

## **Violations of the Pasayten**

(This column by Birch Berman ran in the 9/22 *Methow Valley News*)

The Methow Valley Ranger District has failed, for decades, to manage commercial packstock outfitters in the Pasayten Wilderness according to the Wilderness Act, the Okanogan National Forest Plan, and overall Forest Service guidelines and regulations. The Environmental Impact Statement for Stock Outfitters is an opportunity for it to correct this sorry record. Failing that, the EIS is the best opportunity for people who care about wilderness and the rule of law to attempt to influence the Forest Service.

To see that something is terribly wrong with the MVRD's management of commercial stock users who take large groups of people and animals into the Pasayten, you only need to look at the condition of the camps these outfitters use. The Okanogan Forest Plan has certain standards by which it, supposedly, protects wilderness values, one being that no camp contain more than 400 square feet of 'barren core' (trampled ground). Yet every single basecamp used by commercial horse/mule outfitters vastly exceeds this standard, the worst being many tens of thousands of square feet. The Forest Plan has other standards that are also being violated in outfitters' camps, including the number of dead trees due to tying of livestock.

The problems extend to the individual performance of many of these outfitters. For examples, one outfitter was found by a Forest Service employee to have a camp in which feces and used toilet paper were visible throughout the campsite. Another was identified in a specific Forest Service document as being in danger of having his permit revoked due to extensive operating violations. A third was finally given an unsatisfactory rating on his yearend performance evaluation after years of operating problems.

The terms of an outfitter's permit state that renewal of the permit is based on activity "consistent with the applicable forest ... plan", yet despite the fact that all the outfitters' basecamps are grossly out of compliance with the ONF plan, the MVRD has been blindly renewing the permits for decades.

The Pasayten was established under the authority of the Wilderness Act and this law is very clear in its intent: To protect specially designated areas where "the earth and its community of life are untrammelled by man", where "the imprint of man's work is substantially unnoticeable". The Wilderness Act does allow for commercial activity in designated wilderness areas, but only as secondary to its basic purpose. The MVRD has allowed the outfitters to pressure it to reverse these priorities, and has acquiesced as the outfitters have developed a business model based on widespread violations of law and regulations.

The adverse impacts of outfitter use are also visible in areas where three or more trails exist immediately beside each other, each trail eroded 1-3 feet; overgrazed meadows; dusty (or muddy after a rain) beaten down trails; and damaged riparian areas. None of this should be happening in an area that the law says should be 'untrammelled'.

The primary cause of these adverse impacts is the excessive number of animals used for commercial purposes. The Pasayten (and Lake Chelan-Sawtooth) allow the largest party size of any wilderness area in the state—twelve people and eighteen head of stock. The managers of every other wilderness know that this is too high a number to still keep it untrammelled. Yet even this very large party size is not sufficient for local outfitters. They circumvent this limit by running additional packstrings to support a given group, and as long as the two (or three!) packstrings are not traveling together, the MVRD acquiesces to this as well. The quantity of stuff hauled in by all these packstrings makes a mockery of the concept of minimal impact camping, which the FS preaches to outfitters as well as the public but which it utterly fails to define and enforce.

There is relevant litigation. This was a case in California (High Sierra Hikers Ass'n v. Blackwell) in which the Forest Service was sued for failing to manage commercial stock users according to Wilderness Act. One of the court rulings in this case was that stock outfitters can have a major adverse impact on wilderness and therefore the FS must abide by the National Environmental Protection Act and do an environmental impact statement before issuing commercial use permits to these outfitters. As a result of this ruling the MVRD was obligated to do its own EIS for local outfitters.

Many of the adverse impacts of commercial packstock outfitting in the Pasayten were documented from 1998-2000 by a private citizen (PC). (One of PC's reports is accessible on the website of Wilderness Watch, under 'Recent Issues'.) A coalition of groups and individuals coalesced around PC's work in order to have the issues addressed, but we were either stonewalled or ignored at every level of the FS. (The news release of this coalition can also be accessed on the website.) The EIS changes the playing field since it is an aspect of the National Environmental Protection Act and this law requires the Forest Service to address issues raised by the public. So although the FS might still make bad decisions, it cannot simply ignore citizens' concerns.

Another aspect of the Pasayten story is the misinformation presented by many of these outfitters regarding their operations in the Pasayten and an accompanying pattern of harassment towards anyone who challenges their version. For instances: two outfitters have been quoted in the pages of this newspaper assuring the public that outfitters operate acceptably, but the record—easily substantiated by observing conditions on the ground and by existing documentation in the MVRD's own files—proves this is not the case; PC was attacked personally, physically, and legally in an effort to suppress PC's exposure of outfitter violations; and documentation in MVRD files shows that one particular outfitter was involved in at least three separate incidents of harassment of other people, including FS employees, who might expose his adverse impacts. A previous district ranger was so concerned about these outfitters that at one special meeting she had the town marshal present, armed and in uniform.

The violations of the Pasayten are succinctly summed up by two comments from the MVRD's own employees, written long ago but as applicable today as they were then. "The impacts that are tolerated are severe" (1994). "More than once I've heard comments about the spinelessness of the Forest Service" (1990).

One of the reasons I've written this column is because of the amount of misinformation disseminated in public life today. A healthy democracy involves the open debate of issues, not misinformation and manipulation in order to serve one's narrow self-interest. As long as so many people put private gain above the common good, our country's decline will continue.

*Birch ran his own stock outfitting service, Backcountry Burro Treks, in the Pasayten for 25 years.*