WILDERNESS WATCHER

A Voice for Wilderness Since 1989

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Desert Showdown

Illegal immigration and drug smuggling along the U.S. – Mexico border raises complex issues for Arizona Wildernesses

— *By Roger Di Rosa*

Roger Di Rosa is the manager of the Cabeza Prieta Refuge. He has seen the good, the bad and the ugly of the Cabeza having worked there from 1979-1985 when it was a remote and rarely visited refuge and de-facto wilderness.

The third largest National Wildlife Refuge and largest refuge Wilderness in the lower 48 states, the Cabeza Prieta lies deep in the desert on the Arizona – Mexico border. Here temperatures soar above 100 degrees from May to September, yet life thrives. Rock basins in the mountains, known as *tinajas,* collect moisture, providing water for stately bighorn sheep, grey fox, ringtails and other wildlife. Spring wildflowers bloom among the creosote and mesquite, dwarfed by towering saguaro cacti. Cabeza Prieta itself means "dark head," a reference to a lava-topped, white granite peak holding sway over the valley floor. There is little doubt that the Cabeza is one of our most magnificent Wildernesses, the extremity of its conditions commanding respect, the beauty of its landscape inciting awe. Sadly, it is also one of our most troubled Wildernesses, facing complex challenges unimaginable in other regions of the country.

Abandoned truck, Cabeza Prieta Wilderness, AZ. USFWS photo.

The Refuge encompasses 860,010 acres, more than 90 percent of which was designated as Wilderness by the 1990 Arizona Desert Wilderness Act. Cabeza Prieta's 56-mile shared border with Mexico has been called the loneliest international boundary in the country. Yet for such an isolated area, there is a surprising amount of traffic. Sensors along the border indicate that 4,000-6,000 illegal immigrants a month may cross the eastern portion of the refuge each spring. The neighboring Organ Pipe Cactus National Monument Wilderness estimates that 300,000 illegal individuals cross in a year's time.

The thousands of undocumented immigrants crossing into the United States take a heavy toll on wildlife habitats

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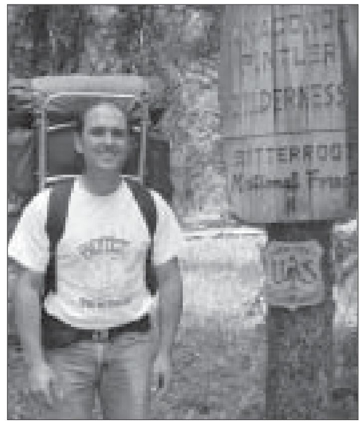
In This Issue...

insights

From the Executive Director



It's hard to believe a year has passed since I wrote in this column about the challenges we faced in 2003. Turns out it wasn't an overstatement…and that's not just the bad things, like a Congress and Administration that are completely controlled by anti-Wilderness forces. There were also the positive efforts we launched, like our Wilderness Forum that helped establish a stronger national commitment to wilderness stewardship and greater accountability for federal agencies.

But if 2003 proved challenging, 2004 is certain to put Wilderness Watch and our compatriots to the test. As you'll see from the articles in this issue of the *Wilderness Watcher,* a number of long-term efforts are coming to a head. In early February we appealed the Frank Church – River of No Return Wilderness management plan, a plan that despite taking a decade to draft will prove a miserable failure at preserving the Wilderness. Similarly, we challenged the decision to restore and operate 12 abandoned dams in the Emigrant Wilderness. This decision marks the third time in 12 years that the Forest Service prepared an environmental impact statement to try to justify this misguided idea. Talk about self-inflicted "analysis paralysis"! Unless something changes, both plans could end up in court.

In 2004, several of our longtime legal challenges are set to resolve. The 11th Circuit Court of Appeals will hear arguments in our lawsuit to stop the NPS from running motorized tours through Georgia's Cumberland Island Wilderness. Our suit to prevent vehicle access and development on a private inholding in the Kalmiopsis Wilderness in Oregon is back on track, and we expect a ruling from the Interior Board of Land Appeals on a similar issue in Arizona's Mt. Tipton Wilderness.

But our work won't be solely defensive. We are organizing a Wilderness Forum in Alaska to develop an agenda and strategy for the long-term preservation of Wilderness in that state. We're organizing a National Conference to mark the 40th Anniversary of the Wilderness Act to be held in Adirondack State Park in upstate New York—the home of Bob Marshall and the retreat of Wilderness Act author Howard Zahniser. We're also developing a "roadshow" we hope to take across the country to inspire citizens to protect their endangered Wilderness.

All of these efforts will require the continuing commitment and support from our members. I want to thank everyone who responded so generously to our end-of-year request for donations. Support from our members gives us not only the financial resources we need to carry on our work, it also provides the staff with the confidence of knowing that you are committed to the organization. Thank you!

Lastly, I hope you all will take the time to read the tributes on page 10 to four of our fellow Wilderness crusaders who recently passed away. Each in their own way, Bev Reitz, Bob Shoop, Wes Henry and Mardy Murie brought tremendous passion to the cause of Wilderness preservation. Their inspiration will forever fuel our efforts to protect the greatest system of Wilderness on planet Earth.

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.

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Long Path to Victory – After years of abuse, the Gila and Aldo Leopold Wildernesses gain a reprieve from illegal grazing

— By Hilary Wood, Outreach Coordinator

The Forest Service in New Mexico has a long history with the Diamond Bar and Laney cattle companies. Owned by the Laney family, the companies once held federal grazing permits for 272 square miles of New Mexico's Gila National Forest, including allotments within the Gila and Aldo Leopold Wildernesses. Under the Laney's "care", both of the Wilderness allotments suffered drastic overgrazing, resulting in severe riparian damage, defoliation, and the degradation of critical habitat for the federally endangered Gila trout and the federally threatened loach minnow, spikedace, and Mexican spotted owl. Visitors and rangers alike noted the massive degradation of these areas, though the Forest Service failed to take steps to address them

In 1996, the Laneys stopped paying their grazing fees and filed a lawsuit against the Forest Service claiming private property rights on the allotments. The district court rejected the Laney's property claims and issued an order for the immediate removal of the cattle from the allotments. The Laneys appealed, but the court's decision was upheld by the Tenth Circuit Court of Appeals in 1997. The court clearly stated that livestock grazing on federal lands is a privilege rather than a right, and may therefore be revoked at any time. The Laney's were fined $55,000 for their trespass, which they paid with the help of a livestock industry fund.

Diamond Bar cattle trespassing in the Aldo Leopold Wilderness, 2003. Photo by Mike Hudak.

Despite this ruling, the Laney's failed to remove their cattle from the allotments until 2001, at which time they led them on a circuitous route along the Gila River in the Gila Wilderness, resulting in severe damage to the river banks and streamside vegetation. The Laney's discouraged Forest Service intervention by threatening agency personnel, all the while becoming poster children for grazing advocates who resent grazing controls on publicly owned Wilderness and national forest land.

Clear evidence of overgrazing, Aldo Leopold Wilderness, 2003. Photo by Mike Hudak.

The allotments had yet to recover in June 2003 when the Laneys once again illegally released over 200 cattle into the Wildernesses. In response, an U.S. attorney for the State of New Mexico filed a motion asking the court to find the Laneys in contempt of the 1997 judgement. Concerned with the Forest Service's failure to impound the cattle and the political atmosphere in Washington, Wilderness Watch and five other conservation organizations joined the case as interveners. Intervener status allows the coalition to submit briefs for the court's consideration and, among other things, to challenge the settlement agreement or court decision.

On December 22, 2003, the court found the Laneys to be in contempt of the 1997 judgement and ordered the cattle's *immediate* removal. Despite the wording of this ruling, the Forest Service moved to allow the Laney's 30 days to remove their livestock, allowing the cattle to remain on overgrazed land longer than necessary. The ruling holds that if a trespass occurs in the future, the agency must give the Laneys a five-day warning before impounding the cattle and selling them.

In early February, the court assessed damages to the two Wildernesses at nearly $64,600. It has yet to be seen whether the Laneys comply with the court's order to remove their cattle from the public's land and pay the delineated damages. For the sake of the Gila and Aldo Leopold Wilderness, it is our hope that they do.

Desert Showdown, continued from page 1

and the species that live in southern Arizona, especially on our most critical wild lands. While definitive studies on the quantitative and qualitative effects of illegal border activities on wildlife and habitat haven't been done, there is plenty of documentation regarding these impacts. Natural water tanks are often polluted, drained dry, or receive so much human activity that wildlife cannot or will not use them. In the Cabeza, drug and illegal immigrant smuggling activities caused the abandonment of one of four known maternity roosts (caves) of the endangered lesser long-nosed bat in the United States. Endangered pygmy ferruginous owls have also abandoned nest sites due to increased illegal activity.

High amounts of illegal cross-country vehicle travel lead to extensive surface destruction of fragile desert soils, changing drainage patterns and creating areas of extensive erosion. Illegal activities impact the critically endangered Sonoran pronghorn on the Cabeza and Organ Pipe, hampering recovery efforts for the species. The degree of impact is difficult to determine, but it is believed to be potentially significant in high stress periods of the summer and extended droughts. Each spring and early summer significant areas of the Cabeza, Organ Pipe and adjacent BLM lands are closed to public use to help control disturbance to pronghorn during the fawning season. However, the closure does nothing to reduce the flow of illegal traffic and its impacts, which are of much greater significance than the limited level of legal public use.

In response to the escalating environmental damage and safety risks to staff and visitors, Organ Pipe has commenced building a vehicle-proof (foot traffic will not be hindered) barrier along its 36-mile international border at a projected cost of $17 million. It is almost certain that the barrier will increase pressure on the Cabeza, despite its greater size and the increased logistical difficulties for drug smugglers and illegal immigrants seeking to cross the border. Law enforcement and search and rescue actions will likely increase as well, escalating the environmental damage and effects on wilderness character. In order to counter the increasing threats to the Cabeza's integrity the Fish and Wildlife Service has proposed a vehicle barrier of its own at a projected cost of approximately $24 million. It is hoped that funds for the project will come from other sources, such as the Department of Homeland Security, instead of from the already inadequate budget of the National Wildlife Refuge System.

Marijuana, Cabeza Prieta Wilderness, AZ. USFWS photo.

The destruction of habitat and disturbance of wildlife are only part of the problem. Illegal crossers leave behind large amounts of litter, such as empty water jugs, old clothes, cans, bottles, and paper. Some border areas look like city dumps. Estimates made on the Tohono O'odham Indian Reservation that borders Mexico for 73 miles indicate that approximately 8 pounds of trash is left by each immigrant and drug runner who crosses border lands, including the Cabeza. The scattered and accumulated trash in Arizona border Wilderness and other public lands amounts to a staggering 2 million pounds (a conservative estimate) each year.

Vehicle trespass, Cabeza Prieta Wilderness, AZ. USFWS photo.

Compounding the problem, large amounts of human biological waste accumulate in staging areas and pickup points, especially near riparian zones. The resulting pollution of streams and riverbeds presents risks to legitimate users and creates a major concern for land managers who are suddenly faced with biohazard sites that must be treated accordingly for cleanup. The cleaning of trash heaps and waste sites provides only short-term relief, as they soon return to pre-cleanup levels due to the large number of immigrants crossing the border.

At any given time one can find 20-25 broken down or abandoned vehicles left by smugglers in the Wilderness portion of the Cabeza. Staff efforts to remove the vehicles cannot keep up with the accumulation, and the method of their removal further damages refuge resources. Approximately 180 miles of illegal roads have been created on the Cabeza in the last 4 years. The impacts of these roads are compounded by the needs of law enforcement personnel who must engage in the interdiction of drug and people smugglers and conduct search and rescue operations by both ground and air. Efforts are made to keep off-road travel to a minimum and maintain wilderness character, but too often there is no other alternative than cutting across Wilderness lands, especially when lives are at stake. Sadly, this is often the case in these remote desert areas where summer temperatures reach 115 degrees and higher.

Already, there have been a large number of rescue operations and unfortunate deaths on the Cabeza. The Department of Interior is currently being sued for $42 million by lawyers for families of 11 out of 14 illegal immigrants who died as a group while attempting to cross the Wilderness in 2001. The lawyers contend that the refuge should have had water stations (tanks) situated in remote areas of the refuge as life saving measures.

The unique threats suffered by border Wildernesses create tension between resource managers and border law enforcement agencies. There is a perception among certain politicians that environmental laws and regulations impede the full function of law enforcement agencies such as Border Patrol and U.S. Customs. Border Patrol officials have expressed the need for greater operational flexibility by seeking potential exemptions from environmental laws within a two-mile corridor along the border. They also wish to reduce or eliminate restrictions on off-road travel (travel for emergency situations is currently allowed), and be able to establish structures such as buildings, towers and beacons with little restriction in Wilderness and other natural areas for law enforcement purposes.

It is a Catch 22 situation. While Border Patrol operations can substantially impact Wilderness resources their presence is essential to its protection. The budgets and staffs of the border natural resource management agencies are too inadequate to address the border problems. Furthermore, their operational missions are very different from that of the Border Patrol. While allowing increasingly damaging activities to occur may ultimately save some Wilderness resources, it is equally possible that they may not. Management at the Cabeza has tried to find progressive solutions, weighing the priorities of law enforcement and saving human life with protecting natural resources and wilderness character. A lot of what has been done on the border would not be acceptable in other Wilderness areas, but the Arizona border is embattled like no other area in the nation. It is a highly unique and problematic situation requiring difficult and unique solutions.

Edward Abbey waxed eloquent about the solitude and vastness of the Cabeza, but today his footprints would be among those of thousands of illegal immigrants, their trash and hundreds of miles of illegal tire tracks.

Editor's Note: Wilderness Watch thanks Roger Di Rosa for sharing his experiences and insights about the difficult problems facing the Cabeza Prieta Wilderness. It will be very challenging to build solutions that protect the Cabeza from further damage without heaping more insult on the area's wilderness character.

Key to the Cabeza Prieta refuge map.

What you can do – Comment on the Cabeza Prieta's Conservation Plan

The Cabeza Prieta is currently engaged in completing a Comprehensive Conservation Plan, which will be a refuge management plan, Wilderness management plan, and Environmental Impact Statement in one package. It will guide refuge managers on future priorities and establish goals for protecting and managing species and their ecosystems within the Cabeza Prieta.

Draft action alternatives for wildlife habitat, recreation, and wilderness management are tentatively scheduled for public review by March 2004. Comments on the draft document will be accepted through June 2004. For more information about the refuge and the planning effort, visit http://southwest.fws.gov/refuges/arizona/cabeza.html, or contact the refuge by phone: (520) 387-6483.

On the Watch

Emigrant Wilderness, CA

For the Love of Dams **-** Stanislaus National Forest Supervisor Tom Quinn recently announced his decision to reconstruct and maintain 11 rock-and-mortar dams in the Emigrant Wilderness while allowing 7 to continue deteriorating over time. The future of the dams appeared sealed when the Emigrant Wilderness was designated in 1975, with Congress assuming that the 18 dilapidated dams would be allowed to degrade naturally. Instead, for almost 15 years the fate of the dams has heated up as the Forest Service has proposed to reconstruct the dams to meet the desires of local interest groups. Concerned that the dams diminish the area's wilderness character and constitute unnecessary manipulation of the Emigrant Wilderness, Wilderness Watch submitted numerous comments calling for the natural degradation of the dams pursuant to the guidelines of the Wilderness Act.

In recent years, Wilderness Watch successfully turned back three legislative attempts to maintain all 18 dams. Built between 1921 and 1950, the rock-and-mortar dams were constructed primarily to boost introduced fish populations for anglers. The Supervisor's decision authorizes the Forest Service to organize volunteers to repair and maintain the 11 dams. Wilderness Watch, with our Central Sierra Chapter, recently appealed the decision.

Frank Church - River of No Return Wilderness, ID

Opening the Floodgates **-** In November 2003, the Forest Service approved a new management plan for the Frank Church-River of No Return Wilderness. The new plan allows for unlimited expansion of aircraft and motorboat use, continued degradation around campsites, lakes, streams, and trails, serious impairment of the opportunity for a wilderness experience on the Middle Fork and Main Salmon Rivers, and an unfair quota system that commercializes much of the access to these rivers.

Acting Forest Supervisor Lesley Thompson stated that the adopted plan "addresses Americans' needs and desires for use and protection of this wilderness and the mandate we [the Forest Service] have for managing wilderness resource values." This statement reveals Thompson's selective understanding of both the American public and the wilderness resource values he claims to manage. The adopted plan ignores the concerned input of the agency's own rangers, not to mention hundreds of citizens who sent in comments urging heightened protection for the Wilderness. As for "wilderness resource values," Thompson clearly holds the dubious values of jetboat use, aircraft landings, and commercial profit over the more traditional values of solitude, untrammeled landscape, and the opportunity for primitive recreation. Wilderness Watch has appealed the Forest Service's decision, and will keep you updated as the process unfolds.

Dead Mountains Wilderness (CA), one of the 12 Wildernesses slated for road obliteration. BLM photo.

Needles Field Office, CA

Respecting the Wilderness **-** The Needles Field Office (Bureau of Land Management) in California plans to obliterate vehicle tracks leading into 12 Wildernesses to discourage ORV trespass. Restoration work would include camouflaging the tracks to blend in with the surrounding landscape, and placing dead vegetation and other materials over the roadbeds. The proposed project would accomplish the restoration work using only non-motorized hand tools. If the proposal is approved, the project will likely be accomplished by the Student Conservation Association, which has already obliterated tracks in 6 other California Wildernesses.

If you'd like to voice your support for this excellent project, you can call or email Wilderness Coordinator Christi Oliver at (760) 326-7021; coliver@ca.blm.gov.

Lusk Creek Wilderness, IL

Taking the Reigns **-** For the past two years Wilderness Watch has been working with local citizens to convince the Shawnee National Forest to rein in severe impacts caused by unregulated equestrian use. The unregulated stock use has resulted in a network of user-created trails, deep ruts, broken stream banks, and bare soil. In December the Forest Service announced plans for an Environmental Impact Statement to analyze designating some user-created trails as part of the official trail system, and requiring equestrians to ride only on official forest trails. Limiting equestrians to trails is a step in the right direction. However, simply designating more miles of trail and doubling the trail density may do little to improve wilderness solitude or reduce impacts to wilderness character in the area's three small wildernesses — Lusk Creek, Bay Creek, and Garden of the Gods, all under 5,000 acres in size. Limits are also needed on group size, daily trail quotas, and seasonal use conditions, although the Forest Service has not indicated it's ready to take those steps.

Erosion along a user-created trail, Lusk Creek Wilderness. Photo by Tony Jones.

Steens Mountain Wilderness, OR

Fox in the Hen House **-** In early January the public comment period closed on the Bureau of Land Management's (BLM) draft Resource Management Plan (RMP) for a broad area that includes the Steens Mountain Wilderness. The BLM promised that the RMP would include a Wilderness management plan. However, the RMP contains no comprehensive section on Wilderness management. Wilderness-related topics are scattered throughout the RMP and Wilderness if often not differentiated from non-wilderness lands, making it is impossible in many cases to tell which actions will be allowed in Wilderness and which won't. In December *The Oregonian* reported that the company BLM contracted to write the RMP has strong ties to the mining industry. The leaders of *Enviroscientists* have made a number of statements at industry meetings critical of environmentalists and environmental concerns. Wilderness Watch and others are asking BLM to terminate its contract with *Enviroscientists* and investigate why this apparent conflict of interest was not disclosed during the contractor selection process.

Sheephole Valley Wilderness, CA

Anticlimactic, but a victory nonetheless **-** The last issue of *Wilderness Watcher* reported that the Interior Board of Land Appeals (IBLA) granted Wilderness Watch's request to stay a Bureau of Land Management (BLM) decision allowing construction of a big game guzzler in the Sheephole Valley Wilderness. Rather than provide a response to our appeal, BLM requested that the guzzler decision be remanded back to them for further analysis. In November IBLA granted the remand request, thereby voiding BLM's original approval for the project. Wilderness Watch has worked closely with Desert Survivors, the CA Desert Coalition, and the Center for Biological Diversity on this issue.

John Muir Wilderness, CA

Bold Move **-** The Forest Service recently released its environmental assessment (EA) concerning the deterioration of two toilet structures along the popular Mt. Whitney Trail in California's John Muir Wilderness. It takes 15 helicopter trips each summer to service the toilets and requires cleaning four times a week. The agency's proposed action calls for the removal of the toilets and requires hikers to pack out their waste in provided bags. Wilderness Watch supports this proposal and suggests that the agency reduce use in the area until compliance with the new program can be ensured.

In its initial scoping letter, the Forest Service proposed to rebuild the toilets – a plan Wilderness Watch opposed. We are pleased that the agency has moved away from this proposal towards one that better respects the wild character of the John Muir Wilderness.

Trail Camp toilet, John Muir Wilderness. Wilderness Watch file photo.

Wilderness & the Courts

Kenai Nat'l Wildlife Refuge, AK

Re-Wilding the Wilderness - As reported in the November 2003 *Wilderness Watcher*, the 9th Circuit Court of Appeals agreed last August to rehear a case brought against the U.S. Fish and Wildlife Service's (USFWS) approval of a salmon propagation project on Tustumena Lake in Alaska's Kenai Wilderness. The project at issue involved trapping thousands of salmon each year at Tustumena Lake, removing the eggs, hauling them to a hatchery for incubation, then dumping the 6 million salmon fry into the lake the following year. The project was run by a cooperative formed by the commercial fishing industry.

This December, an "en banc" panel (11 judges) unanimously ruled the salmon project violated the Wilderness Act's prohibition on commercial enterprise, and therefore must cease operation. Though the Court opted not to determine whether the project violated the agency's responsibility to manage to protect "natural conditions," this is a good opinion for Wilderness.

The Opinion contains an excellent discussion on the interplay of the Wilderness Act's prohibited uses (section 4(c)), and the exceptions contained in section 4(d). The court makes it clear that the exceptions should be read narrowly. Represented by Trustees for Alaska, the case was brought by The Wilderness Society and the Alaska Center for the Environment. Wilderness Watch joined the appeal as a friend of the court.

Yosemite Nat'l Park, CA. John Donohue photo.

Yosemite National Park, CA

River Not-So-Wild - In October 2003, the 9th Circuit Court of Appeals ruled that the National Park Service's (NPS) management plan for the Wild and Scenic Merced River was illegal pursuant to the Wild and Scenic Rivers Act. The Court found that the plan violated the Act by "insufficiently addressing user capacities and improperly setting river area boundaries within El Portal." Wilderness Watch, along with 61 entities including other conservation organizations, local governments and individuals, submitted a brief of amici curiae ("friends of the court") urging the Court to find that the plan failed to protect the Merced.

The Appellants, Friends of Yosemite Valley and Mariposans for Environmentally Responsible Growth, argued that the plan failed to address user capacities for the river, did nothing to protect and enhance river values, and illegally set narrow river boundaries in order to accommodate increased development. The Ninth Circuit remanded the case to the district court demanding that the lower court order "practicable, temporary or provisional measures designed to avoid environmental degradation" pending the completion of the revised plan. These new protections are vital for the preservation of Yosemite Valley, which is currently facing a NPS plan to build more lodges, widen existing roads, and construct new parking lots. These proposed projects must now be put on hold until the NPS revises its management Plan.

Fort Niobrara Wilderness, NE

Moratorium Upheld - In August 2003, a District Court upheld a Fish and Wildlife Service (FWS) decision to place a moratorium on issuing new commercial outfitter permits in the Fort Niobrara Wilderness. A local outfitter sued the FWS when the agency refused his request for a special use permit even though the number of recreationists and the number of outfitters had declined since the moratorium was put in place. The Court found that it was appropriate to limit use while the agency analyzed the impacts of such use: "Answering the 'how much is too much' question is one of the most basic functions of the Service."

The court also found that while the 1997 Refuge Act requires that the FWS should facilitate compatible wildlife-dependent recreational use of the refuges, "Congress has given the Service the power to control such compatible uses by 'restrictions and regulations' to the extent 'necessary, reasonable, and appropriate."

Kalmiopsis Wilderness, OR

Roading the Kalmiopsis - The inability of the Forest Service (FS) and a private landowner to come to terms on the purchase of a parcel of private land in the Kalmiopsis Wilderness has revived two lawsuits over access to the land. In 1998, the Forest Supervisor for the Siskiyou Nat'l Forest signed a decision authorizing the landowner, Carl Alleman, to open an abandoned jeep trail (now used as a FS foot trail) for motorized access to the land, which lies 8 miles inside the Wilderness. The decision allowed the owner 8 trips per year and three vehicles per trip. Wilderness Watch and the Siskiyou Regional Education Project (SREP) challenged the decision arguing that no motorized access should be allowed. The landowner also sued, claiming that the Forest Service has no authority to regulate his access. Both cases were put on hold while the agency tried to purchase the land.

Alleman acquired the 60-acre parcel in 1988 for $150 by taking advantage of a provision in the antiquated 1872 mining law. He has demanded upwards of a half-million dollars from the Forest Service.

Shortly after the lawsuits were revived, Alleman and the Forest Service again expressed interest in negotiating a settlement. On December 5, the FS, Alleman and Wilderness Watch met to try and resolve the cases. The meeting failed to reach an agreement among all the parties, though the Forest Service tentatively agreed to quadruple the number of trips Alleman could take (up to 30 per year with 3 vehicles each) in exchange for Alleman dropping his suit against the agency. Regardless of whether agreement is reached between Alleman and the FS, SREP and WW will continue to pursue our case in the federal district court in Oregon.

Though it's not clear what might happen on the private land should Alleman gain motorized access, he has on various occasions threatened to use it for mining, logging, building a developed campground and / or a lodge and cabins. Should motorized access be allowed or any of Alleman's plans be realized, it doesn't bode well for the Kalmiopsis Wilderness.

Cumberland Island Wilderness, GA

Driving through Cumberland - Wilderness Watch has appealed a lower court decision to the U. S. Court of Appeals for the 11th Circuit in an effort to stop the National Park Service from operating motorized sight seeing tours through the Cumberland Island Wilderness.

As reported in the September 2003 issue of the *Wilderness Watcher,* a federal judge in Georgia ruled against Wilderness Watch's challenge to the NPS tours that drive through the Wilderness to visit historic structures. A decision on the appeal is likely to be handed down later this year, provided that legislation currently pending before Congress doesn't render the appeal moot.

The appeal was ordered into mediation shortly after it was filed. A settlement conference was held in mid-December, but failed to resolve any of the issues.

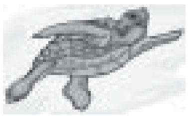
National Park Service's Disregard for Wilderness leads to Official's Resignation

After 37 years with the National Park Service (NPS), Wilderness program coordinator Jim Walters resigned in January. In a letter to NPS director Fran Mainella, Walters charged that the agency "has accomplished little in implementing either the letter or spirit of the Wilderness Act." Walters' disclosures come as the nation prepares to celebrate the Wilderness Act's 40th year, providing disturbing insight into the health and management of our Wilderness lands.

The NPS is responsible for the stewardship of over 44 million acres of Wilderness in 45 national parks – the largest inventory of Wilderness lands in the world. In his letter, Walters cites concerns that the agency has failed to properly identify and protect Wilderness, that managers demonstrate a lack of concern and/or open hostility to their Wilderness responsibilities, and that managers aim to ignore or circumvent the stewardship instructions of the Wilderness Act. Claiming that the NPS' Wilderness program is "inherently weak", Walters states that continuing the status quo "will undoubtedly expose the NPS to further litigation and further dilute the Service's fading image as a steward of the nation's natural resources." ❧

Shenandoah Nat'l Park Wilderness, VA.

In Fond Remembrance – Tributes to Wilderness Champions



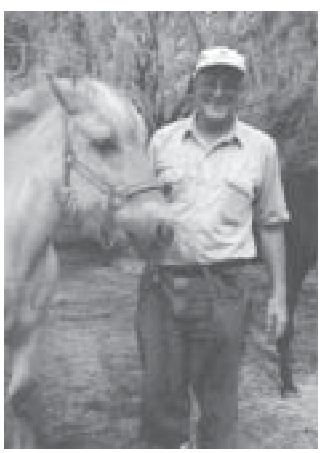
Bob Shoop
1935 - November 2003

— By Jon Shoop

C. Robert (Bob) Shoop, one of the country's most respected biologists and Wilderness advocates, passed away in early November of a stroke. For 34 years he was an Assistant Professor of Zoology at Wellesley College and a Professor of Zoology at the University of Rhode Island. Bob published over 70 scientific papers and books, 29 of which were related to data collected on Cumberland Island, GA.

Bob spent the much of the past 20 years defending the Cumberland Island Wilderness. He wore out five different park superintendents with his letters, inquiries, and advocacy. By keeping his ear to the sand and a pen in his hand, he turned away numerous assaults on the island Wilderness.

He and his longtime partner, Carol Ruckdeschel, founded the Cumberland Island Museum. The museum's research collection includes something even more valuable than the islands idyllic allure: it houses the world's largest collection of sea turtle skulls, shells, and skeletal remains, along with island specimens and a herpetology library.



Bob Shoop. Photo by Ann Mahoney.

Bob is known by many for the late afternoon cocktail and mystery meat hours that he and Carol hosted on the open-air back porch of the Settlement. With the research finished for the day, the horses and pigs fed, it was story time. And could Bob tell stories! "Isn't this just perfect! Don't you just love it here!" he'd often say. A toast with the " White Peggies" and the stories would begin, many with Bob poking fun at himself and guests.

A man of science, Bob had a soft and deep heart and a light and luminous spirit. He was able to fuse matters of utmost seriousness with humor and levity. What did he love most about life? He often bragged about his family. He was also very fond of his Norwegian fjord ponies, Nicky and Sparky, who pulled Bob's Amish buggy around the island for many memorable trips. Most of all, he loved his life on Cumberland and Carol's vibrant partnership in day-to-day life. On Cumberland, he savored the songs of the tree frogs at dusk and marveled at the simple pleasures of a life in the outdoors. Bob mastered the Art of Life. Cheers, Bob. You are missed.

Beverly Ellen Reitz
January 1, 1955 - November 13, 2003

— By Fran Mauer

Wilderness advocates in Alaska are deeply grieved by the passing of Beverly Reitz on November 13, 2003. Bev was one of the first to help organize the Alaska Chapter of Wilderness Watch, and remained an ardent supporter of Wilderness to the very end. For those readers who did not know Bev, she was the quintessential outdoors woman — a force of nature, ready to canoe when the first lead opened, keen to bike to work in the tough Fairbanks winters, eager to skijor any day and always up for a Cajun dance. Bev was also a committed advocate for children. Her work with the Inupiaq children of Kaktovik on the northern rim of the Arctic Refuge is legendary. How she found time for all these interests remains a mystery.

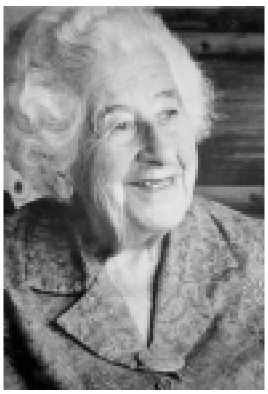
Beverly Reitz. USFWS photo.

Professionally, she worked as a surveyor for the Forest Service in southeast Alaska before moving on to Fairbanks where she worked thirteen years at the Arctic Refuge, first as a field botanist, and later as volunteer coordinator. No one on the staff covered more ground in the Refuge than Beverly. Her ever cheerful nature, even during difficult times, inspired everyone. Bev's steadfast commitment to preserve Alaska's Wilderness will be continued by those who share her passion.

Margaret "Mardy" Murie
August 18, 1902 - October 19, 2003

— By Frank J. Keim

The morning I heard of Mardy Murie's death I went for a walk in the woods to think about her and the long productive life she led. Deep in the forest I found my favorite giant spruce tree, and sat down for a while under its wide, green-needled branches. I recalled my few precious meetings with Mardy, especially the time I spent with her at her cabin in Moose, Wyoming.



Margaret Thomas Murie
Photo by Chuck Manners.

During my first visit I gave a slide show focusing on her favorite part of the world - the Arctic National Wildlife Refuge (Refuge). She and her husband Olaus spent three months in the Refuge during the spring and summer of 1956 conducting wildlife studies that ultimately led to the formation of the Arctic National Wildlife Refuge in 1960. Mardy spent much of her long life defending the Refuge from oil companies and politicians who wanted to drill for oil. She was committed to preserving the area so that future generations might experience the quintessential values of a mostly undisturbed Arctic Wilderness.

In addition to their dedication to preserving the Refuge, Mardy and Olaus worked tirelessly with other Wilderness visionaries, such as Howard Zahniser, for the realization of the Wilderness Act and the subsequent creation of the National Wilderness Preservation System. Even after Olaus' death in 1963 she pressed forward by herself until the Act finally became law in 1964. Mardy was present when Lyndon B. Johnson signed the Act, as was Howard Zahniser's widow.

My favorite tree reminded me of the woods on Mardy's ranch where she always rested after fighting a hard environmental battle. Upon returning she said, "the house just puts its arms around me." It was from that same house in the forest in Moose, Wyoming that Mardy began to build her own legacy - writing letters and articles, speaking with scientists and environmentalists, and sallying forth to make speeches and present valuable testimony on issues such as the Alaska Lands Act (signed into law by President Carter in 1980). Her efforts as an advocate resulted in the preservation of some of our most beloved Wilderness lands.

For her passionate and unflagging work to protect the environment, she received many awards and honors, including the Audubon Medal in 1980, the John Muir Award in 1983, the Robert Marshall Conservation Award of 1986, and the 1998 Presidential Medal of Freedom. She received the last award from a wheel chair.

It was in a wheel chair that I found Mardy in 2001. True, her body was tired, but let me fervently report that the sparkle still rose in her eyes as she watched images of the Arctic Refuge and listened to stories of my own travels there. It was the same with all of her thousands of visitors to the ranch, especially young people. As a mother of three children herself, she was especially pleased when children and teens visited. Many of the teens, now adults, recall their time spent with her as a life-changing event. So do an astonishing number of old timers such as myself.

For so many years of my life, and the lives of countless others, Mardy Murie has been an enduring symbol of the Wilderness preservation movement. It's hard to believe she's gone. I am convinced, however, that in our minds and hearts she will live on and that ultimately her ardent desire to see the Coastal Plain of the Arctic Refuge protected as Wilderness will come to pass. Thank you, Mardy, for everything.

Wes Henry

— By TinaMarie Ekker

Despite a spirited two-year battle to overcome cancer, in December 2003 the illness claimed much-loved Wilderness advocate Wes Henry. As national wilderness coordinator for the Park Service, Wes was well-known and well-liked within all four federal land management agencies and the Wilderness activist community. Wes truly understood Wilderness with his heart. He spent a great deal of his personal time exploring wild landscapes around the world. Wes was soft-spoken, intellectual, a passionate Wilderness advocate, and a gentleman. When hospitalized, he had his laptop with him to continue working on behalf of Wilderness. One of his final projects was compiling a wilderness education packet to assist park rangers nationwide in building public awareness for the values of Wilderness. Wes will be greatly missed, as a colleague and friend.

John Muir Wilderness, CA. WW file photo.

End of Innocence - How politics killed the national celebration of the 40th anniversary of the Wilderness Act

"Wilderness itself is the basis of all our civilization. I wonder if we have enough reverence for life to concede to wilderness the right to live on?"
— *Margaret Murie*

The road to Denver was paved with good intentions. Initial good intentions from the federal agencies entrusted with Wilderness management, and good intentions from the conservation groups and associated organizations who joined them to organize a national conference celebrating the 40th anniversary of the Wilderness Act. Though the planners came from disparate backgrounds, they shared a kernel of common reverence – reverence for one of America's finest and most forward - thinking pieces of legislation, the Wilderness Act of 1964.

High country winter. WW file photo.

The coalition envisioned a three-day conference in Denver, Colorado focused on the stewardship of the National Wilderness Preservation System (NWPS). Planned for October 2004, the conference was scheduled to begin with an examination of the ideological roots of Wilderness, move on to the present condition of the NWPS, and end with a in-depth look at the future of Wilderness in America. The conference presented a unique opportunity to engage Wilderness advocates, managers, and the general public in a celebration and examination of our Wilderness heritage, and to hear from renowned speakers who specialize in Wilderness issues. Yet more than anything else, the conference embodied a national recommitment to Wilderness, rallying Americans around our nation's last wild lands and confronting the challenges that threaten them at the present and in the future.

Perhaps to the reader has already identified this as naive - more than just your basic, forgivable naivete, but a shared naivete on a political, intellectual, and possibly economic level. Set against the current political backdrop, it is easy to be cynical, easy to see the trap before it is sprung. However, wrapped up as we were in the vision of a meaningful conference, it was hard to remember that the Wilderness so beloved by the vast majority of Americans is also mired in the greed, ignorance, and rampant self-interest that so inspires political consideration of late. With the 2004 election looming like an unsettled front on the immediate horizon, how was a conference centered on the inherent value and myriad benefits of untrammeled land to survive? How much consideration had wildlife habitat, clean air and water, and the human need for solitude and freedom received by the current powers that be?

Heedless to these realities, the intrepid coalition forged ahead. Contracts were drawn up reserving the Denver Convention Center, contractors were hired to design an EXPO preceding the conference, and endless hours were spent hashing out the agenda, alerting the media and public, and securing financial backing. Though there were the usual disagreements, confusion, and misunderstandings among the coalition members, an overall commitment to the vision of the conference remained.

"Take away wilderness and you take away the opportunity to be American."
— Roderick Nash, *Wilderness and the American Mind*

The warnings started toward the end of the year. Certain employees of the federal agencies voiced concerns about the proposed agenda, making decisions, deletions, and additions without the knowledge or agreement of their non-governmental partners. Integral agenda items were suddenly deemed to be too controversial for the conference, and were removed in favor of a more generalized schedule lacking any in-depth review of the NWPS. The tentative trust that had initially forged the original coalition suffered fractures, and a feeling of unease spread throughout the proceedings. The Interagency Wilderness Policy Council, comprised of high-level agency bureaucrats and the largest contributor of funds for the conference, proposed new coalition partners whose commitment to Wilderness is ambiguous at best, including Disney, General Motors, Starbucks, and the Ford Motor Company.

The final nail in the coffin came from on high; someone somewhere in the upper echelons of the administration issued an order that the conference be postponed until after the 2004 elections. This mandate showed a complete disregard for the contracts and commitments made by the planning coalition, as well as the hundreds of hours its members put in to assure the success of the celebration. It also destroyed any chance of a "coalition" conference based on the shared efforts and uncensored input of the federal agencies and non-governmental organizations – after 7 months of dedicated participation and often leadership, non-federal participants found themselves to be second-class citizens, muzzled and obsolete. Frustration and disillusionment was likewise felt by many within the agencies, who suffered their employer's disregard for their hard work and passion for Wilderness.

Faced with the harsh reality of the conference, Wilderness Watch and the other non-governmental organizations resigned from the planning coalition. Unable to reschedule the conference within 2004, the remaining agency members cancelled the celebration all together.

Though the failure of the 40th anniversary celebration was a hard lesson for all involved, the real loser of this cancellation was Wilderness. What was supposed to be a recommitment to our last wild lands instead revealed the complete lack of commitment and respect the present administration has for America's Wilderness. Fearing its less than stellar record on environmental issues, the administration could not allow an open and constructive review of the NWPS. This willful neglect of one of our nation's most vital assets bodes ill for the longevity and protection of our shared Wilderness heritage.

Happily, Wilderness Watch and several other organizations are resurrecting the 40th anniversary conference. The gathering will celebrate Wilderness as well as taking an in-depth look at the past, present and future of our National Wilderness Preservation System. We are all excited to provide this opportunity for honest reflection and review. Please see the back cover of this newsletter for more information!

MISSIVE FROM THE GUZZLER WARS – Hunting organizations seek to turn Wilderness into game parks.

In September 2003, twenty hunting organizations signed a letter to Secretary of the Interior Gale Norton seeking the creation of a departmental policy supporting artificial water developments in Wilderness. The organizations (including the National Rifle Association, Safari Club International, and the Pope and Young Club) claim that federal land managers are blocking the construction and maintenance of water developments (also called "guzzlers) that are "essential" to the survival of game species such as big horn sheep and mule deer. They claim that the agencies place the stewardship of Wilderness above the requirements of wildlife by prohibiting man-made structures.

> "We have found nothing in federal law that suggests water developments and the motorized means to maintain them are prohibited on federal lands, regardless of designation."
>
> *— From the September 2003 letter to Gale Norton*

Though the NRA's concern for wildlife is touching, the letter presents a disingenuous overview of the guzzler debate. Wilderness Watch has been involved in this issue since the 1990s, issuing comments and writing numerous articles over the years. Far from a concern for stable wildlife populations, the organizations are driven by the desire for artificially augmented game populations for recreational hunting. To reach this goal they are willing to overlook the degradation of the public's Wilderness lands, including the impacts from guzzler construction (often using backhoes and other heavy equipment), the creation of new roads to truck in water from distant sources, and the allowance of motorized use for a nonessential Wilderness purpose. In short, they advocate turning our remaining wild lands into manufactured game parks.

In addition, guzzler projects suffer from a fatal flaw. In the naturally arid Wildernesses of the southwest, wildlife numbers are balanced by the amount of forage and water available. Though guzzler proponents seem to understand the importance of the latter requirement, they have dropped the ball when it comes to the former - past guzzler projects have resulted in large animal die-offs from lack of forage. If the organizations truly want to see a stable increase in game populations, they will have to truck in forage as well as water, perhaps building giant feed troughs for "wild" bighorn sheep and deer.

The letter ends with a statement that "We have found nothing in federal law that suggests water developments and the motorized means to maintain them are prohibited on federal lands, regardless of designation." In response we would suggest they read the Wilderness Act's prohibition of motorized use, structures, and installations except in instances regarding the health and safety of persons in the area or except as necessary to meet the minimum requirements for protecting the area as Wilderness. The self-serving and short-sighted incentive for guzzler construction and maintenance fails to meet these requirements.

Luckily, Secretary Gale Norton did not express support for the creation of a departmental policy in favor of guzzlers. We are pleased that she identified the sharp divide between special interest and the interest of Wilderness – wildlife included – and denied the groups' petition.

Renewable Energy or Wilderness? Hydropower project proposed for Glacier Bay WIlderness.

— By TinaMarie Ekker, Policy Coordinator

The Gustavus Electric Company wants to build a small hydropower project on the Kahtaheena River within Alaska's Glacier Bay Wilderness. The electricity would be sold to the community of Gustavus as a cleaner replacement for the diesel-generated electricity the town currently relies upon. If approved, 700-1200 acres of the park and Glacier Bay Wilderness will be undesignated around the project site and transferred to the state of Alaska in exchange for parcels of State land elsewhere in the region.

This would be the first time, nationwide, that any Wilderness or national park lands are undesignated to accommodate a new commercial enterprise. Such a precedent-setting action would jeopardize the permanence of both the National Wilderness Preservation System and the National Park System.

Congress authorized the land exchange for what is called the Falls Creek project in 1998 as a rider attached on an appropriations bill by Senator Ted Stevens (R-AK). However, the legislation lists several conditions that first must be met: Gustavus Electric Company must obtain a license for the project from the Federal Energy Regulatory Commission (FERC); the project must be able to be accomplished in an economically feasible manner; the lands exchanged must be of equal value; and an environmental analysis must demonstrate that the project won't adversely impact the purposes and values of Glacier Bay National Park and Preserve, *as constituted **after** the land exchange is complete.* This tricky language means that impacts to the park and Wilderness will be analyzed after the land exchange, when the project area is no longer within the park or Wilderness.

Gustavus Electric Company has obtained the required license; now it is up to the National Park Service (NPS) and FERC to determine if the other conditions have been met.

Glacier Bay, AK. *Photo by Beartrack Inn.*

Glacier Bay, AK. *WW file photo.*

These two agencies have jointly released a draft EIS analyzing that question. If all conditions are met, then the NPS will have no choice but to proceed with the land exchange, removing the Falls Creek area from national park and wilderness protection.

A road, powerline, and small diversion dam would be constructed in this currently pristine area. As State land, other commercial development along the proposed access road could occur.

In detailed comments, Wilderness Watch pointed out that hydropower is unlikely to reduce residents' electric bills and will not completely eliminate the need for continued reliance on diesel-generated electricity.

Furthermore, the State lands NPS would acquire through exchange are of lesser scientific value than the federal lands near Falls Creek. As glaciers from the last Ice Age retreat along southeast Alaska's rugged coastline, short, young trees are beginning to claim the lower elevations. However, a few rare pockets hold mature, multi-canopied forests, revealing a geologic story of where and when glaciers first began withdrawing. One of these unique pockets is along the Kahtaheena River, where the hydropower project is proposed.

Residents are torn between wanting to protect existing wilderness qualities near their community, and wanting a less-polluting form of electricity. With new energy technologies becoming increasingly available, it may be possible to accomplish both in the not too distant future. In weighing costs and benefits, hopefully the NPS will decide that the cost of losing Wilderness is too high to make the hydropower project economically feasible.

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, what amounts to daily spare change, you can make a difference for Wilderness each day. A monthly or quaterly 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.

Marjorie Stoneman Douglas Wilderness, FL. *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 *Living Lightly* ☐ $25 *Regular* ☐ $50 *Contributor* ☐ $500 *Lifetime* ☐ $ ________ *Other*

☐ My check or money order is enclosed.

☐ Please charge my: ☐ Visa ☐ MasterCard

Card # ______________________________

Exp. Date __ __ / __ __

☐ Please send information about the **Wilderness Legacy Donor Program.**

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(to receive our monthly e-mail update)

Please make checks payable to: "Wilderness Watch"

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

40th Anniversary National Wilderness Conference

Adirondack State Park • October 21 - 23, 2004

Celebrate the 40th anniversary of the Wilderness Act while learning about America's unique Wilderness heritage! The 40th Anniversary National Wilderness Conference will be held on Silver bay in the beautiful Adirondack region of upstate New York - the place where Wilderness began and beloved hiking ground of Wilderness visionary Bob Marshall and writing place of Wilderness Act author Howard Zahniser.

The 3-day conference will focus on the history, present-day realities, and future of our National Wilderness Preservation System. Join us for a weekend of learning, interaction, and celebration!

Scenic Lake George provides an ideal environment to celebrate the 40th anniversary of the Wilderness Act. October in New England is truly spectacular, and field trips will be available for exploring the wilderness and local historic sites as well as for leaf-peeping.

Please visit www.wilderness40th.org for more information and conference updates.

See you in October!

***40th Anniversary sponsors to date:** Association for the Protection of the Adirondacks, Friends of the Clearwater, International Journal of Wilderness, Natural Resources Defense Council, Republicans for Environmental Protection, Sierra Club, Wilderness Watch*

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