunities and options identified by the public and involved agencies as relevant to the Minidoka North Side Resource Management Plan (RMP) process.

The issues, opportunities, and options discussed are presented in the same order and use the same titles and numbers shown on the Summary of Issues, Opportunities, and Options that was developed from: (1) public responses to the first RMP Newsbrief, (2) public input obtained at, or as a result of, the first RMP public meeting, (3) discussion by AHWG members at their first meeting, and (4) Reclamation Planning Team internal discussion.

For each issue/opportunity/option discussed, the information provided is presented under the headings of Discussion and/or Planning Team Notes.

The Discussion heading reflects the results of AHWG commentary received at the Group's June 13 and August 29 meetings. It will be noted that some issue statements do not include a Discussion heading. This is because both the issue statements are considered self-explanatory and no additional AHWG discussion occurred, or no additional insight was available through AHWG members. It should also be noted that, although it is Reclamation's practice to report all input received on issues and opportunities pertinent to its Resource Management Plan efforts, this reporting does not necessarily infer endorsement of all comments received and outlined in this document.

Planning Team Notes are included wherever relevant to: (1) provide background or explanation for issue statements to properly introduce AHWG discussion, (2) provide additional perspectives based on Planning Team knowledge, (3) clarify discussions, (4) add insight where little or no AHWG discussion occurred, or (5) indicate where Reclamation or other agency regulations or limitations will affect the range of possible responses.

Issue/opportunity/option discussions are organized according to the following major headings, sub-topics, and numbering system:

Overarching Concerns (O-1 to O-5)

Land Status

→ Lands Needed for Project Purposes—Long Term Management (S-1 to S-17)
→ Lands Not Needed for Project Purposes—Interim Management (S-18 to S-24)

Land Use & Resource Management

→ Agriculture and Grazing Leases (A-1 through A-10)
→ Natural & Cultural Resources (N-1 through N-24)
→ Recreation (R-1 through R-20)

→ Municipal, Industrial, and Commercial Uses (M-1 through M-6)
→ Boundary, Compatibility, & Other Land Use Concerns (B-1 through B-10)

RMP Implementation & Administration

→ Reclamation Responsibilities, Authorities, & Limitations (I-1 to I-7)
→ Other Agencies—Consultation, Coordination, Roles, & Responsibilities (I-8 to I-15)
→ Law Enforcement & Public Safety (I-16 to I-23)
→ Public Information (I-25 to I-27)
→ Priorities, Costs, and Funding (I-28 to I-30)

Overarching Concerns

→ O-1 Maintain a view of the "big picture"; look beyond a tract-by-tract perspective to include area/regional needs & opportunities:

Discussion: This perspective is self-explanatory.

Planning Team Notes: The RMP process will certainly look at both the local and regional context of all lands and resources within the study area.

→ O-2 Need to manage the land:

Discussion: Simply stated, many members of the public believe that there is insufficient active management occurring on lands owned/managed by Reclamation, BLM, IDFG, etc. in the study area. Regardless of decisions on future status for these lands, better, more active management is seen as being needed.

→ O-3 Consider economic development in this area in management decisions:

Discussion: One objective of the RMP should be to facilitate and support economic well-being in the study region. Examples could include: increased use of the RMP lands for agriculture or grazing; assisting local jurisdictions by providing locations for wastewater disposal; providing access to or storage locations for sand, gravel, and rock resources; and providing recreation or education opportunities.

Planning Team Notes: The RMP process can seek to respond to this objective. However, any efforts or actions will need to be within the sideboards of Reclamation authorities and consistent with requirements for proper management of Reclamation Project lands.

→ O-4 Availability of water and water rights:

Planning Team Notes: The desire to use some of the RMP lands for agriculture is one of the main themes found in several issue discussions herein (e.g., S-3 through S-6 and A-1 through A-4). Among the potential constraints that could limit additional agricultural use of these lands, one of the most fundamental is the need for water rights. No agricultural leasing or other means of pursuing agricultural use of the lands can proceed unless legal water rights are demonstrated. In addition to the water right, lands receiving Federal water would have to be eligible under contract & Reclamation law. Currently, for example, there can be no expansion of acreage in A&B Irrigation District for Federal water rights without further contract authority.

Discussion: The Irrigation Districts note that water rights can be transferred between parcels within each district. For this to occur, the current owner of the right must be willing to cease or forego using the water on the land to which the right is currently attached; the owner can then transfer the right to

another location within his/her ownership or sell/transfer the right to another landowner within the district. A key point is that water rights sales/transfers must be to another landowner, not to Reclamation. This is could be a problem because many of the lands to which the Districts would like to facilitate water right transfers are Reclamation lands.

→ O-5 Need full consideration/analysis of impact from management strategies:

Discussion: Alternative programs for future management of RMP lands must be assessed and compared to determine their potential impact on natural resources (e.g., vegetation, wildlife, and water quality), cultural resources, land use patterns and socioeconomics. This assessment must look at both the regional, "big picture" (as noted in O-1) and parcel-specific perspectives.

Planning Team Notes: The need identified in this issue statement will be met by complying with the National Environmental Policy Act through preparation of an Environmental Assessment, which is part of the RMP program.

Land Status

Lands Needed for Project Purposes—Long Term Management

→ S-1 Determine lands needed for Project purposes; keep in Reclamation jurisdiction:

Discussion: The A & B and Minidoka Irrigation Districts (A&B and MID, or Districts) and the agricultural community as a whole want to make sure that Reclamation lands needed for Minidoka Project purposes (now or in the future) remain available for these purposes and remain under Reclamation jurisdiction.

Planning Team Notes: Identification of lands needed for Project purposes is being accomplished concurrently with the RMP effort. The primary reason the RMP is being prepared is to decide long-term management for the lands that are still needed for Project purposes and will be retained in Reclamation ownership, and interim management for the lands that are no longer needed for Project purposes and will be disposed of &/or relinquished. Both A&B and MID are assisting Reclamation in identifying those parcels that are now, or likely will be needed. The two Districts have already prepared a preliminary assessment in this regard and given the results to Reclamation for its use in this determination.

→ S-2 Define criteria for Project Purposes:

Planning Team Notes: Irrigation and power production are the basic Project purposes for which the Minidoka Project was originally authorized. Over the years, fish & wildlife and recreation have been added as authorized Project purposes.

Identifying which parcels are needed for irrigation or power production is relatively straightforward. However, it is important to look at potential future needs as well as current requirements. For example, the current need to use Reclamation lands for drain water management was not originally foreseen; the RMP process may help Reclamation to anticipate other such future needs. Reclamation and the Districts are currently accomplishing the task of defining the various irrigation and power production needs (e.g., project works, drain water management) and, as noted in S-1, are conducting a review of the parcels to identify those that should be retained for these purposes.

Determining which parcels should be retained for fish & wildlife or for recreation is less straight-forward. Those parcels with high values for these purposes are being identified in conjunction with the RMP process

→ S-3 Are lands being used for intent of withdrawal?:

Discussion: AHWG members discussing this question feel that most of the RMP lands are not being used in the manner intended at the time of withdrawal. The withdrawal was for development of the Irrigation Districts for agriculture; and most of the lands are not being used for this purpose. Exceptions to this include those parcels that contain project works and those being used for purposes such as borrow sites (i.e., sand and gravel) and for drain water management. Uses of RMP lands that would be directly consistent with the intent of withdrawal are noted in S-4 through S-7, below.

Planning Team Notes: Reclamation is required by law to relinquish withdrawn lands no longer needed for Project purposes to the Bureau of Land Management (BLM).

→ S-4 Protect/promote agriculture & irrigation; S-5 Support Irrigation District needs as a first priority; and S-6 Do nothing detrimental to operation of MID and A&B Districts and farming:

Discussion: These issue statements are self-explanatory. AHWG members discussing them stress that they should be translated directly into the highest priority goal(s) of the RMP. Land uses and management options that would serve to achieve this goal include:

- Agricultural production, either through leasing or sale of the land (see also S-21 and A-1 through A-4);
- Additional use of land for drain water management, including development of additional wetlands and/or use of drain water for agricultural production on RMP parcels (see S-9 and S-11);
- Relocation of wells, and potentially associated farm units, from areas within the Districts where groundwater quantity or quality is becoming limited to RMP tracts where good water supply can be restored (e.g., through land exchanges). A&B has identified sites where such relocations/exchanges are, or will be needed;
- Use of tracts for extracting or staging needed construction materials (e.g., sand, gravel, and rock—see S-10); and
- Avoiding land uses or management actions on RMP lands that could adversely affect adjacent farm operations.

Another important perspective on supporting Irrigation District needs is the potential revenue benefits that could accrue from using RMP lands for the purposes listed above. Using RMP lands for agriculture would enhance District revenues through the fees charged for water delivery. Also, by providing for efficient management/use of drain water, these lands can help avoid the costs of more expensive management alternatives.

Planning Team Notes: Revenues generated by agriculture/grazing leases are not retained by Irrigation Districts (except for administrative fees). The revenues are turned over to Reclamation and then credited to the Districts in accordance with their contracts and with applicable laws. Regarding the desire for expanding agricultural production on RMP lands, it is relevant to note that: [1] Reclamation's latitude in disposing of land, particularly withdrawn land, is limited, as discussed in I-4; [2] Reclamation policy discourages "exclusive use" of its lands by private parties (e.g., through leasing); and [3] all of these lands would be subject to water rights, land classifications and contract provisions between Reclamation and the Districts, as discussed in O-4. If these limitations remain unchanged, the RMP program will likely not include significant disposal or leasing of lands for agricultural production)

→ S-7 Protect transferred works:

Discussion: This is a concern expressed by the Districts and reflects the objective of avoiding any adverse impact of irrigation or agriculture.

Planning Team Notes: The term "transferred works" generally refers to irrigation project features (e.g., canals, pumping plants, etc.) that have been turned over to the Districts by Reclamation for ongoing operation and maintenance. Reclamation still retains ownership and overall responsibility for management, especially related to compliance with Federal regulations (see I-6); however, the Districts assume primary responsibility for facility operation and maintenance. Transferred works present on RMP parcels will be retained as Project purpose lands/facilities, as discussed under S-1 and S-2, above.

→ S-8 Protect Reclamation Zone at Minidoka Dam:

Planning Team Notes: The Reclamation Zone surrounding Minidoka Dam is defined by Reclamation and includes the dam, spillway, associated facilities and all lands needed for operation and maintenance. This zone will certainly be retained in Reclamation ownership; and any decisions regarding other uses within or surrounding the zone will be made to avoid significantly impacting operations or maintenance. Decisions regarding public use within or surrounding the zone will also consider safety and security requirements, as noted under I-21 and I-23.

→ S-9 Tracts needed for surface disposal of drain water (e.g., additional wetlands):

Discussion: The Districts stress that management of drain water will remain a challenge and a need into the foreseeable future. Some RMP lands are currently being used for this purpose and additional lands may be needed. The Districts have provided input to Reclamation in identifying RMP lands that likely will be needed for this Project purpose.

Planning Team Notes: Lands needed for drain water management will be retained in Reclamation ownership and will be managed to protect their value and usefulness for this purpose.

→ S-10 Access to (use of) tracts as borrow pits:

Discussion: Some RMP tracts are being used to extract and/or store sand, gravel, and rock for highway maintenance or other construction use. Agencies involved in these uses include the Irrigation Districts and the county highway departments. Example locations in Minidoka County include: the D-5 drain area, the parcel across from the cemetery, 600 West/3 North, and 1150 West/25 South. These uses should be protected as part of the RMP. For example, in the D-5 drain area, MID has sites currently being used for sand and gravel extraction. Another site in the area is slated for future extraction. The District is concerned that continuing or expanded recreation use of the area will conflict with this use.

→ S-11 Use drain water for farming (increase utilization) to reduce amount of drain water pumped:

Discussion: Clearly, if drain water currently being pumped to created wetlands or other management/disposal locations could be used locally to support farm production, this would represent a more efficient use of water and would save pumping/management/disposal costs. The Districts are working with Reclamation to identify RMP tracts where drain water re-use could be implemented if constraints associated with water rights, contract provisions, and/or limitations on Reclamation's latitude in disposing of land can be resolved.

→ S-12 Water quality protection & improvement along the river:

Discussion: Withdrawn lands along or near the river should be retained for use in water quality protection and/or improvement. Examples include the lands near D-5 and F Drains and parcel 1024-2-W. For example, the Districts want to construct a containment area for drain water on parcel 1024-2-W; this containment would protect the river in case of hazardous materials being introduced upstream.

→ S-13 Potential use of tracts for relocating well installations (i.e., to improve/restore production volume and quality): (See S-4 through S-6.)

→ S-14 Do we consider fish & wildlife and recreation as Project purposes?:

Planning Team Notes: Yes, Reclamation has specific authority to manage Project lands and water areas for fish & wildlife and recreation enhancement (see S-2). However, AHWG members discussing this question stressed that these Project purposes should not supercede irrigation or agriculture and Reclamation must have a non-Federal, public entity managing partner that can cost-share recreation development or fish & wildlife enhancement projects (see I-29).

→ S-15 Review prior relinquishment decisions:

Planning Team Notes: Withdrawn lands that were previously submitted by Reclamation for relinquishment back to BLM have been included for reconsideration/confirmation in conjunction with this RMP process (see also I-3).

→ S-16 Specific parcel reference: "925-gw--retain land in Reclamation--no change in use":

Planning Team Notes: The parcel referenced in this statement is probably meant to read “925-9-W”. This is a parcel along the river. While all reasonable alternatives must be considered, it is unlikely that the basic use of this parcel will change significantly as part of the RMP (i.e., due to the focus on water quality protection, habitat conservation, and potential for public access associated with parcels bordering the river).

→ S-17 Specific parcel reference: "925-1-W--what will happen to this parcel?":

Planning Team Notes: This parcel reference covers the State Park at Lake Walcott. No change in land status or use is expected here.

Lands Not Needed for Project Purposes—Interim Management

→ S-18 Dispose of lands not needed--back on the tax rolls, rather than relinquish to BLM:

Discussion: This issue statement is interpreted broadly herein to identify the desire by some members of the public to convert RMP lands not needed for Project purposes into some form of economically productive use, as discussed above under O-3.

Planning Team Notes: Annually, under the authority of 31 U.S.C.A. 6901-6906, the Secretary of the Interior makes a payment to each unit of general local government called Payments in Lieu of Taxes (PILT). This is paid to the county in which certain Federal lands are located (lands administered by BLM, Reclamation, and others). The local government may use the payment for any governmental purpose. The payments are based on a formula, which, with minor exception, results in a figure unrelated to what the taxes would be if the land were actually on the tax rolls. It is difficult to

determine how much the taxing authority is "losing" however, because the taxing authority also incur (permanently) less cost (i.e., no need to provide the increased schools, police and fire protection, etc., which would accompany residential subdivisions or other private development on the land).

→ S-19 Keep all lands in Reclamation jurisdiction to prevent development:

Planning Team Notes: This is another public perception, representing a counterpoint to that expressed in S-18. Such a perception could be very valid for some lands, especially those adjacent to the river. However, like many opinions and options discussed herein, RMP parcels are being considered on a case-by-case basis to explore the potential validity of this viewpoint.

→ S-20 Keep all lands in Reclamation jurisdiction--do not relinquish to BLM:

Planning Team Notes: The specific motivation for this statement is not clear. It could be that some members of the public simply consider Reclamation the agency best able to manage these lands; or, it may be that the statement is motivated by the sentiment expressed in S-19 (i.e., by keeping the lands in Reclamation jurisdiction and designating them as habitat or other open space use, the potential for BLM to release the land for some form of development in the future would be eliminated). In any case, Reclamation is required by law to relinquish withdrawn lands no longer needed for Project purposes to BLM. BLM is also required to follow Federal regulations to protect natural and cultural resources as public lands.

→ S-21 Allow exchanges/sales to "square up" farm units:

Discussion: There are several examples in the RMP study area where farm operations could be made more efficient and productive by gaining access to all or part of an adjacent Reclamation parcel (e.g., to fully implement a center pivot irrigation system or otherwise square-up farm units; reference parcel 924-4-W). The Districts and affected landowners would like flexibility in obtaining access to Reclamation lands in such cases through leasing, land exchanges, or land sales.

AHWG members also asked whether Reclamation would have requirements for habitat benefits or other “concessions” on the part of farmers who lease or buy RMP lands to square-up their farm units. Reclamation representatives responded that in the case of a lease, cooperative efforts to provide habitat benefits, protect water quality or promote other environmental values would likely be required as part of the lease terms. In the case of a land sale, no such requirements would apply.

Planning Team Notes: As noted in O-4, all of these lands would be subject to water rights, land classification, and contract provisions between Reclamation and the Districts. Proposals for “squaring up” or similar adjustments, and associated requirements will need to be reviewed on a specific, case-by-case basis.

→ S-22 Give preference to adjoining owners in sales or exchanges:

Planning Team Notes: This issue/request refers primarily to the situation discussed under S-21. However, it is usually not within Reclamation’s authority to provide preference in these instances.

→ S-23 Sale of small tracts as a means of resolving current encroachment: (See B-5.)

→ S-24 Requirements and process if interested in acquiring a parcel from Reclamation:

Planning Team Notes: The process currently in place requires direct consultation with Reclamation land specialists in Burley. Each request is assessed on a case-by-case basis. The RMP could include some basic information needed in this process.

Land Use & Resource Management

Agriculture & Grazing Leases

→ **A-1 Retain & expand agriculture leasing on Reclamation lands. This use represents: A-2 Important revenue for A&B through fees for drain water use; A-3 Productive use of drain water that would otherwise need to be disposed of/managed; and A-4 More land productive within the county:**

Discussion: As noted in several other issue discussions, the Districts and some members of the public stress that the RMP should promote agriculture and economic benefits to the region. Issue statements A-1 and A-4 identify agricultural leasing as one method of achieving these objectives. Issue statements A-3 and A-4 identify specific benefits to the Districts (and the region) from agricultural use of RMP lands. Of these, the Districts note that A-3 is the primary value of using RMP lands for agriculture; A-2 is a secondary benefit. Using drain water for irrigation is a more efficient and less costly method of managing this water (i.e., offering economic benefits in general and avoiding more expensive drain water management solutions such as pumping and wetland creation).

→ **A-5 Re-issue grazing leases; A-6 Grazing can be compatible with wildlife and land management needs; A-7 Allow longer lease periods--so lessee investment can be spread out; and A-8 Use grazing to control weeds & fire hazard:**

Discussion: Issue statements A-5 through A-8 reflect a strong interest in resuming leasing for grazing on RMP lands, and identify ways that leasing can be more economically viable for lessees while remaining compatible with other management objectives. The term “strong interest” is used because a significant number of those attending the first RMP public meeting expressed the desire to resume the grazing lease program.

AHWG members discussing these issue statements agree that grazing can help with fire and weed control, and may be compatible with some wildlife values. However, more investigation is needed to define the levels to which grazing can be compatible with other management needs or objectives in this RMP (e.g., wildlife). In any case, if grazing is permitted, lease terms specifying an appropriate intensity and schedule must be defined and enforced to ensure that long-term damage to resources is avoided.

AHWG members also suggest that, at least, grazing could be considered as an interim use on parcels slated for future drain water management or agriculture leases. Grazing also may be an appropriate use on lands identified for relinquishment.

Planning Team Notes: As of 1996, and with the exception of two grazing leases, Reclamation ceased renewing grazing leases or issuing new ones for RMP lands pending the current comprehensive RMP effort. One intent of the RMP is to determine if, and to what extent, grazing leases may again be issued. It should be noted that it is Reclamation policy not to provide a water source for grazing.

→ **A-9 Specific parcel reference: "Farm of parcel 825-4-W":**

Discussion: AHWG members discussing this reference believe that the parcel in question was once leased for grazing, and perhaps the reference identifies a current interest in an agricultural lease. No further insight into the reference is available at present.

Planning Team Note: This parcel was under a grazing lease for many years, until 1995.

→ A-10 Enforcement/monitoring of lease terms (lease terms have not been honored in some cases):

Discussion: If agriculture and/or grazing leases are re-issued following adoption of the RMP, there must be a clear and feasible program for monitoring and enforcing lease terms. Examples of this need to include: [1] compliance with provisions for wildlife benefits (as applicable); [2] land restoration if/when an agriculture lease is terminated by either party; [3] compliance with grazing intensity limitations; and [4] land restoration in cases of damage causes by agriculture or grazing activity.

Planning Team Notes: Reclamation policy requires a Grazing Plan to include [1] a specific and set number of animal unit months (AUMs) of available forage upon which the lease and user fee is determined; [2] a prescribed season of use, avoiding situations where year-long use occur;, [3] strict prohibition against supplemental feeding on native ranges and that all salting be a minimum distance of 500 feet away form shorelines, streams, wetlands, riparian areas, etc;, [4] a pasture rotation schedule where applicable; and [5] a requirement that the lessee submits an "actual use report" detailing the on/off dates and numbers of livestock at the conclusion of each use period or grazing season.

Natural & Cultural Resources

→ N-1 Provide good inventory of resources on these tracts (i.e., vegetation & wildlife):

Planning Team Notes: Aerial photography, IDFG data, and other existing sources, along with limited field confirmation, are being used to assemble natural resources data for all RMP lands. The emphasis is on vegetation, size, and location characteristics and conditions as the primary indicator of wildlife values. These data will be the foundation for assessing overall resource conditions and values and making decisions related to future land status, potentially compatible uses, and use restrictions (e.g., public access, grazing, etc.).

→ N-2 Need to consider habitat in decisions—reassess conditions & needs; N-3 Role of these tracts in regional habitat patterns; and N-4 Identify parcels with high resource value and restrict other (i.e., incompatible) uses:

Discussion: Habitat conditions and values must be a basic consideration in making RMP decisions on future land use. Habitat resources should be assessed at two scales: [1] the individual resources and local context of each parcel; and [2] the existing and potential role of the tracts in regional habitat patterns. At both scales, key considerations should include vegetation characteristics and condition, tract size, location relative to other nearby habitat, presence or potential for sensitive or protected species, and seasonal sensitivities (e.g., nesting/breeding seasons). At the regional scale, such factors as the role in maintaining wildlife corridors and promoting regional diversity (both in habitat type and geographic distribution) will also become important.

Planning Team Notes: For interim or long term management protected or unique habitats such as wetlands should be preserved as much as feasible (see also N-6). As a general rule, however, habitat of high value locally or regionally should also be protected. Other uses of such lands should be managed to allow only activities that are compatible with this objective. Compatible use management can range from completely eliminating damaging uses to seasonal variations on allowed uses and/or use locations.

→ N-5 Habitat restoration/enhancement potential (e.g., pheasants & other wildlife):

Discussion: Key examples of the need for/desirability of habitat restoration include: areas that have recently burned; areas that have been damaged by over-use or are infested with weeds; and lands that were once farmed, either under lease or trespass. Each of these conditions exist on RMP tracts; and affected lands should be restored to native vegetation to the extent feasible, both to enhance habitat value and prevent the spread of weeds or other non-native species. Habitat restoration, however, is both difficult and expensive.

Planning Team Notes: Especially given the cost and difficulty of habitat restorations, the RMP will need to define priorities for restoration, seek adequate funding to accomplish these priorities, and determine which agency, combination of agencies, or public/private partnerships would be most effective in achieving success.

→ N-6 Federally protected species & State species of concern:

Discussion: Species and habitats protected by Federal regulation, legislation, or Executive Order should be preserved (and restored, if feasible) as a high priority in the RMP. Species of Concern at the State level should also receive high priority.

Planning Team Notes: Resources in these categories are being identified as part of the RMP inventory process. Protection of these resources is included as a priority objective in Reclamation's RMPs.

→ N-7 Wetlands—retain existing, opportunities to expand & create new:

Discussion: Existing wetlands (including those created as part of drain water management) should be protected in the RMP. Opportunities for new wetlands should also be explored, and priority should be assigned to protecting and retaining lands that offer high potential for wetland creation (especially in support of continuing drain water management needs). Funding for wetland creation and maintenance can be derived from a number of sources, including: the Districts and Reclamation for wetlands associated with drain water management and other Reclamation cost share programs (i.e., Reclamation can fund 75% of fish and wildlife projects such as wetlands if a non-Federal public entity managing partner is available to provide a 25% cost-share).

→ N-8 IDFG--Review current agreements; explore potential for new water quality & habitat initiatives/agreements:

Planning Team Notes: Several of the RMP tracts are covered by long-standing agreements that assign habitat management responsibility to IDFG. Conditions have changed significantly in a number of ways since these agreements were put in place. Changes have occurred in terms of both: [1] habitat conditions and values on many of the subject tracts (e.g., fire or other disturbance); and [2] IDFG agency priorities and/or personnel/funding resources available to manage these lands. The RMP is an opportunity to cooperatively review these old agreements and renew, revise, or terminate them, as appropriate. As part of this review, focus may be redirected to different lands/resources or new types of cooperative management initiatives, and new agreements may be desirable. In any case, both Reclamation and IDFG are interested in revitalizing their cooperative relationships as part of the RMP effort. Certainly, it will be appropriate to revisit and confirm priorities and adjust agreements accordingly. There also may be new opportunities for joint funding of habitat improvement or management.

→ **N-9 Explore opportunities with farmers for cooperative wildlife habitat/farming projects:**

Planning Team Notes: Reclamation currently has one grazing lease on a study area parcel that allows the lessee to do habitat improvements (i.e., re-seed burned areas) in lieu of paying grazing fees. Other agreements could be possible, but there are several conditions that would have to be met, dependent on the parcel. One example is that Project water can only be provided to the lands and purposes authorized under the contract and Project authorizations. Based on this, each situation will need to be evaluated on a case-by-case basis. It should also be noted it is Reclamation policy not to provide a water source for grazing.

→ **N-10 Impacts on vegetation & wildlife from off-road vehicle (ORV) use, fire, weeds, dumping, and trespass**: (See N-2 through N-7.)

Planning Team Notes: Impacts of land use and management alternatives on vegetation and wildlife resources will be a key consideration in defining the preferred alternative for the RMP. Impacts can occur from either action (e.g., allowing certain types of use) or inaction (i.e., failing to adequately address existing sources of impact). Each of these perspectives will be reviewed in detail as part of the NEPA Environmental Assessment on the RMP.

→ **N-11 Protect Record Tree and Bishops Hole area (possibly close to vehicular traffic or otherwise restrict use):** (See R-6.)

→ **N-12 Rehabilitate burned areas:** (See N-5.)

→ **N-13 Remove weeds and re-establish native vegetation and grasses:** (See N-5.)

→ **N-14 Grazing as a benefit in weed control:**

Planning Team Notes: Grazing can be used as a tool in weed control (e.g., sheep or goats on leafy spurge & star thistle). However, the potential benefits of grazing can be outweighed by its impacts if not managed properly from the standpoints of intensity, season, and location. Each proposal for grazing must be assessed on a case-by-case basis to determine the best balance between potential benefits vs. impacts and costs. (See also A-8.)

→ **N-15 Mosquito problem wherever wetlands exist:**

Discussion: On RMP lands, mosquitoes can be an issue at wetland locations, including constructed wetlands and around drain wells. Public concern for mosquito control has risen recently due to the spread of the West Nile virus. At existing wetlands, as well as planned or proposed new wetlands, mosquito control measures may be needed, especially at locations near populated areas. .

Planning Team Note: Relevant to issues N-15 through N-17 is the subject of spraying for insect control. Reclamation has received requests for spraying at some locations. As noted in N-21, below, use of chemicals on Reclamation land is both generally discouraged and specifically regulated by federal laws and guidelines. Spraying for insect control is significantly constrained near drain wells and at wetlands due to water quality concerns. Reclamation is researching various options, especially biological control techniques. Spraying would only be considered as a last resort, and only in limited circumstances.

→ N-16 Camp Hawley – weed & mosquito problems:

Planning Team Notes: Issues at Camp Hawley will be addressed to the extent feasible as part of RMP actions addressing weed and insect control. (See N-5 and N-15.)

→ N-17 Coordinate efforts for insect control (e.g., BLM/Reclamation):

Planning Team Notes: Necessary coordination in this and other management actions will be part of RMP implementation.

→ N-18 Retain specific parcels as open space (e.g., 925-9-W):

Planning Team Notes: It is unlikely that any of the RMP parcels would be retained solely as public open space, unless it is for the purpose of protecting natural or cultural resources.

→ N-19 Water quality management & protection:

Planning Team Notes: The role of some RMP lands in addressing water quality management and protection challenges (i.e., drain water management and the retiring of injection wells) has been discussed above (see S-4 and S-9). Also, the importance of helping to protect water quality in the river through proper management of river-side parcels is noted in S-12. Beyond these perspectives, the RMP will need to consider any significant potential for water quality impact that could accompany management actions. Examples include any proposed use of chemicals for weed or insect control.

→ N-20 Hold possible sites for recharge of aquifer (e.g., parcel north of Minidoka Dam):

Planning Team Notes: This issue falls outside the scope of the RMP. It will be considered under the separate process Reclamation is conducting, with input from the Districts, on what lands are needed for Project purposes.

→ N-21 Responsibility for application of herbicides and pesticides (i.e., Oust application concerns):

Discussion: Federal and State laws govern use of herbicides and pesticide on RMP lands. Specifically related to Oust, neither Reclamation, the Districts, nor the Counties are using (or plan to use) this product on RMP lands.

Planning Team Notes: As a rule, use of chemicals is discouraged in Reclamation's RMPs, in favor of integrated pest management strategies, and any use of chemicals is done in compliance with applicable Federal regulations and guidelines.

→ N-22 Comply with Federal laws related to Tribes and cultural resources (e.g., NAGPRA); N-23 Need to protect historic cultural sites (e.g., Oregon Trail); and N-24 Need to protect archaeological resources, Indian Trust Assets, etc.:

Planning Team Notes: All of these concerns will be addressed in compliance with applicable Federal legislation, regulations, and Executive Orders. It should be noted that among these are the requirements to protect significant historic cultural sites and archaeological resources.

Recreation

→ R-1 Provide more recreation opportunities:

Discussion: This comment is very general and self-explanatory. More specific perspectives on recreational opportunities, both type and location, are provided in the discussions below.

→ R-2 Promote economic benefits through recreation:

Discussion: From the standpoint of local and regional economic well-being, the RMP should seek to maximize recreational access/opportunities, consistent with other resource needs. Key areas of interest in this regard include (many of which are discussed in greater detail in the paragraphs that follow):

- Resource education/interpretation opportunities and facilities (both natural and cultural resources—see R-3 and R-4);
- Expanding, improving, and/or providing new facilities at the State Park (see R-5);
- Balancing recreation with resource protection at the Bishop's Hole area (see R-6);
- Optimizing use of unique features such as the Cinder Pit (see R-7);
- Providing increased/improved access to the river, including day use, boating activities, and fishing opportunities (see R-8 and R-11);
- Developing recreational trails where feasible and desirable (see R-9 and R-10);
- Continuing and improving opportunities for hunting and shooting (see R-7, R-13 and R-14); and
- Providing additional camping areas.

→ R-3 Wildlife viewing, nature interpretation/education opportunities:

Discussion: Many opportunities exist on RMP lands for providing natural resource interpretation/education, either directly or by providing access to these opportunities.

The Minidoka National Wildlife Refuge (NWR) around Lake Walcott and adjacent to Lake Walcott State Park offers the best opportunity in this regard, and Idaho Department of Parks and Recreation (IDPR) and U.S. Fish and Wildlife Service (USFWS) currently conduct an education/interpretation program focused on this resource (i.e., roughly 4,000 students as well as the general public participate each year). As noted in R-5, below, an education and interpretive center has been suggested for the State park. USFWS and the State Park are currently developing an accessible path connecting the NWR and Lake Walcott State Park.

Other significant opportunities include the wetland projects in the study area, parcels along the river, the area below Minidoka Dam, including the spillway and the Bishop's Hole/Record Tree area.

Planning Team Notes: For any of these opportunities, appropriate access should be provided (including compliance with Federal accessibility standards), basic signage would be necessary, and additional interpretive signage and/or information displays would be desirable. Obtaining adequate funding for development, operation, and maintenance of access and facilities is a primary challenge. The potential availability of State or Federal grants should be explored (e.g., through IDPR, IDFG, or USFWS). Reclamation can provide some funding, but only if an appropriate non-Federal managing public entity can serve as a cost-share partner (see I-29).

→ R-4 Cultural resource interpretation/education opportunities:

Discussion: Several facets of local/regional history and pre-history offer opportunities for interpretation and education. These include: Minidoka Dam and the Minidoka Project, the Oregon Trail, traditional tribal uses and activities, WWII-related sites/activities, and others. Specific concepts

suggested to date for developing these opportunities include: [1] the interpretive/educational center and trails suggested for the State Park/National Wildlife Refuge, and [2] a river historical tour focusing on Minidoka Dam and other features and perhaps operated by a concessionaire. At the State Park/National Wildlife Refuge, the USFWS and IDPR are currently working to develop interpretive facilities and programs that reflect the area's rich history. Regarding the river tour concept, the RMP could help make such an opportunity feasible by allowing for tour put-in/take-out locations along the river.

Planning Team Notes: In general, as with natural resource-related opportunities discussed above, funding for development, operation and maintenance of trails, signage, and/or information displays would be a challenge in developing these opportunities.

→ R-5 Lake Walcott State Park—expansion potential; new uses:

Discussion: The popularity of Lake Walcott State Park is growing; IDPR indicates that usage levels have increased 50% each year for the past four years. The RMP should reflect support for the park and desirable initiatives of the IDPR, including necessary or desirable expansions or new facilities. Concepts for improvement and/or expansion at the park include: [1] additional trail development, especially linking into the NWR and providing access to cultural/historic resources such as the dam area and nearby segments of the Oregon Trail; [2] an interpretive/educational center focusing on both fish and wildlife (especially the National Wildlife Refuge) and cultural/historic resources; [3] expansion of camping facilities: and [4] provision of cabins.

Also worthy of consideration is the suggestion that IDPR either assist in managing or assume full management responsibility for the Bishop's Hole/Record Tree area and/or the parcels near the Park where informal, unauthorized camping is occurring (e.g., parcel 925-2-W). Regarding the Bishop's Hole area, IDPR personnel could provide management and oversight if authorized to do so and provided with a means of getting to the area by boat. Regarding the informal, ad hoc camping locations, IDPR personnel already provide informal oversight and maintenance at some of these sites to promote resource conservation and stewardship.

Planning Team Notes: Lake Walcott State Park is unique among RMP parcels, being the only designated and developed recreation site. The park is expected to remain a central focus for recreation facilities in the RMP. Also, as with any designated recreation site on Reclamation land, accessibility of facilities (consistent with the Americans with Disabilities Act [ADA]) will be a continuing responsibility. To date, accessibility improvements at the park have included: 3 picnic shelters (out of a total of 5), 2 showers (out of a total of 4), all restrooms (2 toilet stalls in each [one men's, one women's] are accessible), 1 parking space in each of the 11 parking areas, and all RV sites (tent sites are not accessible).

→ R-6 Bishop's Hole/Record Tree area—opportunities for trails to fishing areas, and other attractions vs. carrying capacity issues & impacts from overuse:

Discussion: The Bishop's Hole/Record Tree area is very popular for fishing access, swimming, and other day use activities, and is used for ad hoc camping. It is also the put-in point for rental of paddleboats/kayaks under permit from Reclamation (season of use is from Memorial Day through Labor Day).

The area is also the location of significant and sensitive vegetation and wildlife resources, including a large stand of riparian woodland. For many decades, the "Record Tree" (the largest Eastern cottonwood in the United States) was a natural and historic feature of the site that was highly valued by many in the region. However, in early August, 2002, the Record Tree suffered major damage, with most of the canopy breaking away from the trunk. The damage was so severe it was determined

not possible to save the tree. Due to safety concerns the major limbs were taken down to prevent someone being injured from a falling branch.

Recreational use levels and locations within the area, combined with the absence of any formal management, are causing substantial resource damage. If unchecked, this damage will continue to destroy both the natural resource and recreational values of the site. In fact, ad hoc camping, parking and vandalism may have contributed to the recent collapse of the Record Tree, and public commentary on the events surrounding the tree has raised public awareness of the need to better manage use and control over-use of the Bishop's Hole area.

Planning Team Notes: The RMP must develop a viable balance between recreation and resource conservation/protection for this area. The popularity of and demand for access to the area is expected to remain high and to grow. In fact, visitation to the area will probably increase markedly as a result of restrictions on fishing access at the dam (see R-11). Potential actions identified to date for addressing these issues include:

- Information and regulatory signage;
- Determination of appropriate protection measures for the Record Tree if it survives the recent damage;
- More frequent sheriff's patrols or increased enforcement from other agencies such as IDPR or USFWS (see I-16 through I-18);
- On-site supervision; and
- Stringent management and control of vehicular access by either: [1] formalizing vehicular circulation and parking at the site itself, or [2] restricting vehicle access at the site, providing parking outside the area, and requiring users to walk in.

→ R-7 Cinder Pit—control recreation uses (especially vehicles and shooting vs. adjoining land uses):

Discussion: The Cinder Pit site is a unique geological feature in the region. Historically, the site has been used for mining of cinder material; but the most prevalent public uses have been, and continue to be, shooting/target practice, ORV use, hiking and hunting. Significant littering and dumping have occurred on the parcel; damage from ORV use is evident; and lead contamination and hazardous materials are also a concern. Neighboring residents are concerned about impacts from these uses, including safety hazards from shooting, vehicle damage, and vehicle trespass.

Considerable interest has been expressed in continuing to allow shooting on this parcel, and the site has been suggested as a good location for a formal shooting range (see R-13). The Cinder Pit feature itself offers geological interpretation/education potential, and the parcel provides good hiking opportunities.

Planning Team Notes: The RMP will need to explore the appropriateness and feasibility of these and other existing and potential uses for the parcel; and must balance public use with resource protection/conservation and public safety needs. Key challenges in these regards include: [1] significant regulatory constraints and permit requirements that will apply to any proposal for a shooting range or for continued shooting activity in general (e.g., current Reclamation policy is to actively discourage and/or eliminate such uses unless there is a managing entity who is willing and able to both assume liability for the activity and follow very stringent and costly permit requirements. Included in these is addressing the concerns regarding lead contamination); [2] the long-standing prohibition of ORV use on all Reclamation land (see R-16); and [3] satisfactory resolution of existing and potential conflicts with neighboring land uses. Also important will be better management of site resources, including minimizing vehicular damage in general and controlling/eliminating litter and dumping.

→ R-8 Public access to the river—protect in light of riverside development; develop/improve in specific areas (e.g., at Montgomery Bridge on Baseline, east of Rupert):

Discussion: As indicated in these issue statements, providing opportunities for public access to the river is a concern noted by many members of the public. The Montgomery Bridge parcel (925-9-W) is noted as one that offers good river access. Other riverside parcels may offer general public day use and/or trail opportunities or may be appropriate for staging the type of river activities currently permitted at the Bishop's Hole site (i.e., paddleboat/kayak trips). Another potential use of riverside parcels could be group activities such as Boy Scout events, some of which could take peak period pressure off of the State Park. In any case, there is strong interest in keeping areas/parcels open to the public where river access is good and the land is under Reclamation jurisdiction.

→ R-9 Potential for trail development (e.g., State Park, dam, wetlands, North Side Canal); and R-10 Types of feasible trail uses (e.g., hiking, bicycle, equestrian):

Discussion: The RMP should explore and pursue feasible opportunities for recreational trails. The potential for interpretive trails focused on natural and cultural resources, as well as IDPR plans for additional trail development, have been noted in prior discussions. Other opportunities may exist along project features or on parcels bordering the river. Specific parcels suggested as offering trail potential include 825-8-W and 1021-5-W. As potential trails are suggested and considered, the issue of multiple use vs. use-specific facilities will need to be addressed. It is often difficult to combine uses on trails, especially biking and equestrian, due to user conflicts and differing resource needs. Thus, providing appropriate and equitable opportunities can be a challenge. Also, it will be important to provide management oversight (e.g., keeping vehicles such as ORVs off the trails) and maintenance.

Planning Team Notes: It should be clarified that any trail development outside of Lake Walcott State Park would need to have a non-Federal public entity as a managing partner to cost share (50/50) any recreational development.

→ R-11 Fishing below the dam--balance security issues with recreation; don't shut people out unnecessarily:

Discussion: The area immediately below Minidoka Dam is a very popular fishing location. Increased security concerns (as discussed under I-23), as well as long-standing concerns for public safety, have resulted in interim steps to restrict public access to this area. Many members of the public want to see fishing access to the dam restored, and are concerned that Reclamation's interim restrictions may be too severe and may become unnecessarily permanent. There is also concern that these restrictions will displace users to other areas, particularly Bishop's Hole, where impacts from over-use are already evident.

Planning Team Notes: Reclamation's ongoing analysis of long-term security requirements will define to what extent these restrictions must remain in effect. Recreational access to the area will not be limited or foreclosed arbitrarily, and it is understood that restricting fishing access at the dam will increase use pressure at areas downstream, such as Bishop's Hole. Security closure determinations are separate and outside the purview of the RMP, however, the RMP will look at other opportunities to accommodate these recreational uses, as necessary.

→ R-12 Provide equipment drop-off area near dam:

Planning Team Notes: AHWG members discussing recreation issues and opportunities were not able to provide insight on this request/statement. Clarification may be gained by further discussion. It is possible that the statement refers to providing a location where people fishing near the dam can stage their activities. If this is the case, then such an accommodation should be considered as the RMP defines allowable use and necessary restrictions on activities at/near the dam (see R-11 and I-23).

→ R-13 Provide a shooting range for the area (i.e., permanent, multi-use, gun clubs):

Discussion: At least two locations, F-Drain (parcel 824-8-W) and Cinder Pit (parcel 1022-5-W) (see R-7), are currently popular for shooting activities (i.e., target practice, sighting-in guns, etc. as opposed to general hunting). Considerable public interest has been expressed in allowing this recreational use to continue, at appropriate locations on RMP lands. This is especially true given the ever-decreasing number of places in the region where this activity is allowed. One suggestion, aimed at both continuing to accommodate shooting and providing better safety and oversight, is to establish a formal shooting range on one or more RMP parcels. It was noted that the BLM has permitted a shooting range on its land near Jerome, with the facility/activity managed by a local shooting club.

Planning Team Notes: Current Reclamation policy is to actively discourage and/or eliminate such uses unless there is a managing entity that is willing and able to assume liability for the activity and follow very stringent permit requirements. Included in these is addressing the concerns regarding lead contamination.

→ R-14 Hunting access:

Discussion: Hunting for upland game birds and waterfowl is a popular activity on many RMP parcels, as well as on other lands in the region. Hunting, as opposed to concentrated shooting uses such as target practice, is generally allowed on Reclamation land and is regulated by the State. Those who participate in this activity would like to ensure that the RMP provides for continuing and improved access for hunting on RMP lands. Important aspects of this concern include:

- Existing access for hunting should be protected as much as possible;
- Some RMP lands are surrounded by private land, with no or very limited public roadway or trail access; if feasible, access to these lands should be provided through acquisition of easements; and
- Trespass and unauthorized hunting on private land is a concern, due in part to the absence of clear public/private land boundary definition. Better signage or other boundary demarcation techniques and increased enforcement are needed in at least some areas to mitigate this concern.

Planning Team Notes: If easements for access were to be acquired, there would need to be a Project benefit demonstrated. Lands and interests in lands are acquired for Project purposes only with recreation, fish and wildlife enhancements being an acceptable secondary use of those lands/interests in lands.

→ R-15 Camping—managing current ad hoc use; potential for allowing/providing camping:

Discussion: Outside of the State Park, no developed or authorized camping areas are designated on RMP lands. However, ad hoc camping does occur on some parcels near the State Park, at Bishop's Hole, and other locations along the river. At some of these locations near the State Park, IDPR informally provides some supervision and maintenance, purely as means of protecting the resource base.

Planning Team Notes: The primary focus for camping in the RMP study area is expected to remain on the State Park, and it is unlikely that camping/campgrounds will be an appropriate use on most RMP parcels (i.e., because of land use compatibility issues, Project facilities or requirement, etc.). However, current locations where ad hoc camping occurs will be reviewed; other sites with camping potential may be identified through the resource inventory or public involvement efforts, and an assessment will be made of the need for (and availability of resources to sustain) camping at one or more of these locations. If a need exists and camping is proposed for lands outside of the State Park, Reclamation will need a non-Federal, public entity managing partner to cost-share any recreation development (see I-29). For lands reasonably near the State Park, this partner could be IDPR. Other potential partners include the Counties or IDFG, or it may be possible for recreation facilities to be developed through a concession agreement, per Reclamation's existing concession policy. In any case, camping is likely to be limited to parcels that may be designated for this use through the above-described process.

Discussion: The Irrigation Districts suggest that establishing one or more fee-based campgrounds or other recreation sites on RMP lands should be considered as a potential revenue source to help support the Minidoka Project. Such facilities could be run by a private concessionaire.

Planning Team Notes: As discussed above, Reclamation's authority to develop sites for recreation requires that it have a non-Federal managing partner willing to share the development costs on a 50/50 basis and be responsible for all operation and maintenance. The revenues generated from such sites can be used by the managing entity to offset development, operation and maintenance, and administrative costs associated with the recreation site. Revenues in excess of those costs must be deposited in accordance with Reclamation law.

→ R-16 ORVs —managing unauthorized use (Reclamation lands closed unless designated open); R-17 ORV use on some lands is desired (e.g., parcel 923-4-W); and R-18 Designate trails and roads (including ORV) in some parcels to direct use and avoid damage in other areas:

Discussion: ORV use is occurring on many of the RMP parcels. In some cases, resource damage from this use is noticeable and severe. The fact that Reclamation land in general is closed to ORV use (see Planning Team Notes) is not known by many members of the public. Some members of the public want to see these lands open to ORV use, particularly parcels popular for hunting. One suggested solution is open selected areas to help meet public demand and focus the use away from more sensitive lands. If this option were pursued, the lands to be opened could be identified in consultation with the local chambers of commerce or other interest groups

Planning Team Notes: ORV use is formally prohibited on all Reclamation land nationwide unless specifically opened (see Attachment A for a full description of the regulations governing ORV use on Reclamation lands). None of the Reclamation land under study for the RMP has been opened for this use.

Enforcement of this restriction is a challenge for several inter-related reasons:

- The general public is likely unaware for the most part that Reclamation land is closed to ORV use; this restriction has not been widely publicized and on-the-ground signage identifying the restriction is generally absent;
- Reclamation land in the study area is intermixed with BLM land. In contrast to Reclamation land, BLM land is open to ORV use unless specifically closed, and all the BLM land in the area is open to this use. The fact that BLM land is open is more widely known to the general public; and

- The boundaries between Reclamation, BLM, and private land are not marked in most areas. Thus, even if the distinctions between agency regulations were widely know, it is difficult for the public to distinguish where ORV use is allowed vs. prohibited.

Due to these factors, if the RMP confirms that Reclamation's prohibition on ORV use will remain in effect and the intent will be to enforce this restriction, action will be needed to inform the public. In some cases, property boundary demarcation may be necessary.

Regarding the suggestion that some RMP lands be opened to ORV use on a selective basis, Reclamation is very hesitant to consider this approach, and would only do so only on a very limited basis if there were a compelling reason. Reclamation does not want to set a broad precedent for opening lands to ORV use. These are Project lands, withdrawn from general public use for a specific public purpose (the Minidoka Project), and Reclamation has limited means of enforcing laws/regulations related to misuse, resource degradation, etc. In contrast, BLM manages Public lands, which are open to ORV use.

→ R-19 Motorized vehicles on Lake Walcott when it is closed in winter:

Planning Team Notes: Although the water surface of Lake Walcott itself is not part of the RMP, the main boat ramp access to the lake is through the State Park. Motorized vehicles are not allowed on the lake in the winter. The Planning Team will review whether increased supervision of boat access is needed in the State Park or whether this issue is outside of the RMP scope.

→ R-20 Golf course north of Paul:

Planning Team Notes: A portion of parcel 923-3-W was identified for a future golf course as part of the North Side Pumping Division Extension Plan (which was never authorized). The potential relevance of this proposal to the current RMP effort needs to be investigated further as these lands may need to be relinquished to BLM.

Municipal, Industrial, & Commercial Uses

→ M-1 Exchange lands for municipal uses:

Planning Team Notes: The primary examples of interest by local municipalities in using RMP lands are discussed below.

→ M-2 City of Rupert effluent disposal—continuing need (e.g., parcel 824-11-W):

Planning Team Notes: Over the past several years, Rupert has disposed of municipal wastewater by land application on the eastern half of parcel 824-9-W and the northeastern portion of parcel 824-11-W. This activity was conducted under permit from Reclamation. The portion of the permit which covered parcel 824-9-W has expired and was not renewed due to the A&B Irrigation District's need to expand its adjacent drain water management/wetland creation program onto this part of the parcel. Reclamation and the City are currently working together to transfer the land in 824-11-W to the City for their use in the spreading of municipal wastewater (a permit currently exists on this parcel for this use).

→ M-3 Potential need by City of Paul to spread wastewater:

Planning Team Notes: Existing or future needs by the City of Paul to dispose of municipal wastewater via land application have not been defined to date. If the City has a need, discussion should be initiated with Reclamation as soon as possible to define land area requirements and

potential locations. Options for potentially helping to meet City needs can be considered in RMP alternatives, assuming that candidate lands are determined to be needed for Project purposes. If the candidate lands are no longer needed for Project purposes, Reclamation is required to relinquish these lands to BLM. Withdrawn or acquired parcels that are relinquished or transferred to the BLM, can be disposed of by BLM to governmental or nonprofit entities under its authorities, including the Recreation and Public Purposes (R&PP) Act.

→ M-4 Status/management of storm drain in North Burley & Heyburn drain:

Planning Team Notes: This issue statement refers to RMP parcels containing drainage canals/corridors that pass through now-developed portions of Burley. The drains have been severely impacted by surrounding urban development. Examples include unauthorized placement of sections into underground conduits and un-permitted routing of storm water runoff from parking lots into the drain system. All of these parcels/facilities are needed for Project purposes. The RMP must review the condition of these lands and facilities, and must address/resolve unauthorized modifications and un-permitted uses.

→ M-5 Blaine County boat ramp at the State Park:

Planning Team Notes: Neither AHWG members nor the Reclamation Planning Team are aware of the motivation for this statement. The State park and associated boat ramp are in Minidoka County. Any proposed extension or significant modification of the existing ramp or addition of a new ramp would need to be coordinated with Reclamation as part of the RMP process.

→ M-6 Treatment/consideration of other requests, such as cemetery expansion:

Planning Team Notes: This comment refers to a request from the Cemetery District to purchase 10 acres of land in the southwest corner of parcel 824-9-W for expansion of the current cemetery. This request, as well as others described herein, illustrates the kind of proposed uses, both public and private, that have been and will continue to be proposed/requested on RMP lands over time. Lands determined to be needed for Project purposes would rarely be available for such uses. The RMP must anticipate that such requests will be made, but certainly cannot anticipate the full range of uses, locations, or other factors that might define individual requests. Given this, the RMP should: [1] articulate a clear process to be followed in applying for, considering, and making determinations regarding them; and [2] clarify relevant policy guidance, regulatory constraints, or other broad limitations that will dictate or influence decision-making (e.g., the limitations on land disposal and leasing authority discussed under I-4). Beyond these general provisions in the RMP, it is expected that decision-making within Reclamation will continue to require a large measure of case-by-case consideration.

Boundary, Compatibility, & Other Land Use Concerns

→ B-1 Boundaries between Reclamation, BLM, and private lands are often unclear; B-2 Boundary identification, particularly important related to agricultural lands & public use; and B-3 Need for boundary signage and/or fencing:

Planning Team Notes: The need for better public information/awareness and on-the-ground boundary demarcation through signage, fencing, or other means is noted under discussions of hunting access (R-14), ORV use (R-16), illegal dumping (B-4), trespass/encroachment issues (B-5 and B-6), and access conflicts (B-8 and B-9). It is clear that full implementation of boundary signage or fencing on all, or even a majority, of RMP lands is not feasible or necessary. The RMP must establish priorities based on specific need and available funding and staff resources.

→ B-4 Illegal dumping on Reclamation land:

Discussion: Dumping of trash, construction debris, old appliances, and equipment and other refuse are a major, growing problem on many RMP parcels. Use of signage, better boundary demarcation, and increased enforcement presence are needed to address this issue.

→ B-5 Trespasses & encroachment on Reclamation land (grazing, agriculture, structures, sprinklers, landscaping):

Planning Team Notes: Encroachments by private parties on Reclamation land are a major issue that must be addressed by Reclamation management and the RMP. Based on available aerial photography and boundary survey data, there appear to be approximately 153 cases of trespass/encroachment on RMP lands. Unauthorized/un-permitted uses include, but are not limited to, irrigated agriculture, grazing, equipment storage, and access roads.

In general, once the encroachments are confirmed by more detailed review of boundary survey data, remedial action will be required of the party or parties conducting the unauthorized activity. This action will most likely include removing the unauthorized use(s) and accomplishing appropriate land restoration/rehabilitation.

It is expected that the RMP will outline Reclamation's objectives and approach related to resolving encroachments/trespass, but that the action(s) most appropriate to each situation will need to be determined on a case-by-case basis.

→ B-6 Impacts on adjacent lands from changes in management/status on Reclamation lands; and B-7 Impacts on residences near the river from recreation use on Reclamation parcels:

Discussion: Compatibility with adjacent/surrounding land uses will be an important consideration for all RMP lands. Perspectives on this concern include:

- Generally avoiding adverse impacts on adjacent farming operations;
- Managing or controlling shooting or other recreation activities on RMP parcels to minimize noise and safety impacts on nearby residents;
- Providing adequate access to RMP lands and activities; and
- Adequately identifying Reclamation land boundaries so that public trespass on private land is reduced or eliminated.

Planning Team Notes: In general, it will be important for management decisions on RMP lands to be made in context with uses and resource values on surrounding lands and in accordance with Reclamation policies, regulations, and applicable laws. RMP decisions should be made to achieve and maintain maximum land use and resource management compatibility.

→ B-8 Access conflicts—getting to Reclamation lands by crossing private lands; and B-9 Access conflicts—getting to private lands by crossing Reclamation or District lands:

Planning Team Notes: Both of these situations exist on or are associated with various RMP parcels. There is particular concern for cases where Reclamation or District lands are being used for access to private parcels. For example, canal banks are used as roads/access to private lands in some areas. Also, the Districts are concerned that the Counties may not be adequately confirming legal access as part of issuing building permits for private parcels adjacent to or surrounded by Reclamation land.

The land ownership, land use, and access analyses being conducted for all RMP parcels will inventory where such concerns exist. Alternatives will be explored to resolve significant concerns or conflicts and provide appropriate access to support RMP land uses and management programs in conjunction with Project purposes. It is expected that solutions will need to be defined on a case-by-case basis, with the range of possible responses including re-routing existing accessways, developing new roads or trails, negotiating easements, closing access at some points, and providing better signage, gates or other access controls (including reinforcing to the public that the canal banks/roads are not public accessways). Consultation with the Counties may also be appropriate to ensure that legal access is confirmed prior to issuing building permits adjacent to RMP lands.

→ B-10 Closure of road on north side of reservoir? (Used for fishing and hunting, etc.):

Planning Team Notes: The road along the north side of the reservoir, (i.e., along the Minidoka National Wildlife Refuge boundary) has not been closed and there are no plans for a closure. This comment most likely refers to the fact that USFWS has found it necessary to lock the gate on an access road branching from the main road into the NWR. Previously, the gate at this location, installed to keep cattle out of the refuge, was not locked, and the public was able to use it to gain access to the refuge. However, users of the area have been leaving the gate open with increasing, and unacceptable, frequency. Therefore, USFWS has now locked this gate to assure its effectiveness in keeping cattle out of the refuge.

RMP Implementation & Administration

Reclamation Responsibilities, Authorities, & Limitations

→ I-1 Limitation on use of lands retained for Project purposes:

Planning Team Notes: The primary limitations on use and management of lands retained for Project purposes stem from: [1] the need to protect and support the Project purpose(s) for which the lands are retained (i.e., irrigation, power production, fish & wildlife, or recreation); [2] Federal laws, regulations and Executive Orders that govern all Federal agencies (e.g., Endangered Species Act, Clean Water Act, National Historic Preservation Act); and [3] Reclamation-specific authorities and policies (e.g., closure to ORV use, requirements for cost-share with managing public entity partners in any recreation or fish and wildlife improvement project, and elimination of exclusive private use of Reclamation lands). Applicable guidance and/or limitations associated with any of these sources will be explored and reported as a fundamental part of RMP studies, and will guide management decisions.

→ I-2 Lands to be relinquished, disposed, or exchanged; and I-3 Reclamation responsibility to manage until relinquished, disposed, or exchanged:

Planning Team Notes: It is Reclamation's responsibility to manage all RMP parcels, as long as they are under the Agency's jurisdiction, in compliance with applicable Federal laws, regulations, and Executive Orders, and with Reclamation-specific authorities and policies. Just as with lands retained for Project purposes, these requirements can strongly influence decisions on use and management of the parcels until relinquishment, other disposal or exchange is complete.

Since most of the parcels under study are withdrawn and would be relinquished back to BLM if not needed for Project purposes, it is relevant to note that the relinquishment process can take a long time to complete. For example, approximately five of the parcels included in this RMP were submitted for relinquishment to BLM in the 1980s and 1990s. To date, the process has not been completed, and Reclamation's decision to relinquish these parcels is currently being reviewed and confirmed. Given

the length of time that the relinquishment process can take, it is clear that the RMP must include an appropriate management program, spanning the time horizon of the RMP, for all withdrawn lands, even if they are scheduled to be relinquished.

Another aspect of Reclamation's responsibility related to parcels being considered for relinquishment, other disposal, or exchange is the need to assess the potential uses of/impacts on the lands as a result of a proposed change in jurisdiction or ownership. This assessment will be a National Environmental Policy Act process, separate from the RMP.

→ I-4 Limitations on Reclamation disposal/exchange flexibility:

Planning Team Notes: Refer to Attachment B (Appendix D in this RMP), Authorities & Methods for Disposing of Minidoka North Side Land, for a complete description and explanation of applicable laws, regulations and authorities.

→ I-5 Next steps/recourse if everyone agrees on how the lands should be managed but the actions are outside Reclamation authorities?:

Planning Team Notes: The most direct answer to this question is: A change or exception to Reclamation authorities must be made in Washington DC, and most often requires Congressional authorization. As a practical matter, all decisions made as part of this RMP will remain consistent with established Reclamation authorities, policies, contracts, and other Federal guidance.

→ I-6 Transferred works—what are Reclamation's responsibilities?:

Planning Team Notes: The Irrigation Districts are responsible for operation and maintenance of transferred works and project facilities. Reclamation retains ownership of the land and facilities. Because of this, Reclamation is responsible for compliance with applicable Federal laws, regulations, and Executive Orders as well as with Reclamation-specific authorities and policies. Reclamation also remains liable for uses and activities occurring on the land.

→ I-7 Concern with where decision making resides – in Reclamation office locally or in DC (i.e., sale or exchange of lands):

Planning Team Notes: If consistent with Reclamation authorities and policies, and in compliance with other Federal guidance, land management and status decisions are made locally, by Reclamation personnel in the Burley office. Land sales or exchanges, however, are subject to review by higher levels within the agency, including the Regional Office in Boise.

Other Agencies--Consultation, Coordination, Roles, & Responsibilities

→ I-8 Conduct Government-to-Government consultation with Tribes as part of RMP effort:

Planning Team Notes: This is part of Reclamation's responsibilities. It is being done during the RMP process and will continue as a part of applicable RMP actions.

→ I-9 Define relationships, roles, & responsibilities between Reclamation and other key agencies:

Planning Team Notes: One major intent and value of the RMP process is to clarify agency inter-relationships and responsibilities as they relate to the lands under study. Cooperative agreements and efforts between/among agencies often offer the best (sometimes the only) chance to achieve the wide

range of management objectives that characterize an RMP (see also I-28, regarding the challenge of setting priorities in an RMP). For example, Reclamation must have a non-Federal public entity managing partner to cost-share funding for most recreation or fish and wildlife developments on its lands.

Many such relationships and/or interdependencies currently exist in the study area, and new or redefined relationships may be necessary to implement various components of the RMP. Thus, it is important that these key relationships and interdependencies are well understood and that maximum synergy among involved agencies be sought (i.e., in terms of authorities, expertise, personnel, and/or funding resources). The primary relationships and interdependencies applicable to the current effort are identified below. Each of the agencies identified is participating in the RMP as part of the AHWG. A major benefit of this participation (in addition to the expertise each lends to management perspective) is the opportunity to discuss updating/revising existing or establish needed new agreements, leases, or permits between agencies to implement the RMP.

→ I-10 USFWS—overlapping withdrawals & joint facilities, including the Reclamation Zone below Minidoka Dam:

Planning Team Notes: Reclamation and USFWS jurisdiction overlaps on lands surrounding Lake Walcott and the Reclamation Zone associated with Minidoka Dam. By agreement, USFWS is the managing agency for lands around Lake Walcott (the Minidoka National Wildlife Refuge). Because of this, these lands are not included in the scope of the RMP. Most of the land in the Reclamation Zone is also within the National Wildlife Refuge. However, for obvious reasons, Reclamation must maintain active management in this area in cooperation with the USFWS, which is why the Reclamation Zone is included in the RMP.

Also relevant in exploring the relationship between the USFWS and Reclamation is the fact that USFWS will have a full time law enforcement officer on staff at the National Wildlife Refuge, beginning in 2003. This may offer potential for improved law enforcement on Reclamation lands (see I-16 through I-18).

→ I-11 USFWS and IDPR at State Park:

Planning Team Notes: The State Park is on Reclamation land and is also within the Minidoka National Wildlife Refuge. As a result, close coordination among Reclamation, the USFWS, and IDPR is necessary to achieve objectives for the refuge and the park. Also, as discussed in I-19, below, there may be potential for IDPR assistance with law enforcement or management oversight at the Bishop's Hole area, given its proximity to the State Park.

→ I-12 IDFG—Fish & Game tracts, IDFG leases:

Planning Team Notes: As discussed under N-8, above, IDFG has long-standing agreements with Reclamation for management of several parcels under study in this RMP. It is generally agreed by both Reclamation and IDFG that these agreements should be revisited as part of the RMP, with some being renewed or revised, some being terminated, and/or new ones forged to better meet current needs and resource conditions. In any case, some continuing level of participation by IDFG in managing the fish and wildlife resources on RMP lands will most likely be desirable and beneficial. This is true from the standpoints of both resource management expertise and law enforcement. In the latter regard, IDFG notes that it can assist with enforcing regulations on lands where it has management responsibility. A good example of this is enforcing the ORV prohibition on RMP lands where IDFG is tasked with management according to an MOU or lease with Reclamation.

→ I-13 Irrigation Districts—transferred works, wastewater management:

Planning Team Notes: The relationships and active cooperation between Reclamation and the Districts are described at several locations herein. Certainly, transferred works and drain water management represent two main focal points for cooperation. The Districts have also assisted Reclamation in defining which lands will or may be needed for other Project purposes, such as well relocations, staging authorities or mining of construction materials, etc. The Districts will also play a key role in implementing portions of the RMP.

→ I-14 Counties—law enforcement, leases, & permits:

Planning Team Notes: The primary relationships between Reclamation and involved counties center on agreements for provision of law enforcement services (see I-16 through I-18) and various leases/permits issued by Reclamation to the counties for staging of construction/road maintenance materials (e.g., sand and gravel) and other public purposes.

→ I-15 BLM—withdrawal relinquishment/restoration, fire suppression, fuel management, re-vegetation:

Planning Team Notes: This issue statement cites the primary existing and potential relationships between Reclamation and the BLM. The BLM's role as recipient of land relinquished by Reclamation has been noted elsewhere herein. In terms of service or management agreements, Reclamation contracts with BLM for fire suppression. No agreement currently exists for fuel management and no formal plan or agreement has been established for revegetation. Dependent upon RMP findings and decisions regarding future land status, a plan and agreement enlisting BLM's expertise for revegetating burned areas and/or providing fuel management may be desirable. Beyond these relationships, it will be important for the RMP to consider and optimize compatibility with BLM's management of its lands in the study area, especially where BLM and Reclamation lands adjoin. See also: I-22.

Law Enforcement

→ I-16 Need better law enforcement; problems exist with: illegal dumping, users leaving trash, trespass & encroachment, ORV use, poaching on lands closed to hunting, and vandalism, shooting, and ORV damage at transferred works (e.g., parcel 824-8-W); I-17 Patrol/enforcement needs vs. Sheriff staff & equipment capacity; and I-18 Ways to improve response time (e.g., potential for Sheriff's boat ramp/dock on parcel 925-9-W):

Discussion: There is a need for all involved agencies, especially Reclamation and the county Sheriffs, to meet and clarify who has authority and responsibility for different violations on RMP lands and where enforcement presence is most needed. Such coordination and clarification would be the first step in effectively meeting enforcement needs on Reclamation lands. Once needs and authorities are clearly understood, necessary agreements can be revised/developed or other formal relationships established. Following are some of the more important law enforcement perspectives applicable to the RMP.

The County Sheriff is the primary enforcement authority for State and local laws, such as those addressing trespass, littering/dumping and vandalism. For these existing laws, only a revised or new agreement formalizing the Sheriffs' role in enforcement on Reclamation land is needed to augment enforcement presence. When difficulties arise due to activities not regulated at the State or local level, two options exist: [1] Reclamation can work with the Counties to pass local ordinances to address these problems (e.g., ORV use on Reclamation lands); or [2] Reclamation now has the

authority (per Public Law 107-69) to enact its own regulations and then contract with the Sheriff to enforce them. In any case, it is often necessary for Reclamation to provide funding or other assistance to the local Sheriff in order to achieve necessary staff/resource augmentations or improve response times. One specific request in this regard, identified by the Minidoka County Sheriff during AHWG discussion, is for Reclamation to assist in establishing a boat ramp for the Sheriff's use on parcel 925-9-W along the river. This ramp would significantly improve the Sheriff's ability to respond to nearby river-side parcels where enforcement needs have historically been high.

Beginning in 2003, the USFWS will have a full time law enforcement officer on staff at the Minidoka NWR. It is possible that this officer can assist with enforcement on nearby Reclamation lands such as Bishop's Hole. This is especially true coupled with Reclamation's Public Law 107-69 authority.

IDPR is responsible for enforcing regulations at the State Park. There may also be the potential to enlist IDPR support in enforcing regulations or implementing the RMP at the Bishop's Hole area below the dam. Further discussion is needed regarding how support could be structured in terms of both: [1] necessary agreements and authorities; and [2] provision of necessary support to IDPR personnel.

IDFG is responsible for enforcing State hunting and other fish and wildlife regulations. Also, as noted under I-12, IDFG can augment enforcement of other regulations (e.g., ORV closures) on lands where it has a management responsibility. These authorities may be relevant in managing activities on RMP lands.

Under any circumstances, it will be important to better communicate to the public the laws, regulations and/or restrictions that apply to RMP lands. This could be accomplished through on-the-ground means, such as effective signage specifying use restrictions, as well as through the RMP document itself.

→ I-19 Potential for IDPR to assist with enforcement/management patrols at Bishop's Hole (e.g., via boat): (See I-18.)

→ I-20 Using the land (e.g., agriculture & grazing leases) could help with monitoring (eliminating) illegal uses such as dumping:

Planning Team Notes: This perspective may be true in some cases and should be considered in making decisions on agriculture or grazing lease proposals. However, leasing decisions will need to be based on a wide range of considerations, including availability of water rights (if applicable), natural resource values, feasibility of adequate monitoring, and cost/responsibility for land restoration if needed.

→ I-21 Protect Public Safety:

Planning Team Notes: Promotion of public safety is one intent of the RMP, and will be one of the considerations that influence management decisions. This is particularly true for public access and recreational uses. Other aspects of public safety encompass law enforcement, discussed above under I-16, and security concerns at and around Minidoka Dam, discussed below under I-23.

→ I-22 Need to control fires – fire management:

Planning Team Notes: Fuel management, fire suppression, and post-fire land rehabilitation are all valid considerations in the RMP process. Reclamation does not have expertise in these areas and normally must contract with other agencies for such services. In the RMP region, Reclamation currently has an agreement with the BLM for fire suppression. However, agreements/contracts are not in place for fuels management or land rehabilitation, and both of these aspects of fire management can play very important roles in protecting, restoring, and enhancing the natural resource values of RMP lands.

An integrated package of agreements covering all of these aspects of fire management should be pursued as part of the RMP process. Most likely, these agreements would be with the BLM, similar to the existing fire suppression agreement. The NRCS may also participate (Reclamation is currently working with the NRCS on a fire rehabilitation project in the study area). For rehabilitation, formal fire rehabilitation plans are necessary, and NEPA compliance is required prior to adoption of these plans. It is possible that existing BLM rehabilitation plans for other lands in the region can be adapted for application to RMP lands.

→ I-23 Security issues (i.e., at the dam) – How long and who determines?:

Planning Team Notes: This comment refers to the increased concern for security that has emerged at all Reclamation dams and major facilities since the events of September 11, 2001. Reclamation is in the process of studying and defining needed safety and security enhancements for its facilities, including Minidoka Dam. As decisions are made by Reclamation in this regard, and if these decisions would affect RMP options or alternatives, they will be incorporated into the RMP process. It is possible that some long-term restrictions on public access near the dam may be imposed because of security issues.

Public Information

→ I-24 Show Reclamation boundaries on RMP maps:

Planning Team Notes: This will be done as a matter of course in preparing RMP maps. Reclamation boundaries are currently shown, using the best available information, on aerial photo/GIS maps prepared to support the RMP effort. Refinements to this boundary mapping will be made throughout the RMP process, and on a continuing basis after the RMP is completed, as better information becomes available.

→ I-25 Show IDFG-managed lands on RMP maps:

Discussion: From the perspective of both day-to-day management and public information, it would be beneficial to reflect on RMP maps, which parcels are under IDFG management. Such lands will have their own unique set of management objectives and guidelines, and identifying them clearly on RMP mapping will efficiently communicate the locations where these objectives and guidelines apply.

Planning Team Notes: The Minidoka National Wildlife Refuge boundaries will also be shown on RMP maps.

→ I-26 (Issue I-26 on the Summary of Issues, Opportunities, and Options was an inadvertent duplication of I-30)

→ I-27 Improve signage as management tool:

Discussion: Improved and more widespread use of signage is one method of implementing RMP management and enforcement objectives. Appropriate and clear signage provides the best "on-the-ground" communication to both the public and management/law enforcement personnel, and can be used effectively to provide information regarding:

- Reclamation property boundary locations;
- Recreational opportunities and access points;
- Public safety concerns;
- Hunting, shooting, ORV, or other use restrictions, including "No Dumping"; and
- Other management or enforcement objectives.

Planning Team Notes: Given the number and size of parcels included in the RMP, it will probably not be economically feasible to install signage in every case where it might be desirable. The RMP process should establish priorities in this regard.

Priorities, Costs, and Funding

→ I-28 Challenge of setting priorities among various needs, including water quality, habitat, recreation, weed control, law enforcement, health & safety, accessibility, etc.):

Planning Team Notes: One of the fundamental challenges of the RMP effort is to establish priorities for which actions and programs should receive attention each year, within limitations on funding, personnel, and other resources. As noted in I-9, the RMP process should explore not only what can be accomplished within Reclamation's available resources, but also how cooperative relationships among agencies and/or the public can achieve more than any one entity individually.

→ I-29 Funding to implement priorities:

Discussion: Given the range of concerns, programs, and agency relationships that are being addressed by this RMP, the AHWG stresses that Reclamation consider adequate staff resources to carry out the Plan. For example, AHWG members suggest that a team of staff members should be dedicated early to pursing and arranging cooperative agreements and MOUs with other agencies; these agreements and MOUs are one way to maximize success in achieving RMP goals and objectives. Staff will also be necessary to pursue such programs as addressing existing encroachments and trespass. The basic point is that the need for staff resources should not be overlooked in defining how RMP programs will be funded and implemented.

Planning Team Notes: Reclamation's intent that the RMP be an active, practical management tool has been stressed at both the RMP public meeting and the AHWG meetings to date. To achieve this intent, RMP proposals, programs, and priorities must be adopted with full recognition of existing or potential funding and staff availability. Also of key importance are regulations governing Reclamation's funding of fish & wildlife enhancements or recreation development projects. To cost share on fish and wildlife projects, Reclamation must have a non-Federal managing public entity as a cost-share partner, with that partner providing at least 25% of the cost. For recreation development, a similar cost-share partner is also needed; however, in the case of recreation projects, the cost-share proportion is 50/50. Reclamation does have the authority to develop minimum basic recreation facilities (minimum improvements meeting health and safety, accessibility, and resource protection needs) and the authority to maintain and replace existing recreation facilities. These requirements reinforce prior discussions that cite the importance of cooperative relationships among agencies in implementing the RMP.

→ I-30 Specific request for funding trail development and tree planting at the State Park:

Discussion: Progress on trail development and tree planting at the State Park is being made through cooperative efforts between the IDPR and USFWS.

Planning Team Notes: This request must be considered in context with other proposed actions, programs, and priorities as part of RMP alternatives analysis.

Attachment A

Off-Road Vehicle Use on Reclamation Lands

Section 420.2 of 43 CFR Part 420 - OFF-ROAD VEHICLE USE, which was published July 24, 1974, and amended June 15, 1979, closed Reclamation lands to off-road vehicle (ORV) use, except for an area or trail specifically opened to use of ORVs in accordance with Section 420.21.

Section 420.21 describes the procedure for designating (i.e., ***opening***) areas for ORV use. The procedure requires:

- the Regional Director (RD) shall, to the extent practicable, hold public hearings except under emergency conditions;

- the RD shall designate and publicize areas and trails that are open to ORV use in accordance with Section 420.23;

- before an area or trail is opened, the RD will establish specific regulations for use of the area;

- The RD shall monitor and adjust or close areas being adversely affected.

Section 420.22 details criteria for ORV areas. It states that areas to be opened shall not be located in areas possessing unique natural, wildlife, historic, cultural, archeological, or recreational values unless the Commissioner determines that these unique values will not be adversely affected. They shall be located:

(1) to minimize potential hazards to public health and safety;

(2) to minimize damage to soil, watershed, vegetation, or other resources;

(3) to minimize harassment of wildlife or significant disruption of wildlife habitats;

(4) to minimize conflicts between ORV use and other recreational uses in the vicinity;

(5) in furtherance of the purposes and policy of the National Environmental Policy Act of 1969.

Section 420.23 provides that areas and trails **opened**, or **opened then restricted or closed**, to ORV use **may** be signed on Reclamation lands, but that all notices concerning the regulation of ORV use on Reclamation lands **shall** be:

- posted in a manner that will reasonably bring them to the attention of the public;

- made available to the public in the regional and field offices where appropriate;

- published, with the reasons therefore, in the *Federal Register*; and,

- otherwise publicized as appropriate.