

## *Paying for the Priceless: Should Visiting Wilderness Ever Cost a Fee?*

By Andrew Hursh

**W**hat are you “in the market for” before your next wilderness adventure? New boots? A backpack? The latest ultra-light innovation? Outdoor recreation is big business, and we all sometimes act as “consumers” in this economic industry.

But you likely don’t consider yourself a “consumer” of Wilderness. That framing contradicts the very concept. Wilderness cannot be a commodity. Dollar values cannot capture something whose essential quality is detachment from the trappings of civilization, a counterpoint to roads, buildings, industrial clamor, utility bills, credit scores, and capitalism.

So why are federal lands agencies sometimes stressing the *revenue* gained from Wilderness areas? Because they are increasingly assessing fees for access. Recreation.gov banners market public wildlands like hotels, funneling visitors’ interactions with nature through an initial investment in dollars and cents. Agency managers reflexively think in fiscal cycles and navigate via radar that can’t detect any mission without a funding frequency.

The wilderness movement has rescued invaluable ecosystems from certain forces of economic development. Our greatest successes are *geographic*, distinguishing wild territories and labeling them with flair. Where the map-reading explorer once scanned for treasure—every forest, mineral deposit and

acre of range waiting to be extracted for profit—we’ve resolutely declared otherwise. The old, ignorant “here be dragons” or the pretense of uncharted spoils became the wiser “tread lightly, nature reigns here.”

But we’ve struggled to match our geographic successes with social and political parallels. Everywhere that Wilderness and conservation wins

have abated the forces of extractive industry, the rest of the economic machine has persisted undeterred. When we can’t commoditize the landscape’s raw materials, we leap to profitize the experience of connecting with nature.

The Wilderness Act advanced an alternative policy approach; it bars commercial enterprise, for example. And in another wise move, Congress guaranteed that most public lands are free for anyone to access. The Federal Lands



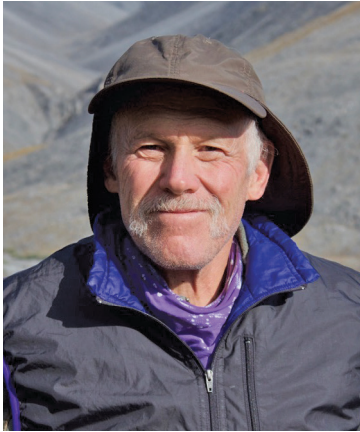
Maroon Bells-Snowmass Wilderness  
Dan Nevill via Flickr

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# Message from the Board



In these times of climate emergency, the other major non-military threat to life on Earth, the biodiversity crisis, continues to fly under humanity's radar. There has not been a comparable extinction event since a meteor crashed into Earth about 60 million years ago. This one, though, is entirely human-caused. Biodiversity is one of many reasons for protecting Wilderness, because Wilderness designation protects habitat best.

According to scientists, anthropogenic extinctions are now occurring at about 1,000 times the pre-industrial background rate. Not only are we losing species and subspecies, but even the extirpation of local populations in species that are elsewhere secure can reduce a species' genetic diversity. Also, the raw number of non-human

animals populating the earth is plummeting. According to a 2022 World Wildlife Fund report, overall vertebrate numbers have declined by about 69 percent globally since 1970, while the human population has more than doubled during that period.

The loss of wilderness and near-wilderness habitats is one fundamental cause of biodiversity depletion. The other major causes are exotic species, pollution, over-hunting, and of course, climate change. All of which are exacerbated by human population growth.

Wilderness is Earth's most basic fabric, the fundamental environment from which all life evolved. Yet in the U.S., conservation groups are de-emphasizing wilderness. Some have removed the word "wilderness" from the organization name, while promoting lesser forms of "protection". The rationale, I suppose, is that Wilderness designation carries political baggage, and it is more expedient to support "backcountry" or "wildlife management area" alternatives. This argument might hold water if these alternatives provided real protections, but they do not. They usually allow various kinds of mechanical and motorized off-road vehicle transportation. They also often contain loopholes big enough for logging trucks to drive through. They do this by allowing timber cutting that's advertised as "fuel reduction" or "forest health" or "restoration". And the accompanying "temporary" roads usually have long-term consequences. In other words, these alternative designations do not differ much from business-as-usual multiple (ab)use.

It is imperative that we protect and restore wilderness and other natural habitats around the globe. But protections must be real, not whitewashed by bureaucratic euphemisms. What drives evolution are natural processes in big wild landscapes. That's why the Wilderness Act's main author, Howard Zahniser, primarily defined wilderness as "untrammeled." Wild. Predation, natural wildfire, wind, floods, landslides, and native insect outbreaks are among the embers that fuel the fires of evolution. Adaptation to these forces of change keeps plant and wildlife populations healthy. When we squelch natural wildfires, kill predators, control flooding with upstream dams, graze livestock, introduce non-native species, or ignite "controlled" burns, we de-wild the wilderness and short-circuit the dynamic forces that created life as we know it on Earth.

Wilderness Watch's primary mission is to keep designated Wilderness wild, and we'll continue to lead the charge on this front so that nature determines the evolution of Wilderness, however that may look. We will also strive to keep Wilderness in the forefront of the conservation conversation, and we will continue to support clean legislation that designates new Wilderness areas without special provisions that weaken Wilderness Act protections. Thank you for your ongoing activism and support which keep Wilderness wild. 🐾

—Howie Wolke

*Howie Wolke is a retired wilderness guide from Montana who has been on our Board of Directors on and off, mostly on, for over 20 years.*



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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Recreation Enhancement Act (FLREA) restricted how and where agencies could charge people to recreate on our public lands. FLREA was Congress's attempt to correct a period of expansive trial fee systems that met much public dismay. The law's structure, although imperfect, sharply narrowed the use of fees.

Unfortunately, our money-plagued policymaking has kept FLREA from working as intended. The agencies persisted in charging fees just like before, and they muddled FLREA's provisions into mush. Consider a few examples:

—FLREA restricted fees to certain developed sites like visitor centers. But the Forest Service took its previous, vast fee areas—sometimes hundreds of thousands of acres—and simply updated the labels. They charged fees throughout, even if the required developments only existed in a few specific spots. After legal challenges, federal court decisions have cast shade on this approach.

—FLREA prohibits fees for hiking through national forests and camping in undeveloped areas. Yet the Forest Service has misapplied the law's narrow fee category for "specialized uses"—such as "events" and "motorized recreational vehicle use"—to instead cover *special places*, meaning Wilderness. Hiking and camping in Wilderness, of course, are far from "specialized." It's because these activities are so commonplace that some areas need permit limits, which the agency's misreading crafts into a revenue stream.

—As a catch-all beyond specified locations, FLREA allows the Forest Service and BLM to charge fees at additional "areas" with "significant" recreation opportunities, "substantial" federal investment, and a required set of extra amenities including toilets, tables, garbage, and security services. In places like Utah's Wasatch and Uinta ranges, the Forest Service has erected minimal structures at far-flung trailheads. Citing general forest-wide law enforcement personnel as security services, they then charge fees to park at many Wilderness access points. This approach exploits clumsy phrasing in FLREA's clause banning fees "solely for parking"—another litigated subject. However, read comprehensively and in the context of its passage, FLREA clearly restricts fees to places of greater development than mere trailheads.

—In places like the central Cascades' popular Wildernesses, permit quotas help reduce damage, and permits are "free"—before service charges. FLREA articulates how fee income can fund reservation services, but the prohibition against fees for certain common activities still applies. The agencies apparently figure offloading the monetization to the company with the recreation.gov contract will circumvent FLREA. But if people must pay to enter a Wilderness

area, a fee is a fee, regardless of where it's deposited on the backend.

Land managers often lack the resources to best protect our wild places, especially in the most over-loved areas. They see these fees as a welcome source of funds for Wilderness administration. But even a nominal or supposedly affordable price for individual entry imposes an unacceptable financial barrier. Consider, for example, the new \$10 per person nightly fee at a favored area in the Maroon Bells. Even without fees for children, the cost for a family of four to backpack four nights would total over \$100 after service charges.

Implicit in these policy schemes is the notion that a financial hurdle will help distribute some visitation to other, non-fee areas. This approach imposes market logic on our interactions with Wilderness. Even if easing sincere budgetary woes, it instills a dynamic where effective Wilderness conservation work is no longer bought into collectively but rather priced into individual sales for only those who can or choose to pay.

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## We don't protect wild ecosystems to sell scenery.

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The wilderness is earth's gift to *everyone*. We don't protect wild ecosystems to sell scenery. If we can't better invest in public lands as a public good and instead must transact for them like consumer goods, then we've lost the plot.

Each time we impose market structures upon additional aspects of life, we exchange a little of humanity's warmth for the undeniable utility of cold hard cash. Fortunately, back in developed society, we have the agency to negotiate such bargains. We can relish a good deal on a sleek tent, and we can take it out to ponder the stars. We can work to embrace or reject our marketization as fits our needs. We can trek into the Wilderness for a little respite through the remote and indifferent earth.

But the Wilderness cannot wield its own power to elude exploitation. That is up to us. Wilderness is defined by *our* exercise of restraint and humility toward the landscape. If we impose economic dogma and market incentives upon our connection with Wilderness itself, we will destroy what we aimed to protect.

Public lands agencies should mitigate human pressures on the wild, including using permits to curb our numbers where necessary. But monetizing these efforts defies the Wilderness ethic. As soon as we place Wilderness visitors "in the market" for access, we are asking them to consume the unconsumable, to purchase the priceless.

Wilderness Watch is speaking out on fee proposals and taking action as opportunity arises.

Andrew Hursh is Wilderness Watch's staff attorney. 🐾

# On the Watch

## Let natural fires shape the Powderhorn

The Bureau of Land Management (BLM) proposes to use helicopters to ignite fire in the Powderhorn Wilderness and Wilderness Study Area (WSA) in southwestern Colorado, a plan Wilderness Watch strongly opposes. The 62,000-acre Powderhorn Wilderness is a high-elevation landscape with one of the largest unbroken expanses of alpine tundra in the Lower 48. The Powderhorn WSA comprises another 51,000 acres of wilderness-quality public lands.

The project is being posed partially in response to a natural event where a spruce beetle outbreak killed Engelmann spruce across the area. However, large stand-replacing events like this occur periodically in these high-elevation spruce-fir forests, and beetle-killed trees have not been shown to increase fire severity as BLM claims.

The agency proposes a plethora of activities incompatible with Wilderness—helicopter landings, chainsaws, and drones to ignite an undetermined number of fires over 15 years. These activities violate a fundamental tenet of Wilderness—that it remains “untrammeled.” BLM should drop this plan and instead let natural fires shape the Powderhorn. 🌿



Bright Star Wilderness  
Jesse Pluim, BLM via Flickr

## Wild Alaska threatened by 211-mile industrial road

Wilderness Watch continues to oppose a destructive and unnecessary industrial road which would cross a vast wild area in the southern Brooks Range in Alaska. The 211-mile Ambler road would facilitate huge mining operations for the benefit of a private Canadian company at the expense of Wilderness and wildlife.

The BLM is conducting a new environmental review to replace the Trump administration's insufficient and faulty review. This past March, the Biden administration merely suspended the road's right-of-way when it should have canceled the permit altogether.

The road would be in close proximity to Gates of the Arctic Wilderness, and it would cross Gates of the Arctic National Preserve and the Kobuk Wild and Scenic River, part of the largest remaining roadless area in the country. The route would cross nearly 3,000 streams,

11 major rivers, 1,700 acres of wetlands, and major caribou migration routes. The road would also bisect a wide swath of the southern Brooks Range, home to grizzly bears, wolves, Dall sheep, moose, wolverines, and three caribou herds. 🌿

## Cattle vs. fragile desert Wildernesses

Wilderness Watch is opposing cattle grazing in the Kiavah and Bright Star Wildernesses in California, desert Wildernesses entirely unsuitable for grazing. We reminded the Bureau of Land Management (BLM) that it is allowed to terminate livestock grazing (especially in light of current drought conditions in the West), that motorized use and structures are prohibited in Wilderness, and that cattle grazing must not degrade Wilderness. We urged the agency to close the grazing allotments and permanently retire relinquished allotments. We specifically noted that in the Bright Star Wilderness, cattle must not impair native plant regeneration following recent fires or graze on protected monkey flowers, and cattle should be excluded from the already-degraded Cortez Creek. 🌿

## Water won't run uphill

In March, Wilderness Watch, Western Watersheds Project, and other groups submitted comments opposing a water development project that would add significant structures in the Paiute Wilderness in northwest Arizona and disrupt a natural spring and its riparian area. The Bureau of Land Management recently dropped the project, which would have pumped water uphill through a mile (5,405') of buried pipeline to a 4,500-gallon storage tank. The proposal also included eight solar panels on metal poles, a solar pump, a 550-gallon reservoir tank, and ongoing motorized access, all so that cattle could continue to graze in this desert Wilderness. 🌿



# On the Watch

## Spaceport Camden tangled in a web of legal challenges

Last December, the Federal Aviation Administration (FAA) approved a request from Camden County in southern Georgia to build and operate a rocket-launching facility known as “Spaceport Camden.” Wilderness Watch has long opposed this project that is located less than five miles from the Cumberland Island Wilderness. Rocket launches would shatter the area’s natural sounds, stress native wildlife including threatened and endangered species, and create major safety issues from rocket fuel and ignited debris falling from exploding rockets. It could force the Park Service to close and evacuate the Wilderness and National Seashore multiple times per year.

But FAA approval doesn’t end the story. Through a special referendum this March, Camden County residents voted against the project and overruled the county commissioners’ prior vote to buy the land needed for Spaceport Camden. The landowner, Union Carbide Corporation (UCC), announced it would not sell the 4,000 acres to the county following the voter referendum. Camden County Commissioners responded to UCC’s announcement by filing a lawsuit on July 27 in federal district court, and UCC has since filed a motion to dismiss.

The Spaceport is tied up in other litigation as well. There is a lawsuit against the FAA for violating the National Environmental Policy Act (NEPA) and other laws. The University of GA Law First Amendment Clinic filed an amicus brief to affirm the voter referendum that vetoed Camden County’s purchase of land to build Spaceport Camden. And, Camden County filed a lawsuit to try to overturn the results of the voter referendum. 🌿

## Wildernesses spared from burn plan

Due to pressure from Wilderness Watch and Western Watersheds Project, the Bureau of Land Management (BLM) has decided to scrap its misguided plan to torch the sagebrush habitat and native pinyon-juniper forests of the remote Highland Ridge and White Rock Range Wildernesses in eastern Nevada to create more food for cows. BLM proposed an unspecified number of helicopter landings and other motorized equipment to complete a project fundamentally at odds with the Wilderness Act’s requirement to protect areas “untrammelled” by humans.

Both high-elevation Wildernesses are home to elk, mule deer, ferruginous hawks, eagles, and other native wildlife, including the imperiled pinyon jay, which relies heavily on pinyon-juniper woodlands. The Highland Ridge Wilderness is contiguous with Great Basin National Park.



BLM proposed the project under the guise of reintroducing fire to the area, but the appropriate strategy is to let natural fires reintroduce themselves. That might not create the conditions desired by BLM managers, but it will create the untrammelled, natural conditions that are right for Wilderness.

While this is a win for Wilderness, BLM still proposes to chain, burn, poison, and reseed hundreds of thousands of acres of adjacent public lands, to the detriment of sage grouse, pygmy rabbit, pinyon jay, and other native wildlife. Hopefully the groups challenging that part of the project will find success. 🌿

*On the Watch continued on page 6*

# Wilderness in Congress

## Save Our Sequoias Act

The House version of the “Save our Sequoias Act”, HR 8168 (McCarthy, R-CA; Peters, D-CA), would amend Sec. 4(d)(1) of the 1964 Wilderness Act to allow ecological intervention and reforestation of giant sequoia groves in designated Wildernesses. The

Senate version of the bill, S. 4833 (Feinstein, D-CA; Padilla, D-CA), does not include the bad provision amending the Wilderness Act. The bill could be included in a public lands omnibus bill or appropriations. 🍷

## On the Watch *(continued from page 5)*

### What’s all the buzz in Big Creek?

Deep inside the Frank Church–River of No Return Wilderness in Idaho, a battle is brewing. It’s centered on the Big Creek drainage—a spectacular tributary to the middle fork of the Salmon River that provides scarce refuge for wild critters. But refuge is tenuous. The area is increasingly inundated with low-flying aircraft, with recreational and commercial pilots practicing touch-and-go landings, “bagging” landing areas, gathering for multi-plane rendezvous, and shuttling paying clients between otherwise remote wilderness locations. While Congress allowed some aircraft use at certain locations in the Central Idaho Wilderness Act (CIWA), the amount and type of use occurring in the Big Creek drainage is vastly different. Much of the use is occurring at four specific areas dubbed the “Big Creek Four”—the former Dewey-Moore, Mile Hi, Vines, and Simonds landing areas—where landings are blatantly illegal. The Big Creek Four are not authorized landing areas under the CIWA.

The Big Creek Four were privately owned and minimally used landing meadows before the Forest Service acquired them around the time of Wilderness designation in 1980. After acquisition, official Forest Service direction was to let

the areas revert back to their natural condition. But decades of controversy and illegal use ensued, and now the current district ranger, with pressure from above, is advertising the sites as open and has started cutting trees to expand flight paths and widen landing sites within the Wilderness.

Here’s how we got here: The Forest Service has gone from formally designating the areas closed with direction to let

them revert to their natural character, to designating the areas as “emergency use only” with no maintenance, to then amending that direction to “emergency use only” with some maintenance, to now saying—without any public process and in clear violation of the Central Idaho Wilderness Act—that the areas “are not closed” and implementing maintenance and

expansion activities. These activities include cutting large trees, expanding the size of management zones at the strips, and even contemplating adding runway markers, wind socks, and turnarounds!

Wilderness Watch has a long history of protecting the River of No Return, and we’re ready to defend this special place once again. Stay tuned. 🍷





# Wilderness in the Courts

## Ongoing challenges to predator hunting schemes

**W**ilderness Watch has been in court lately fighting bad policies aimed at killing essential predator species like bears and wolves.

This summer, we completed briefing in a case challenging black bear baiting on National Forests in Idaho and Wyoming, which has led to the deaths of numerous grizzlies. We sued to get the Forest Service to comply with the Endangered Species Act and revisit its stance letting the states permit such practices.

We're combating an unfortunate trend: state governments asserting that their often aggressive and predator-targeting hunting tactics should take precedence over protective federal laws and policies. We secured an important win on that front this year. As described in our summer newsletter, the Ninth Circuit appeals court upheld a federal rule preventing brown bear baiting and other practices on Alaska's Kenai

Peninsula. But we'll have to persevere in holding back bad state policies. This fall, Alaska petitioned the Supreme Court to take up the issue, so the fight isn't over.

We also sued to rescind a Trump-era rule removing predator protections on National Preserves in Alaska and deferring to Alaska's cruel wildlife-killing methods. This September, our environmental coalition won again. The judge declared the new rule illegal, but we must now pressure the Biden administration to issue a replacement rule before we see the original protections restored.

And in Idaho, we're fighting an egregious expansion of wolf trapping. Our lawsuit demonstrates how the state's broadened trapping practices pose acute threats to rare grizzly bears and lynx. We'll soon dig through the evidence that Idaho must turn over and argue the case on the merits in 2023. 🐾

## So long, Dave

By Howie Wolke

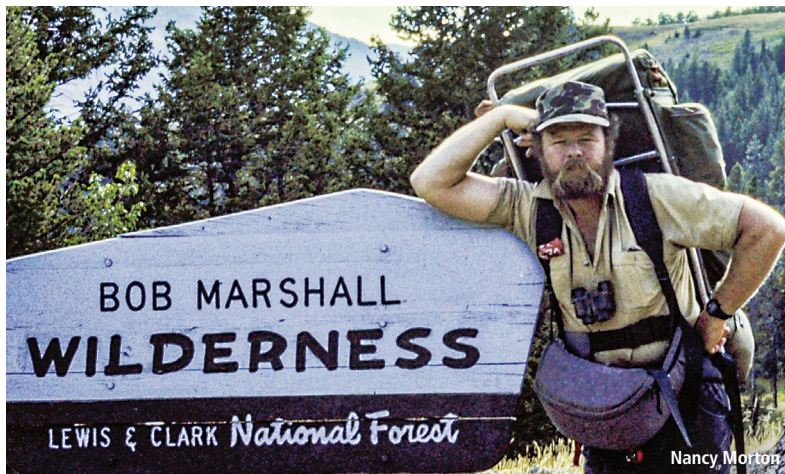
**W**ilderness recently lost one of its staunchest defenders, my old friend Dave Foreman. In the 1970s Dave became a field rep for The Wilderness Society. He left TWS when it began to back off from its roots in hard-core wilderness advocacy. He went on to found or co-found a number of wilderness groups during the ensuing decades.

Dave worked tirelessly to protect wilderness, yet he was also one of the first to incorporate re-wilding into the conservation conversation. He knew that simply saving what wilds remained wasn't enough.

Dave never shied away from controversy, never retreated from his conviction that human overpopulation was the root cause of most environmental problems, including the global loss of wildlands. Whenever we spent time together, I was amazed at his work ethic, energy, and compulsion to be productive in defense of the wilds.

As young men, Dave and I did some epic backpack treks together. Once, we crossed the vast South Absaroka Wilderness complex, passing through the most distant place from a road in the lower 48 states. Which, by the way, Dave first discovered and we published in our book, *The Big Outside*. Dave's favorite Wildernesses were the Gila and Aldo Leopold in southwestern New Mexico. When he and I walked across a big chunk of that country in 1978, we nearly died of thirst—or so it seemed—because of dried up water sources that Dave had assured me would be flowing.

I last saw Dave when I passed through Albuquerque in 2019. It was a brief reunion, and I only wish that we'd had more time to reminisce about the adventures and misadventures that life had thrown our way. 🐾





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*Keeping Wilderness Wild*

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## Defend Wilderness with an end-of-year gift

By Brett Haverstick

It's no secret that I do a lot of backpacking in the Selway-Bitterroot Wilderness (SBW). My visits over the years have rewarded me with solitude, inspiration, physical challenge, and peace of mind. The permanent protection of this land has also resulted in important habitat for grizzly bears, gray wolves, wolverines, fisher, moose, elk, and other wildlife. With its old-growth forests, steep canyons, wind-swept ridges, and snowy peaks, the 1.3 million-acre SBW is a crown jewel of our nation's wilderness legacy.



Your activism and vigilance are part of America's wilderness legacy, too. Contacting your members of Congress, submitting public comments to agency decision makers, making phone calls, and writing letters to the editor make a difference. You can also contact us in the office if you have any first-hand knowledge or concerns about the threats to Wilderness. We rely on your eyes and ears to be even more effective.

Please consider making a donation when you receive our winter fundraising letter in the mail. We rely on your generous support to propel us into the new year and tackle the numerous challenges facing our wilderness system. Also, remember to check with your employer to see if they will match your gift!

Becoming a monthly donor is also an excellent way to support Wilderness Watch. Our secure bank-to-bank payment program is simple. All you need to

do is contact me at 406-542-2048, and we can finalize the paperwork. This direct deposit option eliminates credit card fees, so one hundred percent of your contribution defends Wilderness. You can also become a monthly donor through our website.

And, our first-time donor match runs through the end of the year! Please encourage a neighbor, friend, or colleague to become a member and join our family of wilderness defenders.

Thank you! 🍷