



WILDERNESS WATCHER

A Voice for Wilderness Since 1989

The Quarterly Newsletter of Wilderness Watch

Volume 15 • Number 2 • July 2004

The Challenge of Alaska

Second Wilderness Forum tackles threats facing America's wildest Wilderness

"In terms of wilderness preservation, Alaska is the last frontier. This time, given one great final chance, let us strive to do it right. Not in our generation, nor ever again, will we have a land and wildlife opportunity approaching the scope and importance of this one."

— Morris Udall, US Representative

Spring is an impressive time in Alaska's Matanuska Valley. Though the sun lingers until 11:00pm, the hillside foliage and aspen stands are just beginning to green, bringing color and an increased sense of life to the tundra. The birds are out, and even from the valley floor it is easy to spot Dall sheep grazing the steep hillsides. Paired with the looming splendor of the Chugach range, the valley is an ideal setting for a meeting dedicated to Alaska Wilderness – its unique size and character, and the threats that endanger some of America's most wild lands.

Sponsored by the Alaska Chapter of Wilderness Watch and The Wilderness Society, the Alaska Forum convened May 6-8, 2004 at the Majestic Valley Wilderness Lodge. The forum brought together two dozen wilderness advocates, including representatives from 10 conservation organiza-



Spring in the Matanuska Valley. Photo courtesy of Jimmy Fox.

tions, two law firms, and the U.S. Fish and Wildlife Service. Collectively, the participants brought well over a hundred years of experience to the table, including in-depth knowledge of Alaska Wilderness, the Wilderness Act, and the National Interest Lands Conservation Act (ANILCA). Perhaps most importantly, the participants also carried with them their immense passion for wilderness, for places set aside where the "earth and its community of life are untrammelled by man."

The focus of the Alaska Forum was manifold. Like the Wilderness Forum held in Montana in 2003 (see the May 2003 *Wilderness Watcher*), the Alaska Forum worked to foster a shared understanding that the Wilderness Act's mandate to preserve wilderness character is the overarching principle of wilderness stewardship. In recognition of the unique history and breadth of Alaska Wilderness, the Forum went on to explore the nexus between the Wilderness Act and ANILCA and to develop strategies to address the key threats to the State's vast wilderness lands.

— continued on page 4 —

In This Issue...

Politics and the Fee Demo Carbuncle, by Scott Silver. Page 3

On the Watch. Page 6

Soul of A River - Does quieter, cleaner technology justify motorboats in the Grand Canyon? By Tom Martin. Page 8

Wilderness and the Courts. Page 12

The Idea of Wilderness, by TinaMarie Ekker. Page 13

And Much More!

insights

From the Executive Director

GREAT NEWS!

As this newsletter was going to press, Wilderness Watch received wonderful news that the Eleventh Circuit Court of Appeals has slammed the door on the National Park Service's motorized sightseeing tours through the Cumberland Island Wilderness. The decision represents the culmination of a major part of a five-year battle to rein in illegal motorized use through this island paradise. The Court ruled that the NPS-conducted motorized sightseeing tours through the CIW violate the Wilderness Act and the National Environmental Policy Act. More importantly, the powerful defense of the goals of the Wilderness Act enunciated by the Court will stand out for years to come in future Wilderness protection efforts.



It seemed like such a simple challenge at first. For anyone with even a whit of appreciation for Wilderness the idea of conducting motorized tours through it went way beyond the pale. But the NPS has spent five years and probably \$1 million defending the tours and concocting *post hoc* rationalizations to keep the tours alive. Most troubling, the agency and its attorneys crafted all sorts of legal theories that would create loopholes in the Wilderness Act broad enough drive a 15-passenger van through. Adding to the mix was a federal district judge who believed such tours added to value of the Wilderness.

But the strength, passion and commitment of our team prevailed. Many, many thanks to Jon Dettmann and Anne Mahle of Faegre & Benson, our lead attorneys since the beginning, to Don Stack and Jon Schwartz, our local counsel, and to the Sapelo Foundation which has supported our Cumberland efforts for many years. And special thanks to all of you, our members, whose generous support gives Wilderness Watch the strength and backing to take on major challenges and win.

Our next issue of the Wilderness Watcher will include more information about the substance of the Court's ruling, which stands as one of the finest defenses for Wilderness values in the 40-year history of the Act.

On another high-note, the lead story in this issue describes our second successful Wilderness Forum in as many years. This Forum, which focussed on the challenges of protecting the extraordinary values of Wildernesses in Alaska, was co-sponsored with our Alaska Chapter and The Wilderness Society, and was supported by a generous grant from the Alaska Conservation Foundation. These Forums are proving invaluable for heightening awareness within the conservation community of the challenges of protecting the Wilderness system and for developing strategies for tackling the tough issues. We look forward to holding similar Forums in other regions around the country.

Despite what are in many ways the most dreadful political times for Wilderness, these bright spots are proof that progress is possible no matter how tough the times may seem.

George Nickas



The Wilderness Watcher is the quarterly newsletter of Wilderness Watch, a non-profit organization advocating the protection and responsible stewardship of the nation's designated Wildernesses and Wild & Scenic Rivers.

Board of Directors

Joe Fontaine, *President*
Dr. Joyce Kelly, *Vice President*
Howie Wolke, *Secretary*
Stewart Brandborg, *Treasurer*
Bill Cunningham
Michael Frome
Dr. Joyce Kelly
Fran Mauer
Kevin Proescholdt

Counselor

Stewart Udall

Executive Director

George Nickas

Development/Membership Coordinator

Glenn Marangelo

Policy Coordinator

TinaMarie Ekker

Outreach/Communications Coordinator

Hilary Wood

Newsletter Editor

Hilary Wood

Advisory Board

Magalen Bryant, Derek Craighead,
Jim Curtis, Dr. Rupert Cutler, Dr.
Luna B. Leopold, Clif Merritt, Dr.
Roderick Nash, Dr. Melissa Walker,
Dr. Mark Woods, Bill Worf

Wilderness Watch

P.O. Box 9175
Missoula, MT 59807
Phone: (406) 542-2048
Fax: (406) 542-7714
www.wildernesswatch.org
wild@wildernesswatch.org

Politics and the Fee Demo Carbuncle

— By Scott Silver

Authorized in 1996 as a rider to the Interior Appropriations Bill, the Recreation Fee Demonstration program was to have been a three-year test. Seven years and many extensions later, fee-demo still festers, threatening public lands and wild places with a sepsis Ed Abbey called 'Industrial Tourism' and 'Wreckreation'.

The good news is, this issue may be resolved before the end of the year. The bad news is, it may not be resolved to your liking. For better or worse, fee-demo is in political play with legislators hoping to resolve the issue before they adjourn. Toward this goal, Congress held three fee-demo hearings. The Senate passed legislation that would make recreation fees permanent for the National Park Service only (S.1107), while a wide-ranging and more harmful bill (H.R.3283) received minimal support in the House.

Meanwhile, the Bush Administration is applying maximal pressure to ensure that permanent interagency fee authority is granted to six federal agencies. Likewise, the recreation industry, lead by the American Recreation Coalition, is pressuring Congress to authorize an entirely new 'Phase Two' demonstration program: a program of 6-year duration intended to maximally commercialize, privatize and motorize the Great Outdoors.

To complicate the situation, several powerful Western legislators emerged in strong opposition to charging basic access fees for use of the public lands while several Eastern legislators are lobbying for enhanced fee authority to support evermore Disneyfied outdoor recreation and tourism. Some legislators are concerned that fee-demo discriminates against low-income persons and creates a barrier separating the public from their lands. Others look favorably upon the possibility of selling recreation products as an alternative to resource extraction. Some are eager to see fee-demo bring increased recreational development and public-private partnerships. Others are insisting upon solid guarantees that fee-demo will not be used to perpetuate the "build it and they will come" attitude which pervades the land management agencies.

The motorized recreation community speaks with many voices. While a growing number of users and user groups oppose the pay-to-play concept, most industry associations actively support fee-demo, believing that the more economic value that can be attributed to their sports, the more access motorized recreation will be granted.

The non-motorized recreation community is no less conflicted. Those who enjoy the public lands have witnessed the failure of fee-demo to produce meaningful benefits. They have seen congressionally allocated funding



disappear only to be replaced with revenues generated by fees. On the other hand, organizations which benefit from Congressional largess or look upon themselves as 'agency partners' passively accept fee-demo, fearing that to oppose the program might cost them a seat at the table or a share of the spoils.

The environmental community is more cohesive on this issue. Over 200 grassroots organizations are opposed to fee-demo, though many of the big greens have failed to weigh in one way or the other. The Sierra Club and American Lands Alliance are among those national organizations that have opposed fee-demo from the earliest days.

In spite of this confused and confusing situation, the fate of recreation user fees may soon be settled. Whether it is settled to your satisfaction could depend upon whether you have made your desires known.

As I write these words, House and Senate staffers work to draft compromise language to appease all parties. Chances are low that their bill will be as bad as H.R.3283 or as good as S.1107. Chances are low that the Administration or the commercial recreation industry will get all they want. Chances are low that the wilderness community will get exactly what it wants or that the non-motorized recreation community will do any better. But the chances are high that some fee legislation will be passed this year and the chance of that legislation being something you can live with increases with your participation in the political process.

Every person who cares about wildness should contact their Congressman and Senators to urge them to oppose fee-demo. But please show some sensitivity and restraint. Telling your conservative official that you oppose fee-demo

— continued on page 5 —

Fulfilling the Vision of ANILCA

"We still have an agenda to fulfill. Some mandates of ANILCA have not yet been implemented...In my opinion, what needs to be done is to fulfill completely the mandates of the ANILCA legislation."

— Jimmy Carter, 2000

Enacted in 1980, the Alaska National Interest Lands Conservation Act granted protection to more than 104 million acres of federal land in Alaska, including 56 million acres of Wilderness and 26 wild and scenic rivers. Crafted to address the unique characteristics of Alaska, ANILCA sought to protect entire ecosystems, including wildlife and the traditional lifestyles of rural and native people. Though the passage of ANILCA included compromise, the bill President Carter signed into law in December 1980 was a strong piece of conservation legislation. Unfortunately, the initial implementation of ANILCA occurred during the Reagan administration, under the not-so-gentle care of James Watt. For 8 years, Watt and his successors worked to undercut ANILCA, ensuring that agency policies and regulations to implement the Act remained ineffectual. Partly due to this sabotage, many of ANILCA's key mandates have yet to be fulfilled – especially in terms of Wilderness protection and stewardship.

In recognition of this failing, the Alaska Wilderness Forum sought to examine the nexus between ANILCA and the Wilderness Act to identify opportunities for ensuring proper stewardship practices for Alaska Wilderness. Due to its length and unusual implementation, ANILCA is a complex and often daunting piece of legislation. Luckily, Forum attendees were guided through these difficulties by two attorneys, Bob Randall of Trustees for Alaska and Eric Jorgensen of Earthjustice Legal Defense Fund. Their expertise was essential for understanding the interplay between the two Acts, allowing attendees to identify current and potential threats to Wilderness, as well as exploring ways in which these threats might be challenged.

For example, it was noted that while ANILCA is a separate piece of legislation, the Wilderness Act applies unless it is expressly stated otherwise. Why is this important? In many ways the Wilderness Act provides stronger direction for the proper stewardship of Wilderness, including the overarching mandate to preserve wilderness character.

Likewise, it was noted that while ANILCA 1110(b) allows "adequate and feasible access" to inholdings, such access is subject to reasonable regulations to protect "the natural and other values of such lands." There are cases in Alaska where inholders sought and gained motorized access to inholdings, even when such access resulted in damage to the Wilderness. The agency approval of their actions passed by unchallenged due to the belief that such use was allowed by ANILCA and that agency personnel have the discretion to approve motorized access. However, the Act does not state that "adequate and feasible" must



Jack Hession, Sierra Club and Elmer Makua, Tongass Conservation Society.
Photo courtesy of Jimmy Fox.

entail motorized use, and the mandate to protect natural values should preclude agencies from allowing degradation to occur.

In short, a detailed examination of ANILCA and the Wilderness Act revealed that opportunities exist for ensuring the ethical stewardship of Alaska Wilderness even though the former includes a number of exceptions that are currently being exploited. The two examples detailed above illustrate just a few of the ways in which the true intent of ANILCA – the lasting preservation of Alaskan lands, wildlife, and peoples – can be reclaimed.

Alaska Wilderness – Threats & Challenges

Alaska Wilderness faces a number of threats, many of which are familiar to Wilderness areas in the Lower 48, and many that are unique. Forum attendees identified the major challenges wilderness advocates face in seeking to protect and ensure the stewardship of lands designated by ANILCA. From this list, the group developed strategies to address key threats, and took steps to implement a proactive plan for stopping degradation before it occurs.

Similar to Wilderness in the contiguous United States, Alaska Wilderness is threatened by unethical and abusive motorized use. This is not surprising for a problem that is quickly becoming endemic nationwide, yet the ways in which it has infiltrated Alaska are unique. For example, there is intense pressure from some motorized groups to include recreational motorized use under the definition of "traditional activities." Section 1110(a) of ANILCA allows for the use of motorized equipment for traditional activities such as subsistence use for native and rural peoples. The use of motorized equipment for purely recreational use was never imagined by the Act, and is in no way traditional or essential to a subsistence lifestyle. In fact, often the people lobbying for a recreational inclusion enjoy an urban lifestyle in Anchorage and have never practiced a traditional or subsistence lifestyle.

In addition, motorized interests are also exploiting the definitions of "rural" and "local" resident subsistence use to

gain motorized access to Wilderness. Title 8 of ANILCA states that priority be given rural residents, including the use of motorized equipment for subsistence use where it was once traditionally performed. Thanks to the efforts of motorized advocates, the definition of rural has expanded to include more urbanized areas. In addition, some individuals living in Anchorage and Fairbanks have registered a PO box in rural communities and claimed motorized access as a “local”.

The increase of motorized incursions into Alaska Wilderness results in on-the-ground impacts as well as damage to the more spiritual aspects of wilderness character. Opportunities for solitude are diminished, as well as the sense that we are part of a greater and interconnected

community of life. Damage from motorized use is readily observable in Wrangell-St. Elias National Park Wilderness, with damage to fragile tundra evident for years after the abuse occurred.

Motorized abuse is just one of the threats identified at the Wilderness Forum. Other threats include the impacts of new technology, lack of agency understanding and/or dedication to preserving wilderness character, poor management plans, a political climate hostile to Wilderness, a lack of public awareness and involvement, and pressure from special interests to exploit ANILCA exceptions.

We are hopeful that the strategies developed at the Alaska Forum take a firm step toward curbing the degradation of Alaska Wilderness. Far from viewing Wilderness solely as a place where certain actions are prohibited, it is essential to view Wilderness for what it provides – the opportunity to experience solitude, connection, and restraint, and to view the last intact ecosystems free from the control and manipulation of man. Aided by a clear understanding of the safeguards provided by ANILCA and the Wilderness Act, as well as the threats facing America’s most pristine Wilderness, Forum attendees came away heartened that Alaska Wilderness can survive as a resource of inestimable value for future generations. ❧



Forum attendees, left to right: Jimmy Fox, Merry Maxwell, Frank Keim, Andy Keller, Kate Taylor, Sue Mathews, Nicole Whittington-Evans, Bob Randall, Rachel James, Elmer Makua, George Nickas, Leslie Adams, Fran Mauer, Scott Anaya, Jack Hession, Eric Jorgensen, AnnaVee Brandborg, Stewart Brandborg. Front row: Phil Wildfang, Cliff Eames, TinaMarie Ekker, Joan Frankevich, Roger Kaye, Hilary Wood, Pamela Miller.

Fee Demo, continued from page 3

because it confers advantage to high-impact recreational uses may not be the right tack. Calling the program “double taxation” and saying how the federal agencies have mismanaged the fee-monies they’ve collected and how the costs of overhead, collection and administration have negated the value of the program may prove more effective.

The fee-demo program is not the beauty-spot its ideological and profit-motivated promoters claim it to be. It is a blight upon the face of public land management. The longer this program is allowed to fester, the greater are the risks of its infection spreading. And where it is true that in polite circles you do not point to such blemishes, in political circles the rules of engagement require that you do. In politics, decisions are made by those who show up and no-shows suffer the consequences. ❧

Scott Silver is the Executive Director of Wild Wilderness, a nonprofit organization that believes that America’s public recreation lands are a national treasure that must be financially

supported by the American people and held in public ownership as a legacy for future generations. To learn more, visit them at www.wildwilderness.org.

“Some at least of the forest reserves should afford perpetual protection to the native flora and fauna...and free camping grounds for the ever increasing numbers of men and women ...[they] should be set apart forever for the use and benefit of our people as a whole and not sacrificed to the shortsighted greed of a few.”

— Theodore Roosevelt, 1901



Theodore Roosevelt and John Muir. Library of Congress photo.

On the Watch

Frank Church - River of No Return Wilderness, ID

Wilderness Spa? - Just two months after issuing its controversial and highly inadequate Wilderness Management Plan for the Frank Church – River of No Return Wilderness (FC-RONR), the Forest Service received widespread and intense criticism when it began environmental analysis on a proposal to install three 1250-gallon hot tubs in the Wilderness. The hot tubs, which were proposed by a commercial outfitter, were to be installed and maintained near three airstrips for client use.

“The Forest Service’s consideration of this proposal is so ludicrous, it is almost funny,” noted George Nickas, executive director of Wilderness Watch. “However, the humor quickly vanishes once you consider the time and expense they are committing, as well as their eagerness to thumb their nose at the Wilderness Act and the responsible stewardship of the largest Wilderness in the Lower ‘48.”

Thankfully, the flood of letters aided a sea change within the agency, and its announcement this spring that the project was incompatible with Wilderness values came as welcome news. The agency decision did not, however, address the compatibility of facials or seaweed wraps in Wilderness, leaving a possible loophole for the disappointed outfitter...

Buffalo Nat’l River Wilderness, AR

Bridging the Gap - This winter, the National Park Service (NPS) released an Environmental Assessment (EA) for the potential extension of the Ozark Highlands and Buffalo River Trails. The project seeks to connect the 165-mile Ozark Highlands trail with the Leatherwood Wilderness, creating a through-hike experience for visitors. Hiking groups proposed that this goal be accomplished by constructing nine miles of new trail through the Buffalo National River Wilderness.

At the behest of local Wilderness advocates concerned about a trail through one of the last wild places in Arkansas, Wilderness Watch commented on the EA and expressed its support for Alternative B, a plan that would connect the two areas without new trail construction through the Wilderness. Trails constitute permanent installations in Wilderness. Constructing a new recreational development into this currently undeveloped wilderness would signifi-



Exploring the Buffalo National River Wilderness, AR. WW file photo.

cantly alter and diminish the area’s existing wilderness character.

Happily, the NPS agreed. This spring the agency announced its support of Alternative B, stating that this alternative provided the best balance between the protection of the area’s wilderness values and achieving a through-hike experience. As it stands, the new trail will be constructed in non-wilderness lands adjacent to the Wilderness.

South Baranof Wilderness, AK

Wilderness for Sale - The Forest Service recently conducted an environmental assessment (EA) for fixed wing aircraft lake landings by outfitters and guides in the South Baranof Wilderness in southeast Alaska. Though the EA reports that current recreation use in the area consists primarily of unguided hunting and camping with the occasional use of air taxi services, the agency’s preferred alternative allows for 400 visitor days per outfitter per year – almost tripling current use levels! This major and unprecedented level of motorized commercial activity within the South Baranof Wilderness is unacceptable, unnecessary, and represents significant diminishment of the area’s current quality of wilderness character.

In its comments to the agency, Wilderness Watch also noted that the EA failed to disclose the number of 5-year special use permits that will be available to commercial outfitters and guides. The EA indicates that up to four clients, with the pilot as guide, would be allowed to fly into the lakes, with the maximum number of landings per season set at 100. It is unclear whether each commercial outfitter/guide will be allowed up to 100 landings per

season, or whether 100 landings is the total maximum allowed that will be divided up amongst all the outfitters/guides using the area. If each outfitter/guide operating in this area is allowed 100 lands/year, then the total impact on wilderness quality will potentially be far greater than even the unprecedented figure of 400 commercial floatplane visitors/year that the EA indicates. Wilderness Watch will watch this issue carefully and keep you updated as to the agency's decision.

Carson-Iceberg Wilderness, CA

Invasive Action - In May, the Forest Service approved a proposal to use rotenone and other piscicides in six miles of Silver King Creek, five miles of associated tributary streams, and Tamarack Lake to remove non-native and hybridized trout and restock with threatened Paiute cutthroat trout. Contacted by concerned advocates in California, Wilderness Watch reviewed the plan and expressed its concerns to the agency. While Wilderness Watch supports efforts to return threatened species to their historic range, we prefer to apply the precautionary principle when dealing with poisons in Wilderness. The affects of rotenone on non-target species is still a matter of debate, though a certain degree of die-off is expected. Poisoning projects are highly manipulative, making them largely unsuitable for areas set aside to remain "untrammelled by man."



Silver King Creek. WW file photo.

In addition, we were unable to find an express need (as required by NEPA) for the poisoning project. According to the USFWS' draft Recovery Plan, Paiute Cutthroat trout presently inhabit more stream miles (11.5) within the Silver King Creek watershed than the 9.1 miles it is believed to have inhabited historically. Furthermore, the California Dept. of Fish and Game transplanted the trout into four additional streams outside the Silver King area,

enabling the species to inhabit more stream miles than it ever did historically.

We likewise question the need to poison Tamarack Lake, though we agree with the agency that it should be left in its naturally fishless state if it is poisoned. However, surveys of the lake have yet to detect a single fish in the lake, making a large-scale poisoning project irresponsible and unnecessary.



Cabinet Mountains Wilderness, MT. WW file photo.

Cabinet Mountains Wilderness, MT

More Precious than Gold - Wilderness advocates, local businesses, and government officials in Idaho are not the only ones opposing the Rock Creek mine these days. In March, jewelry giant Tiffany & Co. purchased a full-page open letter in *The Washington Post* asking Forest Service Chief Dale Bosworth to withdraw approval for the mine, which would require the drilling of three miles of tunnels beneath the Cabinet Mountains Wilderness in northwest Montana.

In his letter, the chairman and chief executive of Tiffany stated that "We at Tiffany & Co. understand that mining must remain an important industry, but like some other businesses benefiting from trade in precious metals, we also believe that reforms are urgently needed....Minerals should - and can - be extracted, processed and used in ways that are environmentally and socially responsible. Government and industry each has a role to play in shaping sensible measures to achieve this goal...The huge mine would discharge millions of gallons of waste water per day, conveying pollutants to the Clark Fork River and ultimately into Lake Pend Oreille in Idaho, a national treasure in its own right."

The letter also criticized the 1872 General Mining Act, stating that it "virtually gives away public lands and the minerals under them to private interests."

The construction of the mine is currently delayed due to the tireless efforts of the Rock Creek Alliance, which has worked on this issue for years. Wilderness Watch applauds this work, and hopes Tiffany's action will raise awareness and concern for this threat to Cabinet Mountains Wilderness.

Soul of A River – Does quieter, cleaner technology justify motorboats in the Grand Canyon?

— By Tom Martin

Floating down the Colorado River past bands of rock dating back two billion years, it is easy to understand why the Grand Canyon is one of the Seven Natural Wonders of the World, as well as a World Heritage Site. A journey through the depths of the canyon is an experience that changes visitors, a rare glimpse of nature's power and one of the most wild and spectacular landscapes in the world. It is a place that facilitates transcendence, inspiring awe and revealing one's connection to a community of life far greater than what we sense in everyday life. In short, a trip through the Grand Canyon is the quintessential wilderness experience – or at least it should be.

The National Park Service (NPS) is currently drafting a management plan for the Colorado River that will be essential for the preservation of the Canyon's unique wilderness character. Though the river corridor is not designated Wilderness, the NPS proposed in the past that the area receive designation pending the elimination of motorboat use by river concessionaires. Three quarters of the river concessionaires have ten-year contracts permitting the use of motorized tour boats – an activity that fails to conform with the agency's own directives for administering the river. In addition, NPS policy dictates that potential Wilderness be managed as Wilderness, requiring managers to "seek to remove" non-conforming use. Unfortunately, the parks very own river concessionaires have fought wilderness protection for the river for the last thirty years.

Despite these mandates it is unclear which way the management plan will swing, as the river concessions operating motorized trips on the river form a powerful lobby. In May, Representative Rick Renzi (R-AZ) introduced HR 4162, the "Grand Canyon Hydrogen-Powered Motorboat Demonstration Act of 2004." The proposed legislation calls for a three-year test period at \$400,000 per year to assist in the development of a hydrogen fuel powered motorboat on the Colorado River. The bill would force the continuation of motorized tour boats on the river for another 10-15 years, thus constricting the alternatives presented in the pending Colorado River Management Plan.

At a recent congressional hearing on the proposed legislation, Grand Canyon River Outfitters Trade Association Director Mark Grisham testified that the river concessions expect a six to eight year period to develop and test the hydrogen technology for river use. His statement reinforced the concern that any legislation regarding this kind and duration of test period would likely impede a fair Colorado River Management Plan outcome that should include motor-free alternatives, while costing taxpayers upwards of 2.4 million to 3.2 million dollars.



Crowding on Deer Creek, Grand Canyon National Park. Photo by Tom Martin, 2001.

Also present at the hearing, Kim Crumbo of the Arizona Wilderness Coalition noted that HR 4162 "at best, anticipates a decision by the National Park Service to continue motorized use on the Colorado River in Grand Canyon, and at worst, legislates that decision." Crumbo pointed out that some of the objectives of the proposed legislation, including near-silent watercraft operation, zero emission, and reliability and the safe conveyance of passengers and crew, are already available with present technology. He noted that these goals "are currently achievable by the use of oar-powered craft with no extra cost to the American taxpayer" and thinks a savings of 1.2 million dollars is easily achievable as "a pair of oars costs about \$300."

Compatible Use? – The question of "quiet technology" in Wilderness

In an increasingly violent and polluted world, there can be no question that the quest to identify alternative energy sources is vitally important. New developments, such as the hydrogen fuel cell technology mentioned above, seek to curb emissions of sound and pollutants while lowering our dependence on nonrenewable resources. While such efforts are largely noble, they raise new and challenging questions for Wilderness. In the case of the Grand Canyon, should motorboats be prohibited in an area managed as Wilderness when they are virtually silent and produce negligible emissions? Does the presence of motors - even if they are not evident to visitors through sight, smell, or sound - somehow insult and degrade the wilderness character of the area?

The quick answer to this question can be found in the opening sentence of the Wilderness Act, which states that Wilderness was established in order "to assure that an

Notes from the Field

increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States...". Even back in 1964, Congress recognized the threats mechanization posed to wild places and thought. Today, in an increasingly hectic world, the values of solitude, self-reliance, and freedom are increasingly hard to achieve. A true wilderness experience is contingent upon the knowledge that you have slipped the bounds of society, allowing you a glimpse of how our ancestors lived and how it feels to be part of a larger community of life.

That Wilderness offers the *opportunity* for this type of experience is part of what makes it invaluable. Yet something changes with the introduction of technology, no matter how quiet or environmentally benign. The balance one finds in Wilderness is broken once we lose our self-reliance and our humility. Many of us have experienced the disappointment and annoyance when someone uses a cell phone in a wild place – the use of motorboats in a Wilderness canyon is largely the same. It seems a small thing to ask, that some places in America be set aside, when 96% of the country is largely roaded and motorized. Unfortunately, those who prefer things to be faster and easier continue to have a voracious appetite. 

Before founding River Runners for Wilderness, Tom Martin co-founded the Grand Canyon Private Boaters Association, the Grand Canyon Hikers and Backpackers Association, and the Grand Canyon Wilderness Alliance. Tom currently works as a physical therapist at the Grand Canyon Walk-In Medical Clinic at the South Rim of Grand Canyon National Park. Tom is author of Day Hikes from the River, the first hiking guide written for river runners in Grand Canyon National Park.

Wilderness Watch's Cloud Peak Chapter, based in Sheridan, Wyoming, recently completed the first portion of a water quality sampling project in the Cloud Peak Wilderness. At the behest of the Wyoming Department of Environmental Quality (WYDEQ) and the Bighorn National Forest (BNF), volunteers worked for several field seasons to acquire baseline data from remote and previously unstudied wilderness streams.

Some 28 streams originate in the Cloud Peak Wilderness before joining the three main drainages of the Tongue, Powder, and Bighorn Rivers. Though the WYDEQ and the United States Geological Survey conduct studies on stream sites outside the BNF, the data collected by the Chapter provides an invaluable comparison to downstream values.

Chapter volunteers performed detailed assessments of chemical and biological parameters onsite at eleven different streams, and collected samples for chemical and macroinvertebrate analysis at contract laboratories. The data will be published on CD following expert review. As expected, chemical and macroinvertebrate analyses show the at-or-near "pristine" conditions expected in Wilderness.

The stream sampling project began in 2000, when a generous grant enabled us to purchase equipment and train volunteers to perform WYDEQ standard field assessments. During the summers of 2000, 2001 and 2002, these volunteers backpacked testing equipment into the selected sites, often located at or above 9,000 feet. The project was made more challenging by the remote, mountainous terrain and the narrow assessment window (August to early September) which entailed numerous snowy days in the field. Our volunteers now have an appreciation of the hardiness of the insects that live in these streams, and their ability to achieve larval development at temperatures that quickly chill fingers and toes.



Sampling on West Tensleep Creek. Photo by Shelly Nelson.

This summer the second half of the sampling project (17 remaining streams) will get a real boost from the participation of two volunteers who plan to spend ten weeks in the Wilderness hauling gear with two llamas and the help of occasional volunteers. The National Forest Foundation recently granted \$2,800 for the project as part of the Wilderness Stewardship Challenge program.

The Cloud Peak Chapter developed, and still has input into, the Trails Illustrated map of the Cloud Peak Wilderness. The map provides baseline data about user-created bare ground and as well as dead and down woody fuel availability at high-use camping areas. In 1999, the Forest Service's National Volunteer Award recognized the group's contributions. The Chapter continues to advocate for the principles of Wilderness Watch, and to collect data needed for the management of the Cloud Peak Wilderness.

Historic First for the Forest Service – Agency appoints National Director of Wilderness and Wild & Scenic Rivers

Effective June 27, 2004 Mary Wagner will become the first Director for Wilderness and Wild and Scenic Rivers in Forest Service history. The new position was created in recognition that “Wilderness is a resource of its own, and so it deserves a management of its own.” Wilderness advocates and agency personnel have championed the creation of such a position for decades, believing it would raise public visibility and concern for Wilderness while focusing agency efforts to better protect the National Wilderness Preservation System and Wild and Scenic River System.

The Forest Service manages more than a third of the National Wilderness Preservation System (60 percent in the lower 48 states) and roughly 38 percent of the river miles in the National Wild and Scenic River System. Historically, Wilderness has been a subprogram within the agency’s recreation department - it is high time that Wilderness be recognized as its own, unique resource independent of

recreation. It is our hope that the new Director will take concrete steps to preserve the wilderness character of both systems, while working with managers and the public to instill an ethic of humility and restraint when experiencing our last wild places.



Wild Voices

Dead Horse Point

Last night I dreamt of Mountain Lions
running
their steamy breath
trailed me with the scent of survival.
Was it the moon that brought them?
Or the rain?

Alone on the rim
the hooves of phantom horses
strike the slickrock behind me.
There are others on the Kayenta:
the murdered girl,
her body never found;
the hitchhiker,
the boys struck by lightning,
the suicide,
alone on the cliff
watching the sun set
one last time.

The wind stirs them up.
Their stories hang in the darkness
like ornaments
suspended on boughs of pinon.
They brush against me in sudden breezes
and I turn, startled.
They refuse to leave.

I can't pass that cliffrose
near the Mormon tea and Bigelow's sage
without shivering.
His face appears: eyes closed,
fingertips motionless, body rigid.
The man with the blue face is dying...
He lays there still,
another ghost to haunt the cliffs,
each night
supine
breath stopped short.

Or was it the singing of coyotes?
I crawled from sleep
to the door
and stepped into silver shadows.
Etched in red mud,
cat print.
Behind me,
the muffled breathing
of horses.

— By Heidi E. Blankenship, Price, Utah

Stay Dry While Helping us Grow!

For several years, Wilderness Watch has been working to build our membership and increase our ability to reach out to and involve more people like you. And the one thing that's been obvious from our efforts is that the people who already support our mission are the people who are most likely to know others who share the same values and commitment to Wilderness. That's why we are asking for your help.

And thanks to a generous donation from Patagonia, your help could be rewarded with an increased ability to keep dry, regardless of whether its around town or deep within the Wilderness.

Share the Wilderness Spirit with Family & Friends!

From now until September 15, 2004, for every name and address of a friend, family member, colleague or fellow Wilderness lover you provide, we will enter your name into a drawing to win a Patagonia Supercell Jacket -- this light-weight but fully waterproof/breathable jacket (valued at \$179.00) will prove to be worth it's weight in gold regardless of whether it's on your back or in your pack. Our friends at Patagonia have also generously offered to exchange the size large jacket we currently have on hand with a size best suited for the winner.

To be eligible to enter, you must be a current Wilderness Watch member. Just send us your name along with the name and address of the individual(s) you would like to introduce to Wilderness Watch's efforts. The more individual contacts you provide, the better your chances of winning! Entries can be sent to Wilderness Watch at PO Box 9175, Missoula, MT 59807 or by email to wild@wildernesswatch.org. We'll draw a winner on October 1, 2004.



Patagonia's Supercell Jacket.

Later this fall, we'll prepare a personalized mailing to the individuals you've suggested, informing them of our efforts and inviting them to join with us in protecting the integrity of America's Wilderness heritage.

If you should have any questions concerning this drawing or Patagonia's Supercell Jacket, please contact Glenn at 406-542-2048 or at wild@wildernesswatch.org.

Thanks for your help and good luck!

Your Name: _____
(please print)

Please introduce the following individuals to Wilderness Watch and enter my name in the Supercell Jacket drawing once for each contact provided:

Name: _____

Address: _____

City/State/Zip: _____

Please use additional paper if necessary.

Wilderness & the Courts



Kalmiopsis Wilderness, OR

Permission Withdrawn - On April 13th, an U.S. District Court in Oregon settled a case challenging a Forest Service decision to grant motorized access to a private inholding located 8 miles within Oregon's Kalmiopsis Wilderness. The case was resolved after the agency withdrew its Record of Decision (ROD) in March. The ROD allowed a private landowner to convert a Forest Service trail into a road to access a 60-acre parcel he plans to log, mine, or develop into a resort. (Note: See "Roading the Kalmiopsis" in the March 2004 *Wilderness Watcher* for more information). The permit authorized 8 motorized trips per year with 3 high clearance vehicles, with maintenance of the access route limited to hand tools.

Working with the Western Environmental Law Center, the Siskiyou Regional Education Project and Wilderness Watch challenged the ROD, as the agency's environmental analysis failed to consider the cumulative impacts of motorized access before issuing a special use permit. The landowner also challenged the ROD, claiming unlimited motorized access under a provision of the 1866 mining law known as Revised Statute 2477 (RS-2477).

Motorized Access to the patented land in the Kalmiopsis Wilderness is still under contention in a separate case brought by the landowner. Siskiyou Project and Wilderness Watch are intervenors in this RS2477 case.



Absaroka-Beartooth Wilderness, MT

The Answer is still "no" - In March, The Ninth Circuit Court of Appeals rejected a landowners request to construct nearly nine miles of road through the Absaroka-Beartooth Wilderness to access his inholding. The request for the 20-foot-wide gravel road originated with the Absaroka Trust, an entity established by a California developer-turned Montana resident who purchased 124 acres of old mining claims in 1991, 13 years after the area was designated as Wilderness. Claiming that foot, stock, and helicopter access was either too expensive or inconvenient, the landowner sought to burden taxpayers with the bill for construction to facilitate mining, logging, and commercial hunting on his property.

The landowner brought suit after the Forest Service denied his request in 2000. Working with Earthjustice, Wilderness Watch and a number of other conservation



The contested trail, Kalmiopsis Wilderness, OR. Photo by Barbara Ullian.

groups intervened on the side of the agency and in 2002, a federal judge likewise rejected his request. In the appellate court ruling, the panel agreed with a lower court that existing trail and helicopter access to the landowner's property provided adequate access while preserving "the pristine and primitive nature of the wilderness."



Colorado Wildernesses

Land Grab - In July, a U.S. magistrate judge ruled against individuals asserting ownership rights to four mining claims in the backcountry around Aspen, including an inholding in the Maroon Bells-Snowmass Wilderness. The four claims are representative of approximately 65 other claims to inholdings in the area, including 50 in the Maroon Bells-Snowmass, Collegiate Peaks, and Hunter-Frying Pan Wildernesses. Thanks to the court's ruling, it is unlikely that any of the parcels will pass into private hands for development.

In the early 90's Pitkin County and the Forest Service exchanged several parcels of land. As part of the exchange, the Forest Service acquired 70 county-owned inholdings, including 51 in designated Wilderness. Land speculators in the Aspen area filed claims to the land arguing that the county never properly took ownership of the inholdings, which were acquired decades earlier on tax delinquency. In rejecting this argument, the judge noted that none of the plaintiff's claims were found in the chain of record title. The Aspen Wilderness Workshop, Wilderness Watch, and other conservation groups joined the suit on the side of the Pitkin County and the Forest Service. Though there are several remaining claims to be decided, the Court's ruling bodes well for the Wilderness. Many thanks to Lori Potter, a Denver-based attorney who represented the groups in this case.

The Idea of Wilderness

— By TinaMarie Ekker

“Wilderness is a place of restraint, for managers as well as visitors.”

— Pinchot Institute for Conservation, Ensuring the Stewardship of the National Wilderness Preservation System, 2001

Wilderness is Relationship

All cultures across history set places apart from the routines and common behaviors of daily life. The purpose of these special places is to reorient our focus and perceptions in a setting that is conducive to reflection. We approach such places differently than we do the usual places in our daily lives, and it is the restraint in this interaction that makes them special, enabling us to experience the unique values these places provide in nurturing the human spirit. Examples include shrines, memorials, and ceremonial sites. Wilderness also is such a place.

Like all special places set apart, Wilderness is not just a geographic location, it is an *idea* and an ideal. The “idea” of wilderness encompasses certain values that we as a society have chosen to protect. Congress enacted the Wilderness Act in 1964, with the singular statutory purpose of securing the *benefits* of an enduring resource of wilderness:

It is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. **For this purpose** there is hereby established a National Wilderness Preservation System. (emphasis added) (*The Wilderness Act, Sec. 2(a)*)

The Wilderness Act intended that Wilderness would have meaning, that it would be protected *for* something, not simply be a place where certain activities, such as logging, do not occur. Although Wilderness may look similar to other undeveloped landscapes such as national park backcountry, it is the way that humans interact with Wilderness that makes it different from other landscapes.

In preserving Wilderness we are essentially preserving an endangered experience, and an endangered idea — the idea that self-willed landscape has value and should exist. Wilderness offers the opportunity to experience a relationship between humans and nature that is increasingly rare in our modern world, a relationship in which humans do not dominate, manipulate, or control nature but instead immerse ourselves as a member in the larger community of life.



Finding solitude in the Sawtooth Wilderness, ID. Photo by Blair Wood.

What makes this possible is the authenticity of Wilderness. This authenticity offers us a window into a world other than the world humans have constructed and now dominate. It is the authenticity of Wilderness that gives it deep meaning, imbuing it with immense intrinsic value as part of the ancient fabric of the earth.

What keeps Wilderness ‘real’ and alive in our world today is the attitude with which we approach and interact with these congressionally designated landscapes. In this way, ‘Wilderness’ is not just physical geography, it is also a concept that must be protected and preserved if *Wilderness* - not just undeveloped landscape - is to continue to exist for future generations to experience and enjoy.

Defining Wilderness

With passage of the Wilderness Act in 1964, Congress gave the concept of ‘Wilderness’ a legal definition:

A wilderness, *in contrast* with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are *untrammelled* by man, where man himself is a visitor who does not remain. (emphasis added) (*The Wilderness Act, Section 2(c)*)

A defining aspect of Wilderness is that it will forever remain *in contrast* to modern civilization, its technologies, conventions, and contrivances. The Wilderness Act expressly prohibits motorized equipment, mechanical transport, commercial enterprise, and the placement of structures and installations precisely because allowing the routine intrusion of such things blurs the distinction between Wilderness and modern civilization, and psychologically alters our relationship with these places. The more these

intrusions occur in Wilderness, the less meaning Wilderness will have, and the less we as a society will retain the special psychological, symbolic, and experiential values that true Wilderness provides.

A second defining aspect of Wilderness is that it remain untrammelled. Untrammelled does not mean “untrampled” or “undeveloped.” Untrammelled means unfettered, free of intentional interference or manipulation. By selecting “untrammelled” as a core defining quality of Wilderness, Congress defined the kind of *relationship* that humans are to have with Wilderness. By law, we are to allow Wilderness to be self-willed, shaped by natural processes, not controlled or manipulated by human goals and desires. Being *in contrast* to civilization and *untrammelled* by human control and manipulation are key to the very meaning of Wilderness, and are what differentiates Wilderness from other undeveloped landscapes.

Wilderness Character

The overarching mandate of the Wilderness Act is to preserve the wilderness *character* of each area in the National Wilderness Preservation System. Wilderness character, like personal character, is comprised of more than just physical features, encompassing both tangible and intangible qualities. Preserving wilderness character is the key to keeping alive the meaning of Wilderness in America.

Some tangible components of wilderness character include the presence of native wildlife at naturally occurring population levels; lack of human structures, roads, motor vehicles or mechanized equipment; lack of crowding; and few or no human “improvements” for visitor convenience such as highly engineered and overdeveloped trails, developed campsites, signs, or bridges.

Some intangible components of wilderness character include outstanding opportunities for reflection; freedom; risk; adventure, discovery, and mystery; places where self-reliance and safety are a personal responsibility; untrammelled, wild and self-willed land; uncommodified, and places that forever provide solitude and respite from modern civilization, its technologies, conventions, and contrivances.

Wilderness solitude is a state of mind, a mental freedom that emerges from settings where visitors experience nature essentially free of the reminders of society, its inventions, and conventions. Privacy and isolation are important components, but solitude also is enhanced by the absence of other distractions, such as large groups, mechanization, unnatural noise, signs, and other modern artifacts... it is conducive to the psychological benefits associated with wilderness and one’s free and independent response to nature. (U.S. Fish and Wildlife Service, 2001)

Public Use

The Wilderness Act identifies allowable “public purposes” for Wilderness. These are recreational, scenic, scientific, educational, conservation, and historical use. It is important to keep in mind that these “public purposes” are **not** the statutory purpose of the Act. They are the appropriate purposes for which the public may use Wilderness. While these “public purposes” are allowable in Wilderness, they are not mandatory. The “public purposes” do not take precedence over the Act’s singular statutory purpose to preserve the wilderness character of each area in the NWPS.



It is the authenticity of Wilderness that gives it deep meaning, imbuing it with immense intrinsic value as part of the ancient fabric of the earth.

Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established *as also to preserve its wilderness character.* (*emphasis added*) (*The Wilderness Act, § 4(b)*)

If any of the allowable public uses of Wilderness conflict with the preservation of an area’s wilderness character, protecting wilderness character has priority. A Wilderness can be completely closed to one or all of these “public purposes” if such use would diminish or degrade any components of wilderness character.

Conclusion

“This is the challenge of wilderness management, preserving what is unseen and unmeasurable...”
— Roger Kaye, *Wilderness Scholar*, 2001

The concept and *idea* of “Wilderness” is premised upon humans interacting with certain landscapes in a manner that is different from how we approach any other area of land. Keeping the idea of Wilderness alive requires our participation in a special relationship with these landscapes that is very different from the utilitarian, commodity-oriented manner in which modern society generally interacts with nature. Preserving the idea of Wilderness requires humans to exercise humility and restraint, not dominance over the land and its natural processes. The opportunity to experience this kind of relationship with nature is an increasingly rare experience in our modern world. Designated Wilderness is the only landscape where this form of interaction between humans and the rest of nature is written into law.

The unique values of Wilderness will continue to be available to present and to future generations as long as we continue to treat Wilderness as special places set apart from the conveniences and routines of modern daily life. Preserving the meaning of Wilderness depends on the actions of everyone, visitors and managers alike, as well as those who may never visit but find their spirits nurtured just in knowing authentic Wilderness still exists. 🌿

Help us keep it wild!

Deserts, mountains, hardwood forests, alpine meadows, swamps, prairie ... Wilderness comes in many forms. And so can your support of Wilderness Watch's efforts to protect America's Wilderness heritage.

Wilderness Watch is the only conservation organization fighting day in and day out to protect our National Wilderness Preservation System and Wild and Scenic Rivers System - assuring a wild tomorrow for future generations. But we can't do it without you!

Take a moment to renew your membership, become a member, make that special donation, or make a lasting commitment to Wilderness preservation as a monthly donor or with a memorial gift or bequest. Your support makes a lasting difference.

Join Our Wilderness Legacy Donor Program!

Make donating easier, increase the impact of your giving, and help reduce administrative costs (allowing even more of your gift to go directly to our protection efforts) -- consider becoming a Wilderness Legacy donor today!

For as little as 33 cents per day (\$10 a month), what amounts to daily spare change, you can make a difference for Wilderness each day. A monthly or quarterly contribution will automatically be transferred from your checking account or charged to your Visa or Mastercard. It's easy. It's fast. And no more renewal notices!

Call, write, or e-mail Glenn at (406) 542-2048 or gmarangelo@wildernesswatch.org for more information.

On-Line Donations

Want the simplicity of donating from your desktop? Then go to our secure on-line donation page at www.wildernesswatch.org to make a donation or renew your membership using your Visa or Mastercard.



Bull moose. WW file photo.

Memorial Gifts and Bequests

Assure that the Wilderness lands that enrich your life remain forever wild. Consider Wilderness Watch in your estate planning. Memorial gifts and bequests provide long-term support for the protection of America's National Wilderness Preservation System -- leaving a wild legacy for future generations. Give us a call at (406) 542-2048 with any questions.

If you wish to make a provision in your will, the following general form is suggested:

"I give, devise and bequeath to Wilderness Watch (FEIN 81-0457646), a Montana not-for-profit corporation, located on the date hereof at 208 E. Main St., 3rd Floor, Missoula, MT, 59802, the sum of \$ ____ (or specifically described property)."

Yes! I would like to make a contribution and help defend Wilderness!!!

Here is an extra donation to help protect Wilderness!

\$25 \$50 \$100 \$250 \$ _____

I would like to become a member!

\$15 \$25 \$50 \$500 \$ _____

Living Regular Contributor Lifetime Other
Lightly

My check or money order is enclosed.

Please charge my: Visa MasterCard

Card # _____

Exp. Date _ _ / _ _

Please send information about the Wilderness Legacy Donor Program.

Name: _____

Address: _____

City: _____

State/Zip: _____

Phone: _____

E-mail: _____

(to receive our monthly e-mail update)

Please make checks payable to: "Wilderness Watch"

Mail to:
P.O. Box 9175,
Missoula, MT 59807

Vote Wilderness Watch !!

With Working Assets

, you can make a

difference

for America's

Wilderness!

Working Assets selected Wilderness Watch as one of 10 national conservation organizations for inclusion on its 2004 Donations Ballot. This is an excellent opportunity to save on your long distance, mobile service, and/or credit card payments while making a real difference for America's Wilderness!



The Working Assets donation program distributes an estimated pool of over \$3 million among 50 selected organizations working in a variety of fields. **Working Assets customers determine the distribution by vote - therefore the amount Wilderness Watch receives is contingent upon the number of votes generated.** Working Assets pays all administrative costs, so every dollar in the donation program goes directly to the selected organizations. Please place your vote today!

If you are already a Working Assets customer, you will be able to vote for Wilderness Watch on the Donations Ballot provided in your monthly bill or online at www.WorkingAssets.com/voting.

If you are not a customer, please consider using Working Assets for your long distance, credit card, or wireless services. Working Assets donates 1% of its revenue (35 million since 1985) to nonprofit groups - at no extra cost to its customers! If you are not already a customer, it is not too late to support Wilderness Watch's efforts to ensure the protection and proper stewardship of lands and rivers included in the National Wilderness Preservation System and Wild and Scenic Rivers System.

To learn more about Working Assets or to become a customer, call 1-800-788-8588 or visit www.workingassets.com. **Thank you!**



NON-PROFIT
Organization
U.S. Postage
PAID
Missoula, MT
Permit No. 569

Wilderness Watch
P.O. Box 9175
Missoula, MT 59807
p: (406) 542-2048
f: (406) 542-7714
www.wildernesswatch.org

ADDRESS SERVICE REQUESTED