

FAQ: Frank Church-River of No Return Wilderness Airstrip Lawsuit By Wilderness Watch

On June 20, 2023, Wilderness Watch and our allies filed a [lawsuit](#) against the Payette National Forest in central Idaho challenging the Forest Service's unlawful decisions to establish and maintain four locations in the Frank Church-River of No Return Wilderness for aircraft landings and to permit hobby pilots to use these sites for motorized recreation. This FAQ document will help answer some common questions about this litigation and issue.

- **Are you trying to shut down all aircraft use in the Wilderness?**
 - No.
 - Some aircraft landing strips were grandfathered in by the Central Idaho Wilderness Act of 1980. The strips served the role of backcountry trailheads for those wanting to visit certain remote areas within the Wilderness.
 - In the early days of the River of No Return Wilderness, the Forest Service established that there were seven such grandfathered airstrips. These continue to exist as lawful landing sites today, and the Forest Service manages an eighth “private use” airstrip for public landings, too.
 - Additionally, there are 14 airstrips on private inholdings within the Wilderness boundary, and 4 owned by the state of Idaho. Some of these private and state airstrips are available for use by hobby pilots, too.
 - That makes for **28** airstrips within the River of No Return's wilderness boundary that are *not* the subject of this lawsuit.
 - We are trying to prevent the Forest Service from unlawfully opening *four more* in the Big Creek drainage, which already has several lawful airstrips in it.

- **Weren't the Big Creek Four grandfathered in as aircraft access points?**
 - No. The Central Idaho Wilderness Act of 1980 grandfathered in airstrips that were “in regular use on national forest lands” prior to its enactment. Early on, the Forest Service established the few airstrips that met this criteria, and this list did *not* include the Big Creek Four.
 - The Big Creek Four are places that were formerly used for private property access. The lands they were on became public national forest lands through acquisition in the years prior to and right around wilderness designation. The Forest Service acquired such inholdings with the intent that the sites be returned to nature. Shortly after Wilderness designation, the Forest Service documented that these former airstrips were abandoned and unmaintained.

- **If they were abandoned and unmaintained, then how are they still in use?**
 - After the wilderness designation in 1980, the Forest Service put out notice in 1982 that there were these four former airstrips that it planned to re-naturalize. Pilots were eager to develop as many places to recreate with airplanes in the River of No Return Wilderness as possible, so after getting this notice, they started landing at the Big Creek Four—illegally.

- The Forest Service never acted to stop this unlawful behavior as it should have, and for years, the agency has looked the other way as pilots popularize these non-grandfathered-in spots for recreational flying.
 - Now, after decades of ignoring or encouraging the problem, the Forest Service has expressly changed its policy to allow recreational use of the Big Creek Four. That's why we're suing: the Forest Service has no legal authority to open up four additional airstrips in the River of No Return Wilderness, and doing so violates the agency's duty to protect the wilderness character of this area.
- **Why do you disagree with having these airstrips there for emergencies?**
 - If a pilot has a *true* emergency while flying over the backcountry, they can attempt to make an emergency landing somewhere whether the location is designated for emergency landing or not, and the Forest Service is unlikely to seek punishment. No established "emergency use only" location is necessary, and the Forest Service doesn't maintain any other landing areas in this Wilderness or any other for emergency use. It's a label that has been fabricated for these four areas for other reasons.
 - When the Forest Service labeled the Big Creek Four "emergency use only," the agency was just trying to avoid being explicitly clear to the pilots that the Big Creek Four were "closed." "Emergency use only" and "closed" are really exactly the same thing. But pilots preferred the former label because they would decide to pretend it was instead synonymous with "open," which is incorrect.
- **Aren't the Big Creek Four needed for emergency landings?**
 - No. The Forest Service has never done anything to explain or justify why any emergency landing sites are needed in the Wilderness. There's no documented history of any pilot ever making a true, unplanned, emergency landing at any of the Big Creek Four. Instead, there's ample documented history of wrecks that occurred during recreational landings there. These sites are challenging to land at, especially for less-experienced backcountry pilots.
 - Each of the Big Creek Four sits within 2-10 miles of an established lawful airstrip. The *emergency* label has always been a restriction in name only, a flimsy pretext for pilots to claim plausible deniability for using them in non-emergencies.
- **How many airstrips are in the River of No Return Wilderness?**
 - There are already 28 established public or private airstrips within the River of No Return's wilderness boundary. That number 28 does not include the Big Creek Four. None of those 28 established locations are the subject of this lawsuit, and their status will remain unchanged.
- **How far apart are the Big Creek Four?**
 - The Big Creek watershed, in which the Big Creek Four are located, runs about 30 miles east-to-west from just outside the wilderness boundary to the Middle Fork of the Salmon River.
 - In that watershed, there are already *five* established airstrips.

- Two national forest airstrips within the wilderness boundary and one just outside.
 - One private airstrip.
 - One State of Idaho airstrip.
- The Big Creek Four are clustered within about a 10-mile radius of each other in the middle of that watershed.

- **Why are you suing now?**
 - The Forest Service has been on the wrong side of this issue for a long time, despite the recommendations of its long-time wilderness rangers and staff. For decades, the agency has placated pilots by looking the other way as they popularize the Big Creek Four and use them illegally. Now, we are suing because the Forest Service has gone a step further. It has established formal plans to maintain the Big Creek Four, and it has stated an express policy of allowing recreational landings. Neither of those decisions is lawful.
 - Last year, the Forest Service even started cutting trees in the Wilderness—including across the creek and down-canyon from the landing areas—to widen the approach for recreational pilots. They have additional plans to improve landing areas and cut more trees.