



Wilderness Watcher

The Quarterly Newsletter of Wilderness Watch

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Bad Border Bills Threaten Millions of Acres of Wilderness—Again!

By Kevin Proescholdt

Imagine hiking into the Pasayten Wilderness in Washington's Cascade Mountains. As you top a rise, you see U.S. Border Patrol agents constructing a forward operating base in the heart of this designated Wilderness, the noise of helicopters overhead as they constantly land with more construction material to build the industrialized base. Or you paddle your canoe to an international boundary lake between Minnesota's Boundary Waters Canoe Area Wilderness and Ontario's Quetico Provincial Park, only to find the Department of Homeland Security building a massive border wall between the two Wildernesses, destroying the solitude and uninterrupted views. Or while backpacking in the Wrangell-Saint Elias Wilderness in Alaska, you discover that U.S. Customs and Border Protection has bulldozed a road into the Wilderness and built surveillance towers all along the border with Canada. All these things and more could legally happen if some of the border and homeland security bills now in Congress become law.

While this destructive scenario has already played out along much of our southern border, our northern border has been largely immune. But maybe not for long.

A toxic brew of bad border bills in the current Congress threatens millions of acres of designated Wilderness in the National Wilderness Preservation System. While this is not the first time for such bills, the new combination of Republican control of both the U.S. Senate and House of Representatives—together

with Republican President Donald Trump, who is likely to sign any bad border bill that reaches his desk—brings the potential harm to U.S. Wildernesses to a frighteningly new level.

This threat comes not only to U.S. Wildernesses along the southern border with Mexico, but also the northern border with Canada—including the border between Alaska and Canada, along which lie many classic Wildernesses like the Wilderness of the Arctic National Wildlife Refuge.



Border wall cutting through the Otay Mountain Wilderness in California. Photo by Scott Nicol.

Several years ago, when the threat to Wildernesses along our borders first seriously arose, Wilderness Watch prepared a lengthy policy paper on the threats posed to Wilderness along the Northern Border. We discovered that along the Northern Border alone, 73 Wildernesses, totaling 32 million acres in 12 states, were threatened by bad border bills at the time. These threatened Wildernesses account for nearly a third of our entire 110 million-acre National Wilderness Preservation System. And, of course, many more Wildernesses lie within 100 miles of the southern border

with Mexico. (Read our policy paper: tinyurl.com/y7jcdc7.)

McCaul Border Bill. One of the worst border bills in the current Congress is the so-called "Border Security for America Act," H.R. 3548. Introduced by Rep. Michael McCaul (R-TX), this bill would waive 36 federal laws—including the 1964 Wilderness Act—within 100 miles of the northern and southern borders for U.S. Customs and Border Protection (CBP). Part of the Department of Homeland Security, CBP also includes the U.S. Border Patrol.

All of America's bedrock environmental laws would be waived for CBP by this bill, not just the Wilderness Act.

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Message from the Executive Director



As Bad as We Feared

We're almost a year into the Trump presidency and the most anti-Wilderness Congress in recent history. I can report without hesitation that both have lived down to our expectations. The Trump Administration and Congress might be bogged down in some areas, but their war on Wilderness and other public lands rages full speed ahead.

For starters, Trump picked anti-public lands-protection zealot, Ryan Zinke as his Secretary of Interior, a guy who doesn't believe in the mission of the department he leads. The Administration's antagonism and disrespect toward the departments they oversee has resulted in dozens of key positions unfilled. As I write this, not one of the public land agencies within the Interior department has a permanent leader; not the BLM, not the Park Service, and not the U.S. Fish and Wildlife Service. When Trump proclaims, "I'm the only one that matters," he apparently means it to apply to every position in the federal government.

So far, Zinke's claim to fame is recommending his boss issue an executive order to shrink the Bears Ears National Monument by more than 85 percent, the Grand Staircase-Escalante NM by half, to reduce four other monuments, and to strip protections from 10 more. Several Wildernesses within these monuments will almost certainly suffer harm as the landscapes around them are opened to mining, drilling, logging, or ATV use.

Zinke is now working behind the scenes with Senator Murkowski (R-AK) to force a land exchange that would allow the State of Alaska to build an 11-mile-long road through the Izembek National Wildlife Refuge and Wilderness. The road would bisect Izembek's ecologically sensitive and globally recognized wetlands and set a horrible precedent for the Wilderness system.

Congress' anti-wilderness agenda is on full display with the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act, which would effectively repeal the Wilderness Act and its central tenet to preserve untrammeled, wild country, a biking bill that would open all Wildernesses to mountain bikes and other forms of mechanical transport, and a couple of border bills that would repeal the Wilderness Act or waive its protections for any homeland security purpose within 100 miles of any U.S. border—an area that includes 32 million acres of Wilderness. If that's not enough, there's a budget rider that could potentially open all Wildernesses to livestock grazing—even those that haven't been grazed in decades, a bill that would lift a ban on mining leases adjacent to the Boundary Waters Canoe Area Wilderness, and many more.

And then there's the tax bill provision that would open the 1.6 million-acre coastal plain of the Arctic Refuge to oil and gas drilling. Though not yet designated Wilderness, the coastal plain is often considered the biological heart of the 19 million-acre refuge, nearly all of which is designated or recommended for Wilderness. Developing the coastal plain is one of the worst ideas ever.

All of this in just 11 months.

The only good news, if it can be called that, as of press time neither the Administration nor Congress has reached the finish line on most of these efforts to dismantle our Wilderness laws. Wilderness Watch members and supporters alone have sent more than 225,000 letters to members of Congress this year, which has greatly aided our efforts and those of our allies to hold back much of the anti-Wilderness agenda.

There's no doubt the next 12 months will bring more of the same. Let's all hang together, redouble our efforts, and make certain that 53 years of Wilderness progress isn't undone by a reprobate gang of greedy thugs who have temporarily taken over our government. 🐾

—George Nickas



WILDERNESS WATCH
Keeping Wilderness Wild

The *Wilderness Watcher* is the quarterly newsletter of Wilderness Watch, America's leading conservation organization dedicated solely to protecting the lands and waters in the National Wilderness Preservation System.

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Other environmental laws that would be discarded include the Endangered Species Act, National Environmental Policy Act, Clean Air Act, Clean Water Act, Wild and Scenic Rivers Act, Antiquities Act, National Forest Management Act, and the Federal Land Policy and Management Act.

The waiver of these laws would mean that U.S. Customs and Border Protection (or any of its agencies, such as U.S. Border Patrol) could build the following in any designated Wilderness within 100 miles of Canada or Mexico: roads, bridges, towers, forward operating bases that include housing and offices, border walls, and other buildings and structures. CBP and Border Patrol could utilize trucks, ATVs, helicopters, bulldozers, tanks, manned aircraft, unmanned aerial surveillance systems, and cell phone and communications towers. Hardly what America expects in our designated Wildernesses.

And these waivers would apply across huge swaths of the American landscape: all of Montana north of Great Falls, including much of the 1.5 million-acre Bob Marshall Wilderness Complex and all of Glacier National Park, for example; all of northern Minnesota north of Duluth, including the 1.1 million-acre Boundary Waters Canoe Area Wilderness and Voyageurs National Park; all of Arizona south of Phoenix, including such large Wildernesses as Kofa (516,000 acres), Cabeza Prieta (803,418 acres), and Organ Pipe Cactus (312,600 acres); and all or part of the Gila Wilderness and several smaller areas in New Mexico.

Along the Canada-Alaska border, the areas that would be affected by this border bill include the 8 million-acre Mollie Beattie Wilderness in the Arctic National Wildlife Refuge; the Wrangell-Saint Elias Wilderness, the single largest unit in the entire National Wilderness Preservation System at 9.1 million acres; and the Glacier Bay Wilderness (2.7 million acres) and Misty Fjords Wilderness (2.1 million acres) in southeast Alaska.

The McCaul bill (HR 3548) has passed out of the House Transportation Committee and, on October 4, the House Homeland Security Committee. It has more committees yet to go through before a floor vote can be taken by the full House.

Johnson Wilderness Act Bill. Unfortunately, HR 3548 is not the only bad border bill. Rep. Mike Johnson (R-LA) has introduced HR 3593, the so-called “Secure Our Borders and Wilderness Act.” Unlike the McCaul bill that would waive the Wilderness Act and 35 other laws, HR 3593 would directly amend the Wilderness Act to allow CBP to do the following in all Wildernesses in the nation, not just those within 100 miles of the borders:

- Access structures, installations, and roads.
- Use motor vehicles, including all-terrain vehicles, motorboats, and motorized equipment.
- Use aircraft, including approach, landing, and takeoff.
- Deploy “temporary” infrastructure, including forward operating bases.
- Construct and maintain roads and fences, with approval of the Secretary of Interior.

The Johnson bill (HR 3593) has not yet had a hearing in either the Homeland Security or Natural Resources Committees.

Appropriations and Border Wall. In addition to the above two bills (and many others dealing with border security), the appropriations committees in both the House and Senate deal with funding proposals for a wide variety of homeland security measures. Perhaps the most well-known is President Trump’s oft-repeated boast that he will build a huge border wall along the entire border between the southern United States and Mexico (and make Mexico pay for it).

Currently along the southern border, a variety of fencing and barriers exist. Some types of vehicle barriers that stop motor vehicles but still allow wildlife (and people) to pass back and forth across the border have been built. Pedestrian barriers are built more solidly to prevent passage of people. In some places, segments of border wall 15-20 feet high have been built over the last decade.

The type of tall, solid border wall being proposed by the Trump Administration (and built in some places along the border already) blocks the movement of wildlife and, Homeland Security hopes, people as well. The Trump wall designs are typically envisioned to be over 30 feet tall, much higher than existing wall segments. And the Trump Administration’s plans also would expand the “enforcement zones” along the border from 60 feet to 150 feet, potentially impacting Wildernesses that run right up to the borders as well as homeowners in many places like those in Texas where the Trump plans would impact heavily populated areas. Roads for enforcement purposes would be built along the wall in these expanded “enforcement zones.”

Estimates for the construction of the type of wall that Trump wants to build run from \$15 billion to \$25 billion. (An internal report from DHS pegged it at \$21.6 billion.) So far, Congress has not appropriated such a huge sum for this construction. Nor has Mexican President Enrique Peña Nieto offered to pay for it. But the Trump Administration has nonetheless pushed ahead with plans to build it.

Some Wildernesses along the southern border have already been damaged by illegal motor vehicle use and by enforcement actions. The Cabeza Prieta Wilderness, for example, had endured an estimated 8,000 miles of unlawful user-created roads made by people heading north from the border, plus another 12,000 miles of roads made by law enforcement personnel according to a 2011 article in *The Wildlife Professional*.

Wilderness Watch will continue to fight to protect all of our Wildernesses in the National Wilderness Preservation System from bad border bills in Congress and from the Trump Administration’s ongoing efforts to further militarize, wall off, and develop our borders. For more information, see our action alert at <https://tinyurl.com/y78oew8a>. 🐾

Kevin Proescholdt is the conservation director for Wilderness Watch.

On the Watch

Forest Service Looks to Build in the Stikine-LeConte Wilderness



Photo: U.S. Forest Service

Wilderness Watch is urging the Forest Service to drop its plan to build a permanent two-story structure that would degrade the Stikine-LeConte Wilderness in Alaska for decades to come. The 436,058-acre Stikine-LeConte Wilderness features the highest peak on the Tongass National Forest (Kate's Needle, at 10,002 feet), the largest ice field on the Tongass, the world's largest spring concentration of bald eagles, and shorebird migration averaging 350,000 birds a day. Its namesake river is the fastest free-flowing navigable river in North America, its glacier-carved valley thick with forests.

The agency is planning extensive motorboat use to bring in materials and motorized equipment to build the structure. The Forest Service's Environmental Assessment fails to

offer alternatives to this ill-conceived plan, or to prove the structure is necessary to administer the Wilderness—the minimum requirement for structures in Wilderness. ❧

WW Supports Federal Purchase of State Lands in the Boundary Waters



Photo: Boundary Waters by Dan Disch via Flickr

Wilderness Watch is urging the Forest Service to support the federal purchase of 86,000 acres of Minnesota School Trust lands in the Boundary Waters Canoe Area Wilderness (BWCAW) rather than move forward with an ill-conceived plan to shrink the Superior National Forest through a land exchange.

The Forest Service manages Minnesota School Trust lands in the Boundary Waters, but they do not generate income for the state's Permanent School Fund as do most school trust lands outside the Wilderness. This has created political pressure to exchange these state lands for national forest lands elsewhere in Minnesota.

The Forest Service has released a draft plan that would give the State of Minnesota 30,000-35,000 acres of Superior National Forest land outside of the BWCAW in exchange for making some of these state-owned Wilderness lands federal. The land exchange is widely seen as a measure to facilitate the development of new copper-nickel sulfide mines just outside the Wilderness. Instead, federal Land and Water Conservation Funds should be utilized to purchase these state lands and their mineral rights outright. ❧

On the Watch continued on page 5

On the Watch (continued)

Remove Pemigewasset Wilderness Bridge



Photo: ScenicNH Photography LLC | Erin Paul Donovan

Wilderness Watch is supporting the Forest Service's (FS) proposal to remove an unsafe log bridge over the East Branch of the Pemigewasset River in the Pemigewasset Wilderness in New Hampshire. The 46,000-acre Pemigewasset is the largest Wilderness in the state, and is known for its beautiful peaks, forests, and vistas.

The agency is proposing to dismantle the Thoreau Falls Trail Bridge using primitive hand tools and other non-motorized equipment. However, the FS wants to retain the option to use helicopters and chainsaws to remove large material. We're urging the agency to instead use stock animals, dog sleds, or other non-motorized means.

Several years ago, Wilderness Watch supported the FS in removing a suspension bridge in the Wilderness, which was dismantled and packed out without motorized equipment. This latest project continues the tradition of restoring the Pemigewasset Wilderness by removing unnecessary human-built structures, and doing so without

motorized tools or transportation would uphold the intent of the Wilderness Act and protect the wild character of the Wilderness. 🐾

Wilderness in the Courts

National Park Service Hovercraft Ban Stands in Alaska

We have some great news in the Yukon-Charley hovercraft case. Upon remand from the U.S. Supreme Court, the Ninth Circuit once again found that the Park Service has authority to regulate use, including hovercraft use, on navigable waters in National Park Units in Alaska. The three-judge panel rejected the argument that the State of Alaska has jurisdiction over rivers because it owns the submerged land underneath—the panel instead held that the U.S. has an implied reservation of water rights, which renders the river itself public land. Two of the judges authored a concurrence indicating that they believe the Park Service also has authority under the Commerce Clause, which “permits federal regulation of navigable streams” regardless of who owns the lands underneath. The opinion is a major victory for public lands (and waters) in Alaska, including many Wildernesses.

BLM Settles Freedom of Information Act Lawsuit

We submitted several Freedom of Information Act requests to multiple BLM offices for information on grazing allotment units in BLM-administered Wildernesses. Representative of a larger concerning trend within the Department of Interior, the BLM refused to respond to the requests, even after multiple notices reminding the agency of its statutory duty to respond within a certain timeframe. We filed suit in the U.S. District Court in Montana, resulting in a Settlement Agreement whereby the BLM agreed to provide Wilderness

Watch with all of the requested documents and reimburse us for litigation-related expenses. Agency transparency is essential for public engagement and agency accountability in public lands protection. We will continue to force agency transparency through the courts when necessary.

Olympic Wilderness Getting Its Day In Court

We have finished briefing before the Ninth Circuit Court of Appeals in our challenge to the Park Service's reconstruction of five dilapidated buildings in the Olympic Wilderness in Washington. Notwithstanding their severe deterioration or entire collapse, the Park Service nominated the buildings for listing on the Historic Register and then rebuilt them in the Wilderness. The Park Service argued that the Wilderness Act's reference to “historical use” means the agency can rebuild structures it deems historic. We argued that the Act contemplates only those historical uses compatible with the preservation of Wilderness and the Park Service's actions were in direct violation of the Act's express prohibition on structures. As James Scarborough, one of our declarants, eloquently explained, the Wilderness Act recognizes the value in “observing old structures quietly fade back into nature. In so many locations, the natural world is largely in retreat from the work of humans, so there is reassurance in observing the wilderness reclaim such sites and reassert its impressive self-will in the process.” This is an important case for reining in the Park Service's increasing practice of rebuilding structures in Wilderness. We look forward to oral argument in 2018.



Wilderness in Congress

Unfortunately, the news about Wilderness in Congress remains grim. The following are a few key bills we're working to defeat:

Sportsmen's Act

Terrible wilderness-damaging provisions are found in the House bill of the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act, HR 3668. It passed out of the Natural Resources Committee on Sept. 13, but has been delayed in the wake of the Las Vegas and Texas shootings because it would also weaken restrictions for gun silencers (a provision pushed by the National Rifle Association but opposed by many law enforcement agencies). Rep. Jimmy Gomez (D-CA) offered an amendment to remove the wilderness provisions in committee, and was strongly supported by Rep. Raul Grijalva (D-AZ), but the amendment was defeated on a party-line vote. The Senate version of the Sportsmen's Act, S. 733, is awaiting floor action but does not contain the bad wilderness provisions. Wilderness Watch published a commentary on this bill that appeared in newspapers in Montana.

BWCAW Bills

HR 3115 (Nolan, D-MN) would force a land exchange of 6,650 acres to provide for PolyMet Mining's open-pit copper-nickel mine, and avoid the four lawsuits challenging the needed land exchange. Nolan's bill passed the House on Nov. 28. HR 3905 (Emmer, R-MN) would require Congressional approval for the Forest Service to exclude any national forest lands in Minnesota from mining, and would renew the two expired federal mining leases needed for the massive Twin

Metals mine on the doorstep of the Boundary Waters Canoe Area Wilderness (BWCAW). Both Congressmen have made untrue claims that the 1978 BWCAW Act opened up the rest of Superior National Forest to mining; Wilderness Watch's commentary in Minnesota papers refuted those claims. HR 3905 narrowly passed the House on Nov. 30 on a 216-202 vote.

And, in a nice victory for Wilderness, we're happy to report the following:

Westerman's "Resilient Federal Forests Act" Improved

In a victory, some potentially harmful language to Wilderness and Wild and Scenic Rivers in Oregon was removed from the so-called "Resilient Federal Forests Act" (HR 2936). Originally, this bill contained troubling language that we feared could be used to undesignate parts of the Table Rock and Soda Mountain Wildernesses on Bureau of Land Management-administered lands in Oregon, as well as five Wild and Scenic Rivers in southwestern Oregon. Responding to our action alert, Wilderness Watch's members and supporters generated more than 4,300 letters opposing this language, an incredible response! In early November, Rep. Peter DeFazio (D-OR) carried an amendment that stripped the anti-wilderness language from the bill, an amendment that even the bill sponsor, Rep. Bruce Westerman (R-AR), supported. HR 2936 remains a bad bill in many other ways, but our collective actions made a positive impact for Wilderness and Wild and Scenic Rivers in Oregon. Thank you all! 🌿

Welcome board members



René Voss is a solo attorney in San Anselmo, California where he works to protect forests, wildlife, and wild lands from harmful development. He started his environmental career 25 years ago as Campaign Director for Georgia ForestWatch and helped protect the remaining roadless areas of the Chattahoochee

National Forest and stopped most new logging. He then moved to Washington, D.C., to lobby Congress on behalf of

the John Muir Project of Earth Island Institute to end commercial logging of our National Forests. He is a long-time Sierra Club leader, and was elected to the Sierra Club Board of Directors in 1999. After studying law, he passed the California Bar Exam and moved to California where he practices public interest natural resources law. He is most passionate about defending the Sequoia National Forest and Giant Sequoia National Monument on behalf of Sequoia ForestKeeper. He also serves as a member of the Town of San Anselmo's Open Space Commission, whose goal is to acquire, protect, and restore undeveloped open space lands for the public. Welcome René! 🌿



Louise Lasley is a New Mexico native, who recently found her way back to the Land of Enchantment. She spent the previous 30 years living in Jackson Hole, Wyoming. Her advocacy work includes eight years as lead staff person for public lands and wildlife issues for the

Jackson Hole Conservation Alliance, as well as work for the Wildlife Conservation Society, the Northern Rockies Conservation Cooperative, and Africa Rainforest and River Conservation. She also has consulted on wildlife biology issues and worked as a naturalist for the Bridger-Teton National Forest. Louise has a wide breadth of knowledge and experience about the land and wildlife of the Greater Yellowstone Ecosystem. Louise is also a past president of our board. Welcome back, Louise! 🌿

An Honoring and a Reminder

By Jeff Smith

“We tied a rope around our waists, carried an ice ax, a pack with spare clothes, and set out.” That’s how Frances Chamberlin Carter described her mountaineering, something she loved to do all over the world—with her husband Dave but without all the fancy equipment and safety devices. Mrs. Carter was the first woman—and the eighth person—to climb to the highest point in all 50 states, including Denali in 1962. We are sad to report that she left this Earth in June, just shy of her 93rd birthday.

Mrs. Carter was instrumental in pulling Wilderness Watch out of the Great Recession eight years ago, and she remained a wonderful supporter. Even so, we were surprised and deeply honored to learn she had left a very generous bequest that will significantly strengthen our Defending Wilderness program in the years ahead.

She said she liked mountains and wilderness because they brought out “strong friendships, lives often dependent on one another, and the thrill of reaching a goal.” Well, those are the things with which she’s honored Wilderness Watch as we work to preserve the wild places she loved.



Frances Carter and her husband Dave on Montana’s highest mountain—Granite Peak.

You can read more about Frances Carter’s exploits in our Fall 2015 Watcher: bit.ly/2k6LxWG

Here’s a reminder that a member from Alaska will match 100 percent of all new-member contributions up to a total of \$10,000 through the end of the year. An opportunity like this doesn’t come around very often. If there was ever a time when you needed to corral your wilderness-loving cousin and your neighbor who can’t stop talking about hiking the whole continental divide trail, this is it. 🐾

LOVE THE WILDERNESS? Help Us Keep It Wild!

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

Here is an extra donation to help protect Wilderness!

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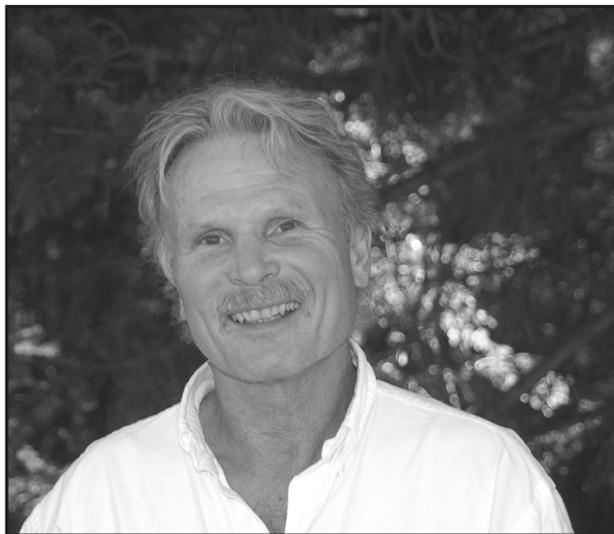
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Catch our Road Show with Noted Author and Ecologist George Wuerthner

George Wuerthner, Wilderness Watch's Advocate-Organizer, has been on the road this fall with his "Wilderness Under Siege" presentation, which raises awareness about Wilderness and the threats facing it. George is traveling the country to talk about why we need Wilderness, to help people better protect the Wildernesses in their backyards, and to organize against congressional efforts to weaken or repeal the Wilderness Act.

Wuerthner has visited Montana and Idaho so far, making presentations to university students, to members of the local and regional conservation

groups sponsoring his events, and to the general public.



In the coming months he will travel to Colorado, Washington, California, Montana, Utah, and Oregon to give presentations. In addition, he is hoping to schedule talks in Wyoming, Idaho, and Arizona. If you wish to sponsor and/or help organize a program, please contact George at gwuerthner@gmail.com

For more information, including George's upcoming schedule: wildernesswatch.org/wilderness-under-siege-road-show.

[org/wilderness-under-siege-road-show](http://wildernesswatch.org/wilderness-under-siege-road-show).

Hope to see you at one of George's shows! 🌿