



WILDERNESS WATCHER

The Quarterly Newsletter of Wilderness Watch

Volume 17 • Number 2 • June 2006

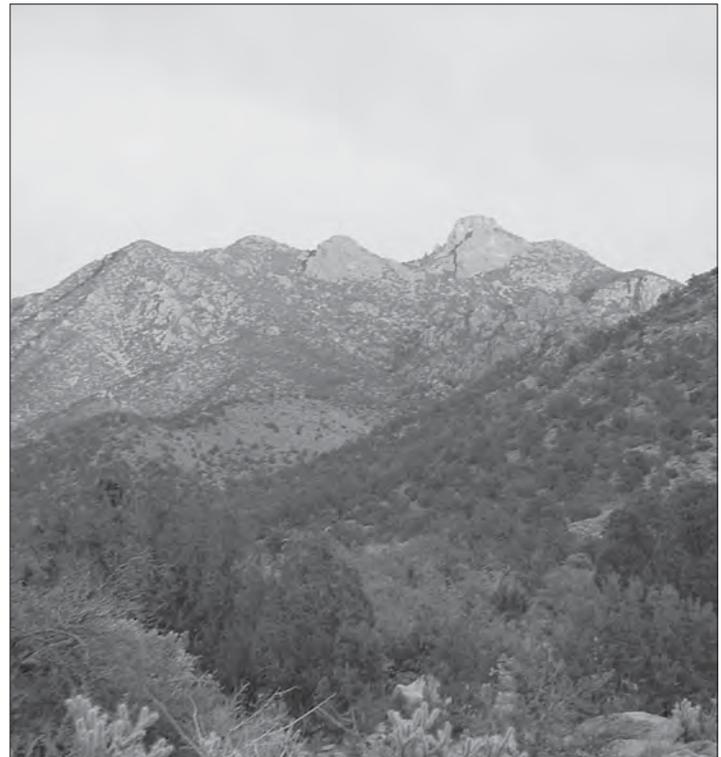
Tranquility Prevails at Mt. Tipton! Ruling helps to protect all BLM Wilderness

The stillness of desert silence. Dark night skies filled with stars. Sunrise slowly warming ancient stone, lizards leaving tracks in sand, recording survival. Snowmelt and thunderstorms bringing the temporary music of water dancing down rock-strewn draws. Across the seasons, these qualities sculpt the character of the Mt. Tipton Wilderness.

In an important ruling a panel of two judges at the Interior Board of Land Appeals (IBLA) agreed with Wilderness Watch that these special qualities should be shielded from unnecessary disturbance.

On February 17th, 2006, the IBLA overturned a Bureau of Land Management (BLM) decision that would have established a permanent road in the Mt. Tipton Wilderness and allow private landowners year-round motorized travel through the wilderness to access and develop their private property into a commercial horse-breeding ranch and dude lodge.

The 45-page ruling was issued in response to an administrative appeal filed by Wilderness Watch in December 2002. Joining us in the appeal were the Arizona Wilderness Coalition, Center for Biological Diversity, Maricopa Audubon Society, and two individuals.



Mt. Tipton Wilderness, AZ.

In This Issue...

Wilderness & the Courts. Page 5

Burns Bill Threatens Selway-Bitterroot Wilderness. Page 6

Book Review - America's Last Great Wilderness. Page 7

On the Watch. Page 8

Wilderness Only in Name? Page 10

And Much More!

The ruling clarifies the intent of BLM's national wilderness regulations governing access to private property located inside wilderness. Private parcels completely surrounded by wilderness are called "inholdings".

Nearly a half-million acres of private inholdings are located within wilderness nationwide, with 70% of that acreage located in BLM-administered wilderness. Potential problems posed by the presence of inholdings include requests for motorized access, threats of major development on an inholding, activities conducted on inholdings -- such as dirt-biking -- that are incompatible with wilderness, and ambiguities regarding the legal property rights of an inholder. Inholdings therefore present significant risks and challenges for wilderness protection.

— Continued on page 3 —

insights

From the President

Sustaining Our Commitment

— By *Howie Wolke*

Although I make my primary living as a wilderness guide/outfitter, for 31 years I've been active with various organizations in the effort to designate and protect wilderness. Without hesitation, I can say that I've never worked with a more dedicated and capable bunch of wilderness defenders than those involved with Wilderness Watch. And I mean our entire "family" including staff, board and advisors.

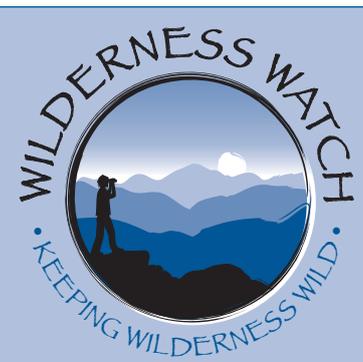
So when you renew your membership or send us any additional donation, rest assured that your hard-earned dollars are going to be used wisely and efficiently.

Some Wilderness Watch board members and advisors also work with other organizations to protect roadless wildlands from development and off-road motor vehicles, and to get many of those special places into the national Wilderness System. That's vital work, and this outfit heartily supports expanding the National Wilderness Preservation System. Yet without endless vigilance, even designated Wilderness areas become degraded. Poor stewardship, overuse, agency disregard for the Wilderness Act, and legislated provisions that mock the very idea of Wilderness are just a few of today's challenges. Wilderness Watch stands out as the only organization that takes threats to designated Wilderness seriously enough to focus entirely on these problems. Indeed, keeping Wilderness wild is our very mission. So please, help to keep us going by signing up new members when you can, by renewing your memberships each year, and by continuing to support our unique mission however you choose to do so. We can't promise that we'll stave off every single threat, but we do know, beyond doubt, that our Wilderness System is wilder than it'd be without us. And never forget that it is you, the "grassroots" who make the successful defense of Wilderness and the Wilderness Idea possible.

A Hearty Thanks From All At Wilderness Watch!



Springtime in the Organ Pipe National Monument Wilderness, AZ.



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

Board of Directors

Howie Wolke, MT *President*
Kevin Proescholdt, MN *Vice-Pres.*
Sue Gunn, Ph.D., VA *Secretary*
Joyce Kelly, Ph.D., MD, *Treasurer*
Stewart Brandborg, MT
Jon Dettmann, MN
Francis Mauer, AK
Bill Worf, MT

Counselor
Stewart Udall

Executive Director
George Nickas

Policy Coordinator
TinaMarie Ekker

Membership & Development
Jeff Smith

Advisory Council
Magalen Bryant, Dr. Derek Craighead, Bill Cunningham, Dr. M. Rupert Cutler, Joe Fontaine, Michael Frome, Clifton Merritt, Dr. Roderick Nash.

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

Desert Dream or Development Scheme?

Located in the Cerbat Mountains of northwestern Arizona, the 31,000-acre Mt Tipton Wilderness was designated by Congress in 1990. Marble Canyon is a deep valley carved through the western half of the wilderness and is one of only a few access routes into this rugged wilderness.

In 1999, almost ten years after wilderness designation, a 60-acre parcel of undeveloped private land near the head of Marble Canyon was jointly purchased by a resident of California and an Arizona resident, with plans to develop the property into a commercial horse ranch. Almost immediately the landowners sought permission from BLM to reconstruct what they called an "existing roadway" through the wilderness to access their property with motor vehicles and heavy equipment.

The "roadway" is a fading old track winding along the dry wash meandering up the rugged canyon. The track is not depicted as a "road" on maps pre-dating wilderness designation. Desert chaparral is reclaiming the path so that it is no more than a few feet wide in places, with rockfalls and seasonal flashfloods aiding the natural reclamation.

The previous owners from whom the property was purchased had also purchased the parcel after the area was designated wilderness, so had never accessed the property with motor vehicles. Similarly, there is no evidence that earlier owners had ever accessed the property by motor vehicle prior to wilderness designation.

Wilderness Access Regulations

BLM regulations specify that if a person owns land surrounded by wilderness it will only approve that combination of routes and modes of travel to the property that:

- 1) BLM finds existed on the date Congress designated the area surrounding the inholding as wilderness, and
- 2) BLM determines will serve the reasonable purpose for which the non-Federal lands are held or used and
- 3) Will cause the least impact on wilderness character

A preamble published with the regulations states that "BLM will only approve the kind and degree of access that you enjoyed immediately before the wilderness area across which you must travel to reach your inholding was designated as wilderness."

In examining the first criterion BLM noted that the fading track existed prior to wilderness designation and had received "light use by high clearance vehicles, most likely driven by hunters, recreationists and the local cattle rancher" prior to designation. On that basis BLM concluded that the new inholders had a right to motorized access on the same route ten years after wilderness designation.



IBLA's response: "This conclusion ignores the plain language of the regulation which explicitly requires BLM to make a finding regarding the extent of allowable motorized use by the *inholder* to the inholding in question, not by the general public." (emphasis added).

"The fact that the vehicle route 'was in use by motor vehicles prior to wilderness designation' does not mean that increasing motorized access to the level of regular and continuous use... is consistent with anything taking place at the time of wilderness designation."

In examining the second criterion BLM reasoned that since horse ranches are a legal use of private property it was reasonable to develop a horse ranch on the Marble Canyon inholding. BLM deemed it unreasonable to expect the landowners to transport construction materials with horses and backpacks and concluded that motorized access was therefore necessary to enable the landowners to construct the barn, stables, residence, and cabins as planned.

IBLA's response: "The distinction between allowing motorized versus nonmotorized use is to be made based on the nature of use by the parcel holder at the time of designation; it is not to be based, as BLM suggests... on what is 'reasonable and practical to accomplish the stated objectives of the inholder for the private land.'"

In examining the third criterion BLM concluded that wilderness values would be impaired, most visitors' perceptions of naturalness and solitude would be adversely affected, and the route would be transformed into a road showing evidence of regular and continuous motorized use. Rumbling of machinery would intrude on the canyon's quiet, and night-lighting on the property would dilute the desert darkness. BLM predicted that many visitors would stop visiting Marble Canyon as a result of these intrusions.

Despite these findings, BLM issued a Finding of No Significant Impact (FONSI)!

— Continued on page 4 —

Mt. Tipton, continued from page 3

IBLA's response: "It is difficult to understand what BLM thinks could rise to the level of a "significant" impact on wilderness if the potential destruction of a designated area's use by the public... [does] not constitute one."

"BLM was undoubtedly influenced by a perceived obligation to provide [the landowners] with access... To the extent the Field Manager may have believed that any effects identified must be found to be inconsequential when paired with BLM's duty to provide the inholder with access, such a merging of statutory obligations was improper."

Conclusion

In its ruling the IBLA established several major points regarding proper interpretation of BLM's wilderness access regulations. Especially significant:

- 1) By definition a wilderness contains no permanent roads, and BLM cannot allow a permanent road to become established by authorizing regular and continuous motor vehicle use.
- 2) The mere presence of an old vehicle track and random motor vehicle use by the public prior to wilderness designation does not establish a right to motorized access for landowners with private property inside the wilderness.
- 3) BLM must make an independent determination of what constitutes "reasonable use" of an inholding based on



uses that were occurring at the time of wilderness designation. BLM cannot simply accept that any type of use proposed by a landowner is a reasonable use for remote property that is surrounded by wilderness.

- 4) BLM must make an independent factual determination of the existence and extent of an inholder's legal rights of access, prior to approving motorized access.
- 5) BLM can only grant non-motorized forms of access through wilderness if the landowner or their predecessors were not routinely accessing the inholding with motor vehicles immediately prior to wilderness designation.

This ruling should strengthen wilderness protection for seven million acres of BLM wilderness across the West. Thanks to attorney Ronni Flannery and to all our colleagues who contributed to making this appeal such a success! 🐾

Wilderness Watch's Hilary Wood Heads for New Adventures

In February Wilderness Watch's outreach coordinator, Hilary Wood, moved on to pursue her own web and graphic design company, Small Dog Solutions. After joining us in 2001 Hilary quickly applied her artistic talents toward creating a much-needed and updated new look for Wilderness Watch. We soon had a new logo, redesigned letterhead, a fresh new look for our newsletter, and a beautiful new website. Hilary's technical skills, ability to focus, and attention to timeliness set a high standard in our office. During her years with Wilderness Watch Hilary capably oversaw newsletter production and wrote many fine articles, managed the website, wrote press releases, launched our monthly online news digest the Guardian, and designed posters, displays, and websites for wilderness events. Hilary also introduced the staff to competitive hatchet-throwing, and spoiled all of us with irresistible home-made cookies!

Wilderness Watch is proud to be one of Hilary's new clients, contracting with her to continue managing our website and layout our newsletter. Skilled outdoors-people, Hilary and her husband Joe Jensen, along with JuneBug the Dog, will always be strong advocates for wilderness -- hiking, skiing, and kayaking into wild country, and organizing locally to preserve these special places. Wilderness Watch wishes Hilary all the best in her many new adventures!





Wilderness & the Courts

» Olympic trailside shelters decision upheld

The National Park Service has voluntarily dismissed its appeal of a federal judge's ruling that barred the agency from installing two trailside shelters in the Olympic Wilderness (see *Wilderness Watcher*, Vol. 17, No. 2, Oct. 2005). The agency had filed a notice of appeal with the 9th Circuit Court of Appeals, but apparently came to realize that an appeal would be without merit.

» Motorboat increase overturned in Boundary Waters Canoe Area Wilderness

In a victory for Wilderness, the Eighth Circuit Court of Appeals issued a ruling in February in a long-standing case involving motorboat permits in the Boundary Waters Canoe Area Wilderness of Minnesota. The court agreed with wilderness advocates that the U.S. Forest Service had acted in an arbitrary and capricious manner in the agency's attempt to triple motorboat permits on three chains of lakes within the Wilderness. The court held that the Forest Service had used biased and faulty methods to justify the agency's attempt to dramatically increase motorboat use. But the court also ruled that the Forest Service does have the authority to re-calculate the overall motorboat permit cap that has been in place for about 25 years, leaving open the possibility of additional attempts to increase motorboat use in the future.

The case stems from the Forest Service's 1993 Management Plan for the BWCAW. Conservationists appealed, and the federal district court later found in 1999, that the Forest Service had improperly allowed more motor use within the area than allowed by the 1978 BWCA Wilderness Act (P.L. 95-495). This excessive motorboat use came from homeowners, resort owners, and their guests from portions of lakes that lay outside of the BWCAW boundaries; the Forest Service had improperly allowed these people to motor as far as they could within the wilderness on these three chains of lakes, and not compete for the limited number of motor permits available to the public. In response to this 1999 court ruling, the Forest Service began to recalculate increases in the overall motorboat cap and motorboat quotas for the entry points on the three contested chains of lakes, which led to the February ruling.

The groups that brought the lawsuit include Friends of the Boundary Waters Wilderness, Sierra Club North Star Chapter, Superior Wilderness Action Network, American Lands Alliance, Minnesota Canoe Association, American Canoe Association, and Minnesotans for Responsible Recreation. The Minneapolis law firm of Faegre and Benson represents these organizations in this case.

» Conservationists challenge Grand Canyon River Management Plan

On March 23rd the NPS adopted a new Colorado River Management Plan (CRMP) that will govern visitor use on the Colorado River through Grand Canyon National Park for the next 10-15 years. On March 28th a coalition of conservation groups filed suit in federal court challenging the CRMP.

The plan fails to remove motors from the river despite NPS' own claims that motors are incompatible with the wilderness values of the river corridor. For decades park management plans have called for managing the river as wilderness, and it is formally recommended for designation, but the political grip of the concessionaires has prevented implementation of any wilderness protections. The plan maintains significant inequities between concessionaires and the general public, allocating the vast majority of access during the popular summer months to the concessionaires.

For example, the park limits the number of self-guided visitors who can launch from Lee's Ferry in the summer to 24 a day, while the concessionaires are allowed to launch more than 125 customers. Fully one-third of the public wishing to go on a self-guided trip will be relegated to the chilly winter months when the concessionaires are done for the season.

The new plan also establishes unequal allocation for those seeking a chance to float the river. Customers who can afford to pay for a commercial trip can go down the river almost as often as they choose simply by making a reservation to go with a concessionaire. In contrast, the self-guided user must participate in a weighted lottery for a chance to float the river, which NPS concedes may mean a 10-year wait.

Plaintiff groups include River Runners for Wilderness, Rock the Earth, Living Rivers and Wilderness Watch, and are represented by Julia Olson of Wild Earth Advocates and Matthew Bishop of the Western Environmental Law Center.

» Judge Rules "Nature has Spoken"

Under the oversight of federal District Court Judge J. Phil Gilbert, last summer local wilderness advocates, commercial equestrian concessionaires, and Shawnee National Forest managers in Southern Illinois signed an agreement regarding equestrian use in the Lusk Creek Wilderness. The agreement, in part, closes the wilderness to equestrian use during the wet winter months, re-opening the area to horse use on April 1st of each year. On March 7th however, Judge Gilbert issued an order allowing equestrians to begin using the wilderness trails two weeks early this year. "It was the intent of this Court that if March turned out to be drier than normal the Forest Service could open up Lusk Creek Wilderness to commercial horse traffic two weeks early." "Mother Nature, however, had other ideas" the Judge soon wrote in a new order issued on March 15th. After issuing his March 7th order, eight days of torrential rains began almost immediately. "Mother Nature has spoken" the Judge wrote. "The Court now believes that the area should be kept closed until the April 1st date in order to allow the area and all the permitted trails ample time to recover."

Burns Bill Threatens Selway-Bitterroot Wilderness!

Legislation would allow more than 100 miles of road building, unlimited motorized use in area.

Senator Conrad Burns (MT) has introduced legislation (S.2633) that would allow dam owners in the Bitterroot Valley to build roads and use unlimited amounts of motorized equipment for accessing and maintaining 16 dams in the Selway-Bitterroot Wilderness. The bill would allow roads to be built where trails now exist in Bass Creek, Big Creek, Blodgett Canyon, Carlton, Chaffin, Fred Burr, Mill, One Horse, Sheafman, and Tin Cup Creek canyons. These canyons represent many of the major entry points into the 1.3 million-acre Wilderness.

Specifically, Burns' bill would:

- Grant unrestricted rights-of-way (ROW) up to 120 feet in width where the trails now exist, and up to 500 feet from the high-water mark around the dams and lakes. The bill essentially gives away the public land within the ROW, and allows the dam owners to sell the ROW to anyone.
- Exempt activities on the dams, lakes and rights-of-way from the Wilderness Act, National Environmental Policy Act, National Dam Safety Program Act, or any federal law to protect fish and wildlife or maintain water quality.
- Allow unlimited motorized travel along the rights-of-way and unlimited use of motorized equipment at the dams.
- Strip Forest Service jurisdiction from the lands and give it to the State. The dam owners would not be liable for any claim or damage resulting from their operation of the dams, except where one could prove negligence of the owner.

The Burns' bill is entirely unnecessary. The Wilderness Act recognizes the valid rights of water users to maintain dams in the Wilderness while preventing dam owners from further degrading the wilderness character of the Selway-Bitterroot Wilderness. Testifying before Congress in 1963, Secretary of Agriculture Orville Freeman explained how the law would apply to pre-existing dams:

"Water developments...have been allowed in these wilderness-type areas. The works generally have been constructed and maintained by means which did not involve motorized transportation. We would construe the provisions of S.4 as permitting the continued maintenance of these existing projects by means which would not involve motorized transportation as in the past."

The Burns' bill would strike a blow to the Wilderness Act and could set the stage for road-building in many other areas



Burns' bill would allow motorized access and equipment to remote dams in the Selway-Bitterroot Wilderness like the one pictured above at Holloway Lake.

in the National Wilderness Preservation System. The solution is for the Forest Service to assist the water users in finding wilderness-compatible, non-motorized ways to maintain the dams...as it's been done for the past 100 years. Wilderness Watch and others have offered to help many times.

Take Action

- Write or call Senator Burns and tell him what you think of his dam bill. Urge him to encourage the Forest Service and water users to seek wilderness compatible, non-motorized solutions.
- Write or call your own senators and congresspersons and make them aware of your concerns with the bill.

CONTACT INFORMATION:

Senator _____
United States Senate
Washington, DC 20510
(202) 224-3121 (Capitol Switchboard)
www.senate.gov

Representative _____
U.S. House of Representatives
Washington, DC 20515
(202) 224-3121 (Capitol Switchboard)
www.house.gov

For more information contact Wilderness Watch, PO Box 9175, Missoula, MT 59807, wild@wildernesswatch.org.
Website: www.wildernesswatch.org

Book Review

Last Great Wilderness: The Campaign to Establish the Arctic National Wildlife Refuge

By Roger Kaye. University of Alaska Press, 2006.

1-888-252-6657, fyppress@uaf.edu.

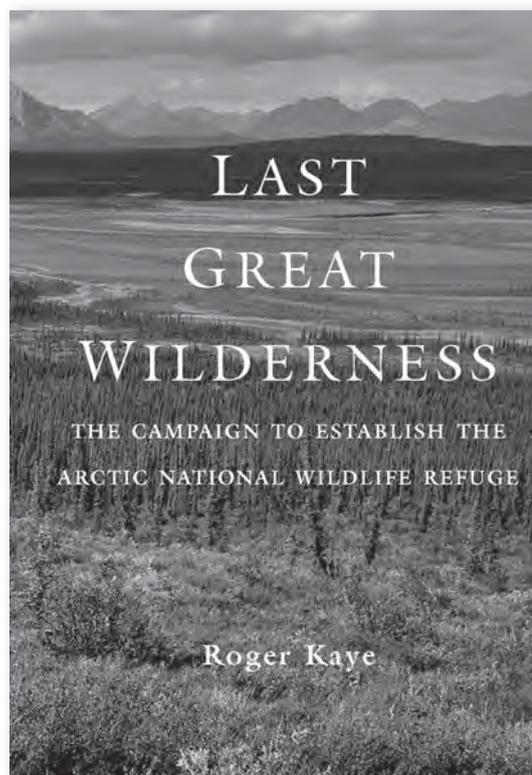
<http://www.uaf.edu/uapress>. Hardcover, \$29.95.

The Arctic National Wildlife Refuge in Alaska, with its 8 million acres of designated wilderness and its 1.5 million-acre unprotected coastal plain, symbolizes for many people the values, character, and ideals of the National Wilderness Preservation System. Yet many of us know all too little about the struggle to first establish the refuge in the 1950s and 1960, and how that struggle still influences the Wilderness System today. That will now change with the publication of Roger Kaye's terrific new book, *Last Great Wilderness*, the first in-depth examination of that epic struggle.

Roger Kaye documents the important roles that George Collins and Lowell Sumner of the National Park Service, and Olaus Murie and his wife Mardy played, as well as the work of Wilderness Act author Howard Zahniser, Sigurd F. Olson, Stewart Brandborg (now Wilderness Watch board member), Conservation Foundation President Fairfield Osborn, and even Supreme Court Justice William O. Douglas. They struggled throughout the 1950s to protect a vast corner of Arctic Alaska against those, like Alaska U.S. Senator Bob Bartlett, who blocked their legislation in order to fulfill their own American dreams of developing the frontier. Even current Alaska U.S. Senator Ted Stevens played an important role in the 1950s effort, but one that may surprise modern wilderness advocates.

Blocked in Congress, conservationists convinced Interior Secretary Fred Seaton in the outgoing Eisenhower Administration to create the Arctic Range in December of 1960 by secretarial order. The Range was, of course, later expanded and renamed the Arctic National Wildlife Refuge by the Alaska National Interest Lands Conservation Act in 1980, the monumental conservation law that had been in part inspired by "the beliefs and values, the ideas and idealism and the hopes and concerns for the future" that propelled the original campaign.

Last Great Wilderness shows how the struggle to establish the Range influenced other national wilderness battles going on at the same time, including the effort to block dams in Dinosaur National Monument in Colorado, and especially the eight-year struggle to pass the 1964 Wilderness Act. Some of the same players, like Howard Zahniser, worked on all three efforts. The Arctic campaign infused the wilderness movement with a great sense of idealism and symbolism, both of which enriched the national wilderness movement after establishment of the Range in 1960 and benefited the campaign to pass the Wilderness Act. Part of that idealism and symbolism lay in the realization by Range proponents that northeastern Alaska offered an unparalleled opportunity to protect an entire ecosystem undamaged by development, a nine-million-acre wilderness landscape on a scale unheard-of in the Lower



48. That expansive ecosystem view imbued the wilderness movement with a far broader vision and richer symbolism than had earlier been the case.

Roger Kaye is well-suited to tell this story. A resident of Fairbanks, Roger has worked for over 20 years as a wilderness specialist and pilot for the U.S. Fish and Wildlife Service at the Arctic National Wildlife Refuge. He has extensively researched and written about the Arctic Refuge and wilderness in general for years. A Wilderness Watch member, he has presented at wilderness conferences, Wilderness Watch events, and national wilderness stewardship trainings. Roger carefully combed through the records, examined the press and correspondence, and conducted many important interviews to bring this tale to life.

Last Great Wilderness tells an important story for today as well. The values symbolized by the Arctic Refuge -- cultural, spiritual, ecological, and evolutionary -- are as meaningful for us today as they were a half-century ago. The importance of the Arctic National Wildlife Refuge to the national wilderness movement is as strong if not stronger today than in 1960. And the rich context that *Last Great Wilderness* provides will inspire all of us to continue our current struggle to protect the coastal plain from oil development, and to pass on this last great wilderness intact to future generations. ♪

Reviewed by Kevin Proescholdt



On the Watch

West Sister Island Wilderness, OH

Shooting Spree - The State of Ohio -- with approval by the U.S. Fish & Wildlife Service -- proposes the wholesale shooting of 4,000 cormorants in the West Sister Island Wilderness on Lake Erie. Straw would be brought in to compost the bodies of the dead birds. Migratory birds native to the area, cormorants have increased their population on the wildlife refuge to an estimated 12,000 birds. Recreational fishermen are complaining that cormorants are out-competing them for fish and leaving guano on their boats. One of the official goals in the refuge's comprehensive conservation plan (CCP) is to limit disturbance to herons, egrets, and cormorants. Unfortunately, the environmental analysis does little to analyze impacts to the area's wilderness character or the cumulative effects of possibly repeating the shooting year after year. Wilderness Watch has objected to the action.

Russell Fjord Wilderness, AK

Galloping Glacier? In early May contractors for the Army Corps. of Engineers along with USFS personnel will hike into the Russell Fjord Wilderness to clear trees and brush for drill pads on the rim at the head of Russell Fjord. Helicopters will fly one or two motorized drill rigs into the wilderness, and crews will spend several weeks in May and June drilling core samples of the substrate. The project is prompted by concerns that rising water in the fjord could potentially spill over the low rim at the head of the fjord into the Situk River drainage. A spill-over could scour the river's salmon spawning beds, damaging the commercial fishing economy of the nearby village of Yakutat. At the other end of Russell Fjord, the Hubbard Glacier is advancing across the mouth of the fjord and may create an ice dam within the next few years that will cause water in the fjord to rise. The drilling project will test the stability of the substrate for possible construction of a diversion dam in the wilderness to direct overflow from the Fjord away from the Situk River and into a channel that would be dredged by the Army Corps.

The drilling is clearly inconsistent with wilderness law and policy. The Forest Service allowed the project to go forward based on language Alaska Senator Ted Stevens inserted as a "rider" in last year's appropriation's bill. That language authorized the Sec. of the Army to carry out "notwithstanding any other provision of law...structural and non-structural projects for...ice and glacial damage in Alaska." Wilderness Watch has raised numerous questions about the project and will intervene should it progress beyond the current phase.

Nat'l Park Service Wilderness Policies

Policy Protest - The NPS received more than 45,000 public comments on draft revisions it released last fall for all of its national policies. A detailed Action Alert that Wilderness Watch prepared and sent to several dozen regional and national conservation organizations became widely used around the country as the template for comments on the proposed wilderness policy changes. If adopted, the policy changes would promote increased visitor use in wilderness, allow extensive developments to enhance visitor convenience and safety, and encourage visitors to hire commercial outfitters and guides. Wilderness Watch participated in a discussion with NPS' national wilderness coordinator, Rick Potts, who explained that getting more people into Wilderness was a primary goal of the policy changes, and that more commercial outfitting and guiding is needed in order to keep people safe. NPS hopes to have final policies to the NPS Director for approval by late July.

Becharof Wilderness, AK

New Meaning for "Fly-fishing." The new Comprehensive Conservation Plan (CCP) for the Becharof National Wildlife Refuge and Wilderness allows recreational helicopter use in the wilderness on a case-by-case basis where such use was occurring. In the past, a local fishing guide used a helicopter to fly wealthy clients to promising fishing holes. Although the fishing guide reportedly lost interest in helicopter access due to cost, the State pushed for inclusion of recreational helicopter use in the new plan. It was reported that when the Fish & Wildlife Service (FWS) balked, the State went to high-level officials in the Department of Interior who directed the FWS to oblige the request. The provision was added at the last minute, after the public comment period had closed, and potentially sets an extremely dangerous precedent for all wilderness in Alaska. Wilderness Watch is looking into the situation.

Selway-Bitterroot Wilderness, MT

Motors to Move Rocks? In April Wilderness Watch participated in settlement negotiations with USFS officials regarding an appeal we filed regarding a USFS decision to use a motorized rock drill for trail work. The appeal was filed jointly with Friends of the Clearwater and The Ecology Center. The Bilk Mountain Trail is steep and narrow in places, and the USFS plans to add switchbacks to lessen the grade. The USFS claims the amount of work requires a motorized rock drill along the rocky outcroppings in order to complete the work in one field season. However, the agency has agreed to consider non-motorized methods if we can find a qualified rock drilling

crew. Wilderness Watch and Friends of the Clearwater are working to get a competitive rock drilling team to visit the site this summer and demonstrate how traditional non-motorized star or 'single-jack' hand drills can readily accomplish the task "the wilderness way."

Izembek Wilderness, AK

Izembek Wilderness Under Threat -- Again. Another road to ruin. Wilderness lands within the Izembek National Wildlife Refuge, located near the tip of the Alaska Peninsula, are under threat of a proposed road that would link the village of King Cove to a 10,000 foot long runway at Cold Bay. This time Alaska governor Frank Murkowski is proposing a land exchange scheme which would trade a 14.3 mile strip of land 150 feet wide across the Wilderness for other lands of dubious value to the refuge. This issue was the topic of a hot debate in the late 1990's which culminated in Congress passing the King Cove Health and Safety Act. That act provided \$37.5 million for improvements to the King Cove airport and health clinic, and a road/hovercraft link to Cold Bay, avoiding the wilderness area. The road and hover craft projects are underway. The road was proposed ostensibly for medical evacuation of King Cove residents via the Cold Bay runway during times of inclement weather; however, it would also provide access to transport fish from King Cove to markets such as Seattle.

Wilderness Watch has learned that a few days prior to leaving office, Secretary of Interior Gale Norton rejected the governor's current land exchange proposal. We will be closely watching, however, to see if this scheme gains legs following the confirmation of Norton's replacement.

Izembek National Wildlife Refuge is an essential migration cross roads and key staging area for waterfowl, especially brant and emperor geese. Major parts of the refuge were designated as Wilderness in the Alaska National Interest Lands Conservation Act in 1980, providing ultimate protection for lands surrounding Izembek lagoon where the world's largest eel grass beds host concentrations of migrating waterfowl. The refuge is also home to caribou, brown bears, salmon and many other species of migratory birds.



Lefthand Valley, Izembek Wilderness, AK.

John Muir & Ansel Adams Wildernesses, CA

More Mules Equals Less Impact? Wilderness Watch, High Sierra Hikers Association and Forest Service Employees for Environmental Ethics filed a 124-page appeal challenging a new U.S. Forest Service plan that will dictate how commercial mule-packing enterprises are managed in the John Muir and Ansel Adams Wildernesses. The appeal asks the regional forester to overturn the plan, which was adopted in December by officials of the Inyo and Sierra national forests.

The new Forest Service plan was prepared in response to a court order after the groups successfully sued the agency over its failure to analyze the damage caused to wilderness areas by commercial mule-packing outfits. In addition to requiring the agency to prepare an environmental impact statement (EIS) on the impacts from commercial pack stations, the court ruled that the new plan must establish concrete limits and controls on the commercial outfits to ensure preservation of the area's wilderness character as intended by Congress.

The new plan would allow commercial packers to haul firewood into high-elevation areas that are currently closed to all campfires, it would raise the limit on commercial stock animals to 25 animals per group, and it would allow for enormous growth in the commercial pack outfits over time. The plan contains some positive steps, such as the closure of some fragile high-elevation meadows and wetlands to grazing by commercial packstock. However, it would allow local forest officials to change or remove even the modest new protections with little or no public notice.

Boundary Waters Canoe Area Wilderness, MN

From Worse to Bad - For decades an illegal snowmobile trail has run through the Boundary Waters Canoe Area Wilderness (BWCAW). The trail provided a shortcut to South Fowl Lake, which lies outside the Wilderness. The Forest Service recently closed the trail, however, in so doing it decided to replace the illegal trail by building a new trail just outside the Wilderness boundary. Snowmobiles on the new trail would be both visible and audible to wilderness visitors, degrading the wilderness character of the BWCAW. In addition to impacts on the Wilderness, portions of the trail would have to be bulldozed along a cliff face overlooking the BWCAW, and that is also home to rare plant species. All other alternative routes analyzed by the Forest Service would avoid impacts on the BWCAW.

Wilderness Watch has joined with the Izaak Walton League, Northeastern Minnesotans for Wilderness, Friends of the Boundary Waters Wilderness, Sierra Club Northstar Chapter and Minnesota Center for Environmental Advocacy in asking the Forest Service to review its decision. The Minneapolis law firm of Faegre and Benson prepared the appeal for the groups.

Wilderness Only in Name? Being a Wilderness Watch member matters.

It comes as no surprise to loyal readers of these pages that the federal government is routinely giving short-shrift to Wilderness management.

Budgets for Wilderness stewardship are meager and shrinking. Federal agencies are granting more exceptions for temporary roads, motor vehicles, private in-holding access, motorized equipment, motorboats, aircraft transport, permanent structures, installations, pesticides, commercial concessions, and turning a blind eye to overuse as long as it brings in revenue. Increased exemptions to the Wilderness Act add up to a slow deterioration of the character of these wild lands.

If the trends continue, Americans may well be left with Wilderness only in name.

The kicker is this downward spiral of strangled budgets, empty commitments, and the diminished landscapes couldn't happen at a worse time. We've arrived on the doorstep of the age of global warming. We need undisturbed Wilderness more than we ever imagined, as our baseline on the natural world as our climate sustains human-caused disruptions.

Wilderness Watch is the only national organization working to make Wilderness management live up to the letter of the Wilderness Act. We rely on memberships and contributions to mobilize citizen advocacy, engage in education and outreach, and, when necessary, litigation to oppose the agencies' drift toward hollowed-out Wilderness.

Here's how you can rise to this occasion:

- **Keep up your membership.**
Membership dues keep our lights on. They are the steady income we depend on.
- **Contribute to our special appeals.**
We look at this source of income as our equivalent to venture capital. When we find out that Wilderness managers are granting exceptions to the Wilderness Act to allow vehicles, chainsaws, drills, poisons, helicopters, artificial watering holes, permanent structures, or other pernicious proposals, your donations help us mount opposition. We'll try persuasion, using the public process to point out why the proposal is beyond the scope of the Wilderness Act and other legal precedence. We'll try collaboration, bringing other citizens and other organizations into the breach, encouraging participation during the public comment period. We'll move to litigation in the face of intransigence because we believe building case law that protects the Wilderness is critical.
- **Consider a bequest**
If you believe that the Wilderness Act is one of the most far-sighted laws ever passed, why not leave a legacy to defend that law? Wallace Stegner thought "something would be gone out of us as a people" if we allowed Wilderness to be destroyed. After you take care of your family, why not write a bequest to Wilderness Watch from the remainder of your estate? Review the sidebar for more information.



Wilderness Watch development director Jeff Smith.

The Brightest Idea: A Bequest for Wilderness

The whole idea of Wilderness is to set aside the best wildlands for the future benefit of people and the planet Earth. A bequest is a similar idea, a gift to Wilderness from your estate that will bear rewards even after you've passed on.

The wording of a bequest is simple and can be something like this:

"I give (___ dollars) to Wilderness Watch, a national nonprofit organization in Missoula, Montana, for the general defense of Wilderness."

Please note that the suggested language should come to your lawyer's attention before you change your will. And note, too, that rather than give a specific dollar amount, you can give a percentage of your estate or an unspecified remainder after you've provided for your family and other interests.

Please give Jeff Smith a call anytime at (406) 542-2048 for more information.



Wild Voices

Poems by Wilderness Watch member Mary Ruth Donnelly of St. Louis, Missouri.

November: Camp Ondessonk Illinois Wilderness Forum

Last weekend
I walked in a circle
of friends' flashlights.
Behind the slim moon
darkness seemed early
just under its yellow crescent.

Upper Missouri, 1996

You can't take a picture of this.
I've tried.
It's about distance,
lean skies and lean land,

And time,
how continents drive under continents,
how water carves sandstone, grain by white chalk grain.

It's not about grass
though it bends around you everywhere here
not even about trees
though more about them than people.

Not the crustaceans here millennia ago,
but the sea they lived in.

It is about the glaciers that bent
the Missouri's will to the north,
bent it east and south
to grow the Mississippi,
about a will so powerful
nothing can be viewed as sweet again.

Previously published in *Breathing Out: Poems by
Loosely Identified*. Cherry Pie Press, 2004.

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!

\$30 \$50 \$100 \$250 \$ _____

I would like to become a member!

\$15 \$30 \$50 \$500 \$ _____

Living Regular Contributor Lifetime Other
Lightly

My check or money order is enclosed.

Please charge my: Visa MasterCard

Card # _____

Exp. Date __ __ / __ __

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

Name: _____

Address: _____

City: _____

State/ Zip: _____

Phone: _____

E-mail: _____

(to receive our monthly e-mail update)

Please make checks payable to: "Wilderness Watch"

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



Will the Selway-Bitterroot Wilderness be pierced with roads? See page 6 for more.



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

CHANGE SERVICE REQUESTED



Printed on 100% recycled,
unbleached paper

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