



WILDERNESS WATCHER

The Quarterly Newsletter of Wilderness Watch

Volume 19 • Number 2 • December 2008

Victory on the Tongass!

Wilderness Watch's four-year battle to stop an unprecedented, helicopter-intensive aerial invasion of 19 national forest Wildernesses in Alaska ended successfully when the regional forester for Alaska, Denny Bschor, decided against allowing the Forest Inventory and Analysis (FIA) program to proceed. The decision marked a 180-degree reversal from Bschor's 2005 approval of the precedent-setting survey.

The FIA program is a nationwide vegetation survey conducted through the Forest Service's research branch. It has its origin in a 1930's law that instructed the Department of Agriculture to periodically inventory the nation's timber supply, but has broadened to include monitoring changes in vegetation over long periods of time.

As part of the survey in southeast Alaska, FIA proposed establishing 646 forested survey plots in national forest Wildernesses. Regional Forest Service personnel added another 267 non-forested plots to the survey. Based on an internal review, the Forest Service determined that helicopter access would be required to survey 547 of the 913 plots.



Tongass National Forest Wilderness, AK.

In February 2005, the regional forester authorized the project to go forward without benefit of an environmental analysis, meaningful public review, or opportunity for the public to appeal the decision. The decision meant that over the next decade the wildest, most remote national forest Wildernesses in Alaska would suffer more than 1,000 helicopter landings, dozens of hours of low-level hovering, and the installation of more than 3,600 permanent structures ("monuments") to document the individual plots! Because the FIA program is predicated on the assumption that the sites will be revisited on a recurring basis, the decision essentially condemned these Wildernesses to intensive helicopter use in perpetuity.

Wilderness Watch immediately launched efforts to overturn the regional forester's decision. We rallied allies in southeast Alaska, including the Sitka Conservation Society, which remained a stalwart ally for the duration. We recruited attorneys from Faegre & Benson and Earthjustice, putting the Forest Service on notice that, if necessary, we were willing to challenge the project in court. We provided lengthy letters and analysis to the

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insights

From the President

— By Kevin Proescholdt


As the Wilderness Watch Board of Directors and staff look ahead to a potentially uncharted future, we've begun the process of trying to place Wilderness Watch in the best position possible to be the best advocate possible for the protection and stewardship of our great National Wilderness Preservation System.

Our current planning has taken the form of Wilderness Watch's Strategic Plan. Now, I know for some people the thought of working on a strategic plan is a real snoozer. Though it may not be as exciting as winning a wilderness case in federal court, a strategic plan is nonetheless vitally important if Wilderness Watch hopes to succeed in the future.

The organization had developed a strategic plan a number of years ago. While that plan was good for its time, it was out-dated and needed significant revisions and updating. That's the process that our board and staff embarked upon, and we successfully completed it at our board of directors meeting in October.

It may be easy, particularly this year, to get caught up in the excitement of the elections, and to try to guess the outcomes of this transition time. How will the Obama Administration deal with Wilderness? Who will serve in key posts in the incoming Administration? Hope springs eternal, and our hopes for Wilderness remain vibrant and alive during the excitement of this post-election time. But Wilderness Watch needs a strong Strategic Plan that will guide us in our mission regardless of who ends up sitting in the White House, or which political party controls Congress. We need to look forward, not to just the next four years, but to the next forty years and more. That's why we've spent the time and effort to revise our Strategic Plan. We think it will be well worth the effort.

Of course, the board and staff of Wilderness Watch cannot succeed in achieving our mission alone. You, our members, have been the backbone of the organization for the nearly 20 years of Wilderness Watch's existence. You have generously supported us financially. You have renewed your memberships at an amazingly high rate. You have responded to our action alerts and written eloquent and heart-felt letters to agency officials and policy makers. You have alerted us to both problems and successes in your local Wildernesses. You have made Wilderness Watch the terrific organization it is today.

Because we recognize the importance of our members, we wanted to highlight one of our wonderful members and strongest supporters in this issue of our newsletter. On page 10, you'll find an article about my friend, Bob Binger of Minnesota. Bob has been a long-time visitor of both designated Wildernesses and undesignated wildernesses, a passionate supporter of wilderness protection, and a long-time and extremely generous supporter of Wilderness Watch. I hope you enjoy getting to know Bob, an example to us all. 



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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Victory on the Tongass, continued from page 1

regional forester explaining why the project failed to meet the requirements of the law and would have negative consequences for Wilderness far beyond Alaska. When the regional forester rejected our requests, we wrote to then Chief of the Forest Service, Dale Bosworth, urging him to intervene. Bosworth did nothing; in fact, a subsequent review of the administrative record showed that his Washington Office staff was working diligently to grease the administrative and political skids for helicopter use.



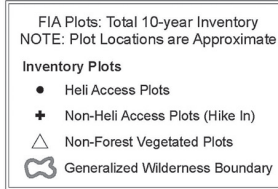
“This effort to protect wilderness on the Tongass illustrates the long, arduous, and mostly behind-the-scenes battles that Wilderness Watch often engages to protect Wilderness.”

Two weeks later, in an unrelated case, a federal judge in Alaska ruled that it was unlawful for the Forest Service to approve projects without providing for public comment and an opportunity for appeal. With that information in hand we again urged the regional forester to suspend the inventory until a lawful analysis and public comment process was implemented. A short time later in a meeting with Wilderness Watch executive director, George Nickas, the regional forester announced that helicopter use would be halted until a proper environmental review was done.

In May 2006 the Forest Service released a draft environmental impact statement. The proposed action was unchanged, allowing helicopters to access 540 of the 913 plots. Only those plots that could be reached and surveyed on a day-hike would be accessed on foot, all others would be accessed by air. Using helicopters rather than traveling on foot was justified based on safety; the country is rugged, remote, and extended stays of more than one day would expose field crews to possible bear encounters and bad weather (in other words, field crews ran the risk of having a wilderness experience!).

Wilderness Watch objected to the proposal for a number of reasons. We pointed out that, while research and scientific study are important values of the National Wilderness Preservation System, the research must be done in a wilderness-compatible way. Only if the research was essential for protecting the Wilderness and could not be conducted without the use of motorized equipment or permanent structures, could the plan be approved as proposed. Although the FIA inventory might provide some useful data, it was not necessary for protecting these areas. We also suggested if safety was a key concern the safest approach was to forego the survey in dangerous areas. Relying on he-

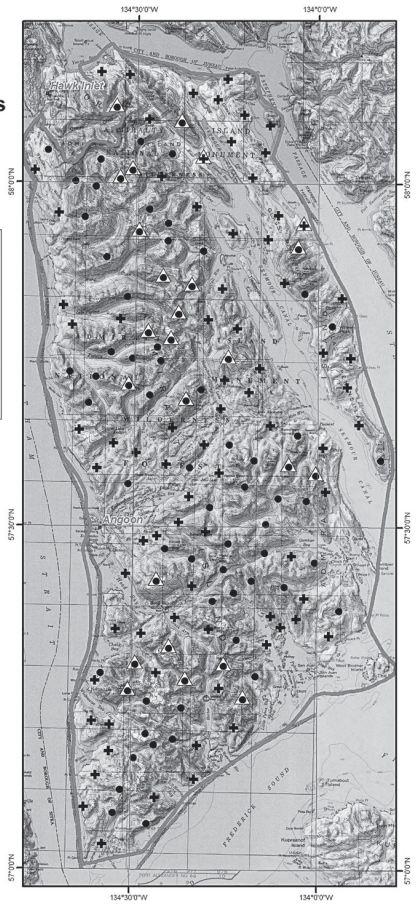
Kootznoowoo Wilderness



0 2.5 5 10 15 Miles



Mapping: EMG
Anchorage Forestry Sciences Lab
PNW-FIA
July 2007



Final EIS map showing extent of proposed survey plots in the million-acre Kootznoowoo Wilderness, one of 19 Wildernesses targeted for the FIA survey.

licopters, especially in the rugged terrain and unpredictable weather of southeast Alaska, was inherently risky and did not justify the information gained. Our concerns were amplified by the comments of many Wilderness Watch members in Alaska and elsewhere who objected to the project. In addition, a review of the record shows that wilderness rangers were raising objections, and wilderness staff in the regional office were now raising concerns.

By the time the Final EIS was issued for public review in the fall of 2007, the agency was taking public concerns to heart and offered a new preferred alternative. Helicopter landings were out; all 913 plots would be accessed on foot. This was a huge step forward, but there were still two significant problems with plan. One was that approximately 490 low-level helicopter reconnaissance flights would be used to guide ground crews to potential plots. The sounds and site of the choppers hovering over the areas would shatter the quiet and solitude of these remote places and, as the EIS noted, it "...has the potential to permanently alter the perception of these wilderness as places generally free from the growing mechanization that characterizes the majority of the American landscape."

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Rescuing Wilderness

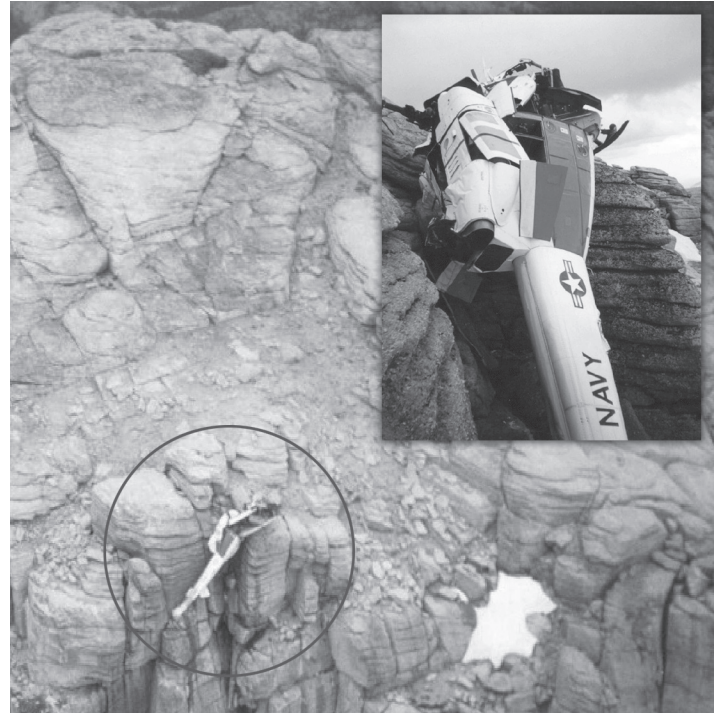
— By Gary Macfarlane

I don't know what went through the mind of the search and rescue person this summer – who was at camp at night on an operation looking for a lost hiker at Lottie Lake in the Selway-Bitterroot Wilderness – when a giant military helicopter from Spokane landed, someone jumped out and handed the rescue worker some batteries. With mission accomplished, the Energizer Bunny's emissary climbed back into the machine and, with engines screaming and the ground shaking from the thump, thump, thump of giant rotor blades, the chopper lifted off into the night. I was told the searcher expressed shock and surprise. I would hope he felt anger and disgust. That strange incident was relayed to me by a Forest Service wilderness specialist, who was also quite surprised. The Forest Service rarely knows what happens in search and rescue operations these days as it has devolved its authority to county sheriffs through memoranda of understanding (MOUs).

The incident in the Selway-Bitterroot illustrates the problem with devolving public responsibility to local entities. Besides creating a situation where clear lines of authority and communication are blurred—the agency's new policy promises to undermine the integrity of non-motorized wildlands, one of the basic tenets of the Wilderness Act. As more and more people with less and less skill venture into the wilds with backpacks void of emergency gear, food or water, but brimming with GPS units and cell phones, the number of motorized search and rescue operations has escalated, a situation guaranteed to get worse under the new policy.

It's been only a decade since former Forest Service Chief Jack Ward Thomas warned of the devolution of public lands. As Chief, he saw first-hand how those who sought to transfer control of public lands to state, local or private interests were crafting myriad backroom deals for gaining decision-making authority over the lands, even if ownership remained at the federal level. Whether ski resorts wanting more control of "their" mountain, "collaborative" groups dividing up the public's pie, or local governments demanding more say in fire control, predator control or myriad other things, the move to undo more than a century of federal control was getting underway. Thomas understood that giving away control of the lands was tantamount to giving away the lands themselves. Unfortunately, his successors in the Forest Service leadership had no qualms about handing over a significant part of Wilderness stewardship to entities that have no training, experience or expressed interest in protecting Wilderness values.

It wasn't until nearly two years after the search and rescue MOU was approved that Wilderness Watch and the public learned of it. Wilderness Watch Board Member Bill Worf immediately sent a letter to the Chief of the Forest Service complaining that the policy should have been subjected to public review. Worf



This Navy helicopter was dispatched to search for a backpacker in the Emigrant Wilderness. The hiker eventually walked out of the Wilderness, having spent extra days recuperating from a slight injury in an area where he would have easily been found had rangers done a ground search. Remarkably, no one was injured in the helicopter crash. It required additional helicopter intrusions into the Wilderness to retrieve the damaged chopper.

noted that the policy improperly abrogated the Forest Service's responsibility for protecting Wilderness. He wrote that:

"Congress assigned the Secretary of Agriculture responsibility for maintaining the wilderness character of National Forest units of the National Wilderness Preservation System through use of the Forest Service. It did not grant the Secretary authority to re-delegate that responsibility to any State Agency. . . ." The action violates the current policy published in the FS Manual. I was personally involved in development of that policy in the late 1960s. That policy was developed with full involvement of [the Office of General Counsel] and by consultation with Congressional Staffers."

The sad part is there is no need for these MOUs. Search and rescue operations proceeded prior to them. In fact, with today's communication technology, it is even easier than in the past for a county sheriff or Forest Service field person to gain approval from the appropriate Forest Service officer for legitimate use of motorized equipment for a search and rescue operation. Even if local sheriffs have a good relationship with the Forest Service, as may be the case with Idaho County in the Selway-Bitterroot

Wilderness, and are willing to limit their use of motorized equipment, the eagerness of the military to join in and show off its technology suggests that counties have a difficult time resisting such forays.

It is incumbent on the Forest Service to change this poor policy. Wilderness Watch will keep an eye on this issue as it unfolds with the eventual goal of affecting policy change.

As for the lost hiker in the Selway-Bitterroot, she was located a couple of days later, hungry and a bit cold, but alive. The big military helicopter with its high-tech infrared sensors didn't find her; all the high-tech instruments did was allow the helicopter to land in the Wilderness in the dark at the campsite of the rescue team. 🌀

Gary Macfarlane is a Wilderness Watch board member and the Ecosystem Defense Coordinator for Friends of the Clearwater, a Moscow, Idaho-based group.

Protecting the Upper Chattooga

Wilderness Watch joined with Georgia Forest Watch and the Georgia Chapter of the Sierra Club in urging the Forest Service to retain its 30-plus-year boating prohibition on the Upper Chattooga River within the Ellicott Rock Wilderness. Our comments were provided in response to a new proposal from the Forest Service, which would allow limited boating on a narrow, wild and remote stretch of river. Wilderness Watch is a member of the Friends of the Upper Chattooga, a coalition working to protect the Wilderness and Wild River.

Since the Upper Chattooga was added to the Wild and Scenic Rivers System in 1976 it has been closed to boating in order to protect solitude, a first-rate fly-fishing experience, and the area's unique wilderness character. It turn, the vast majority of the river was left open to virtually unlimited boating. The closure was recently challenged by boating enthusiasts, who want access to the river's potential kayaking opportunities. The Forest Service agreed to review the closure, which it did in an environmental assessment. The EA recommended opening the river to limited boating.

Wilderness Watch and it allies are concerned that boating will add to an already degrading condition of the Wilderness and Wild River. As Wilderness Watch stated in its comments to the Forest Service,

“Currently the Ellicott Rock Wilderness is suffering from overuse as evidenced by the number of user-created trails, campsites, litter, diminishing solitude and other evidences of human use. Adding another use and group of users to the mix can only make matters worse. We certainly applaud the agency's recognition of the need to limit visitor access overall through the proposed limits on many groups' access. But until the agency can show that these measures are effective and that conditions on the ground are improving it should not be authorizing an activity that is certain to cause more harm...This isn't to single out boating as particularly harmful or destructive; like other Wilderness uses it is a compatible



Waterfall along the Nicholson Ford trail, Chattooga River. USFS photo.

use in most instances. Rather, it's about preserving the wilderness character of the area for the benefit of present and future generations by establishing a management program that will stop 'creeping degradation' and restore damage caused by past use.”

We also raised the concern that boating would lead to pressure to remove downed logs that often block the narrow channel. The downed woody material is extremely beneficial to the fishery, but poses a risk for boaters.

Public comment to keep the closure in place ran strong. Overall, two-thirds of those commenting wanted the closure kept in place. Those feelings ran even stronger in the local region (Georgia, North Carolina, South Carolina), where four out of five comments supported protecting the river over adding more users and uses. 🌀

HORSE-PACKER HELL: Super-sizing the wilderness experience

— By Howie Wolke

It had been 25 years since I last backpacked along the North Fork of the Buffalo. That's within the Teton Wilderness of Wyoming's Bridger-Teton National Forest, just south of Yellowstone National Park. The Teton is a verdant expanse of high country: over a half million acres of sagebrush steppe, mountain meadow, coniferous forest, alpine tundra and plenty of willowy wetlands. Alpine peaks and plateaus dominate the eastern half of this wilderness, with lower ridges and big stream valleys in the west. The Teton Wilderness – not to be confused with the nearby Grand Teton mountain range – also supports rich populations of nearly all wildlife indigenous to the Greater Yellowstone Ecosystem, from bison and bighorn to huge migratory elk herds, and from a plethora of waterfowl and land birds to grizzlies, wolves and wolverine.

The Teton is actually part of a 2.2 million acre unbroken wildland that also includes the Washakie Wilderness, the roadless southeastern quadrant of Yellowstone plus nearly a half million acres of unprotected national forest and Indian reservation roadless lands. The Teton includes the most distant location from a road in the U.S. outside of Alaska, 21 miles, just beyond the southeast corner of Yellowstone (noted by Foreman and Wolke in *The Big Outside*, 1989).

The Teton Wilderness also includes some of the most egregious examples of severe recreation-related resource damage to be found within our National Wilderness Preservation System.

My recent walk along the North Buffalo began a week earlier in Yellowstone, which gave me a grand opportunity to contrast National Park Service versus Forest Service wilderness stewardship. Although the Yellowstone backcountry is not yet designated as legal wilderness, it has been officially recommended by the Park Service for wilderness designation. So that agency ostensibly manages the backcountry in accordance with the provisions of the Wilderness Act. For the most part, Yellowstone's watersheds are healthy, stream banks un-eroded, trails confined to reasonably narrow corridors, and weed control efforts are ongoing. Unfortunately, Yellowstone crews still clear some trails with chainsaws, not hand tools. In some areas, overzealous trail crews have created roadcut-like gouges into innocent hillsides, creating eroding weed beds and visual trauma. Also, the agency mindset is primarily about control, not freedom, which is an important wilderness value. You will camp at the designated site; you will not camp along an off-trail route; you will not change your itinerary without first consulting a uniformed ranger.... Spontaneity? Forget it. Stick to the plan come hell or high water. Deviate only if death seems imminent. (Or if you're already dragging a corpse.)



Two Ocean Pass pack trail, Teton Wilderness. Full size vehicles could pass on this wilderness "highway." Howie Wolke photo.

Yet when I walked out of the park into the Teton Wilderness in the spectacular upper Yellowstone River Valley, I quickly realized that my problems with Park Service stewardship are minor quibbles compared with what I found in the Teton. In a nutshell, here's the bad news:

Some of the "trails" are up to 20-feet wide; adequate for an F-250 if Fords were allowed in Wilderness. I'm talking 20-foot wide swaths of dust, mud and horseshit created by way too many horses and mules riding double/triple/quadruple-file. Denuded stream banks erode and foul the mountain waters wherever these "pack trails" cross creeks and rivers. Where trails exit the woods and enter meadows they tend to fan out into multi-laned ruts of mud and dust that upon first glance look more like oversized furrows of a plowed field than a trail through the wilderness. I remember that twenty-five years ago I was grossed out by such trails that were 6 lanes wide. Now, I've counted up to 13 lanes on some trail sections along the North Buffalo, covering a swath up to 40 feet wide, where the imprint of man and woman's works are substantially noticeable, to say the least!

Off to the side lie what remains of these fragile meadows, awaiting their fate. Dude ranch-based horse-packers with huge packstrings of 20 or 30 or more animals often ride abreast, not

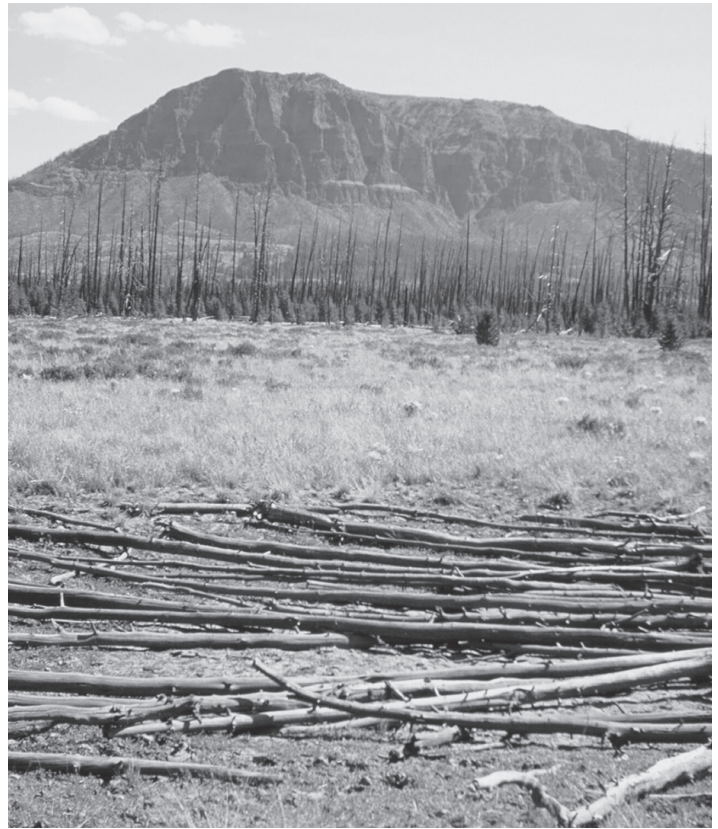
single file. Sometimes they simply create a new trail rut by riding through virgin meadow in order to avoid the unpleasant mud or dust of existing trail ruts. Which is, of course, how these trails continually widen. A couple of dozen horses and/or mules riding single file upon a meadow create an instant trail lane.

There's more. For example near Bridger Lake, Two Ocean Pass, and along the North Buffalo are horse-packer camps that cover many acres where entire woodlands are completely stripped of natural ground cover, with huge deposits of horseshit, sometimes right next to streams. And, oh yes, the first thing I noticed upon walking out of Yellowstone was a denuded patch of ground where unscrupulous hunting guides had used salt blocks to illegally lure trophy elk out of the park and into their clients' sights. The dissolved salt literally poisons the soil.

All of these examples of wilderness degradation occur to varying extents throughout the Teton Wilderness, and also in many other units of the National Wilderness Preservation System where meager Forest Service efforts to properly regulate horse and mule packers are obviously failing to prevent degradation. Montana's Bob Marshall Wilderness is notorious for horse damage, but so are wilderness areas in Idaho, Colorado, the Sierras and elsewhere in the American West. The common thread is that the worst abuses are usually on national forest, not national park lands, and that the Forest Service obviously has failed on a giant scale to regulate horsepacking so that wilderness character is maintained.

Aside from the tragedy of blatant but preventable damage to soil, water and vegetation, as designated wilderness -- our wildest lands -- becomes progressively less wild and pristine, people become used to the degraded conditions. So those conditions become the new baseline for judging land health and wildness. The bar is continually set lower, with each succeeding generation accepting continually less wild wilderness. It's a crisis of decreasing expectations, a form of landscape amnesia, where eventually no one who remembers real wild big healthy wilderness will remain alive; thus society's perception of the wilderness idea will continually decline. In past articles I've written about many dozens of relatively minor insults adding up to a large-scale problem that I call creeping degradation. After my Teton Wilderness jaunt, I've come to realize that many of these insults are far from minor, and that there's nothing creeping about much of the degradation. It's galloping, not creeping, across the wilderness landscape!

It is important to note that when any agency allows wilderness character to decline, it is a violation of the Wilderness Act, our foremost wilderness law. Section 2(a) instructs agencies to administer wilderness areas "unimpaired" and to provide for "the preservation of their wilderness character". Section 4(b) also specifies "...each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area, and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character." In other words, the Wilderness Act clearly instructs agencies to preserve the wilderness character by keeping wilderness areas unimpaired. The ongoing



"Reclaimed" salt bait site in Teton Wilderness. Howie Wolke photo.

degradation that I witnessed in the Teton Wilderness is a clear violation of wilderness law, and it is time for the Forest Service to accept its responsibility to uphold that law.

Despite these big problems, except in specific situations such as fragile alpine lake basins, I do not wish to exclude horse-packers from wilderness. Most horse users are in the big outside to enjoy wild nature and are good folks who do not wish to damage the natural landscape. What began in simpler times as an Old West tradition has simply failed to evolve in an era of a shrinking wildland base utilized by a growing population in times of large-scale environmental stresses such as rapid climate change. The old school horsepackers must evolve, either by their own initiative or with guidance from the agencies. When done right, horse/mule-packing is a time-honored quiet non-motorized tradition that increases support for and acceptance of the wilderness idea. A small careful group on horses with a pack animal or two, utilizing lightweight gear and practicing "minimum impact" techniques can be compatible with good wilderness ethics and with the effort to prevent degradation.

By contrast, gigantic commercial packstrings of 20-30 horses and mules carrying all the comforts of home for soft rich clients are not compatible with a minimal impact wilderness ethic. Many such operators take nearly everything including the kitchen sink, plus tables and chairs, wood stoves (for fall hunts), big canvass tents with cots, cases of beer and booze, and multi-course meals that would make a French chef blush. At least in the past, some have even horsed in prostitutes. In other words,

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the phrase “super-size me” isn’t just a fast food mantra; it describes a culture of super-sized commercial horse-packing (and for that matter, commercial river-running, though the impacts are less) that needs to change. The replacement of super-sized expeditions with “go light and simple” pack trips utilizing only the numbers of animals necessary to carry minimal gear would begin the healing process simply by putting fewer hooves on the ground. As a fringe benefit, with much less gear to haul around and much less time required to manage it, and with fewer horses and mules at camp to wrangle, both the wranglers/guides and their clients will be free to spend more of their energy actually interacting with the wilderness!

Yet by now in areas such as the Teton, damage has progressed so far that education and reduction in livestock numbers alone will not fix the problem. Not without a concurrent agency commitment to regulate the commercial horse-packing industry, and to get trail crews out on the ground to begin the physical chore of erosion control, trail narrowing and re-routing away from fragile habitats and wetlands, re-vegetating denuded sites and so forth. In fact, most old timers agree that a few decades ago the super-sized pack-strings were even bigger and more abundant than they are today, yet the damage progresses.

Ultimately, keeping wilderness wild and natural is the legal and ethical responsibility of the managing agency. Until agencies take this responsibility seriously and begin to actively fix these problems via education, regulation and old-fashioned physical



Upper Thorofare, Teton Wilderness. Howie Wolke photo.

work, some of our best and most iconic wilderness areas will continue to become less wild; before long they’ll be wilderness in name only. The American public and the plants and animals and rocks and waters of our National Wilderness Preservation System deserve a far better fate. 🐾

Howie Wolke has been a professional backpack and canoe wilderness guide for over thirty years and has penned many articles plus two books on wildland conservation. He has worked with numerous wilderness organizations and was recently President of Wilderness Watch.

New rules for Wilderness

A number of new policies and regulations have been released in draft or final form in recent months. Not surprisingly, none of the changes portend well for Wilderness.

Accessibility

The Department of Justice recently released proposed rules to adopt accessibility standards under the Americans with Disabilities Act of 1990 (ADA). Key provisions of the proposed rule included a definition for “wheelchair” and the use of “other power-driven mobility devices.” Both provisions could have a direct bearing on Wilderness and other wildlands.

The conflict is the result of a growing number of electric-powered vehicles being developed for a wide variety of applications, some of which include primitive trail or off-trail use. The proposed rule described a growing controversy this way:

“The fact that a device is not designed primarily for use by or marketed primarily to individuals with disabilities, nor used primarily by persons with disabilities, complicates the question of whether individuals with disabilities should be allowed to operate them in areas and facilities where other powered devices are not allowed.”

In commenting on the proposed rule, Wilderness Watch reiterated our support for the ADA and the way it addressed access to Wilderness. Section 507 of the ADA provides that wheelchairs “designed solely for use by a mobility-impaired person” and “suitable for use in an indoor pedestrian area” are allowed in Wilderness. We suggested that the ADA definition be applied to other areas that have been set aside to protect their wilderness character such as large areas of our national parks that are designated as potential, proposed or recommended wilderness, areas of the national forest system that are wilderness study areas or recommended wilderness, large areas of the national wildlife refuge system, roughly 20 million acres of wilderness study areas administered by the Bureau of Land Management, and some State-owned wildlands (e.g. Adirondack State Park in New York, California’s State Wilderness system, etc.).

Wilderness Watch is concerned that adopting a new definition for “wheelchair” or allowing “other power-driven mobility devices” in these areas will reverse the protections they now enjoy, and create unnecessary confusion and conflict with the current and future administration of these lands. We recommended the final rule apply the ADA Section 507 definition of wheelchair to federal, state and local government lands where motorized or mechanized travel is generally prohibited. We further recommended that power-driven mobility devices that do not meet this standard be prohibited in these areas.

US Fish and Wildlife Service Wilderness Stewardship Policy

On November 17, 2008, the Bush Administration hastily released a flawed wilderness stewardship policy for the National Wildlife Refuge System. It affects more than 20 million acres of existing Wilderness on national wildlife refuges, as well as tens of million of acres of potential wilderness. The new policy was issued without opportunity for public comment. Major shortcomings of the policy include: 1) it fails to protect the physical, psychological and intrinsic qualities of wilderness, while allowing degradation of each area's wilderness character; and 2) it exempts all refuge lands in Alaska from requirements for future wilderness reviews.

Wilderness Watch has urged the incoming Administration to rescind the policy and provide an opportunity for public comment before the policy is made final. We worked with a coalition of organizations to include this recommendation on a list of actions that was sent to the Obama transition team for the new Administration's first 200 days. The letter that accompanied the list was signed by 98 local, regional, and national organizations.

The draft wilderness stewardship policy was released in January 2001 at the close of the Clinton Administration. It received more than 4,000 public comments, the vast majority of which were supportive of the positive direction in the policy,

while also advocating for some strengthening provisions. The Bush Administration replaced the FWS agency professionals who wrote the draft policy with political appointees and state agency officials who rewrote and weakened the policies behind closed doors. Implementing a strong policy that adheres to the tenets of the 1964 Wilderness Act is a priority of wilderness advocates and refuge managers alike.

New Trail Standards

As the Watcher was going to press, Wilderness Watch learned that the Forest Service has published new directives for managing trails and trail-development standards in Wilderness. Our initial review indicates that the new standards are geared toward more highly developed trails, particularly trails designed for pack and saddle stock. While the new policy offers the following general guidance, "At a minimum, locate, construct, and maintain trails...to give the appearance of being a part of the wilderness area, rather than an intrusion upon it," the actual standards ensure trails will not meet this appropriate goal. If the proposed standards are adopted, Wilderness visitors can expect to see more signs, bridges, and wider, more substantive trails. Wilderness Watch will be providing comments on the new directives. ♪

Court rules for Development in Kofa Wilderness

A federal judge has ruled that the U.S. Fish and Wildlife Service (FWS) did not violate the law when it constructed two large artificial water developments (called "guzzlers") in the Kofa Wilderness. Wilderness Watch and several co-plaintiffs challenged the project, arguing that modifying the area's natural conditions, the construction of permanent structures, and the use of motorized vehicles violated the Wilderness Act. We also argued that failure of the FWS to prepare an environmental assessment or environmental impact statement violated the National Environmental Policy Act (NEPA). (See Wilderness Watcher, June 2008 for a more complete description of the litigation and the Kofa Wilderness).

In deciding in favor of the FWS, U.S. District Judge Mary Murgula came to the unprecedented conclusion that the agency's general wildlife management responsibilities override the specific prohibitions and direction in the Wilderness Act. "The reasonable harmonization by the FWS is entitled to deference because Congress has not expressed its intent on the issue of what to do when a potential conflict may arise between two statutes," the judge reasoned. Though several courts faced with similar situation have ruled that the Wilderness Act overrides these more general statutes, Judge Murgula chose not to address why she reached the opposite conclusion of this growing body



Constructing a guzzler, Kofa Wilderness.

of Wilderness Act case law. Indeed, the opinion was remarkable in that it didn't cite to any previous case law for support of its conclusions on the Wilderness Act.

Wilderness Watch has filed a notice of appeal with the U.S. Court of Appeals for the Ninth Circuit. We'll keep you posted.



Bob Binger: A Life-Long Involvement with Wilderness & Wilderness Watch Supporter Extraordinaire

— By Kevin Proescholdt

Bob Binger, a long-time Minnesota Wilderness Watch member and supporter, has himself had a life-long involvement with Wilderness.

Bob's involvement first began in 1931, when he attended YMCA Camp Widjiwagen at the edge of what is now called the Boundary Waters Canoe Area Wilderness (BWCAW). "Widji", as the camp is affectionately known, had only been in operation for a few years, and Bob's first canoe trip in the canoe country that year helped spark a strong interest in wilderness and wild places that continues to this day.

During his four college summers, from 1936-39, Bob himself guided teenagers on canoe trips as his summer job, making a whopping \$90 a summer in pay. The Boundary Waters, and adjoining Quetico Provincial Park in Ontario, were really wild and little used back then, unlike now when the BWCAW is the most heavily visited unit in the entire National Wilderness Preservation System. "We would never see anyone during those trips," Bob recalls, "and if we did, we would paddle over and talk with them since it was so rare to see anyone."

Widji was the only camp taking canoe trips into the Boundary Waters in those years. Widji guides like Bob had their own special campsites that they used on many of their trips. When preparing to leave those campsites, they would leave the sites immaculately clean for those who came after, picking up every bit of trash, even down to bits of tinfoil in the fire ring. They also left a stack of cut firewood, ready for the next party coming through.

Bob took trips to Insula Lake, Crooked Lake, even once around the long Hunter's Island loop up into Quetico, a 22-day trip, the longest that Widji then took. Bob had a particularly favorite campsite on Kekekabic Lake that he always headed for, a beautiful campsite with a wonderful swimming area. Bob remembers finishing trips at the town of Winton on Fall Lake, when he would be met by the camp director and another group of campers and have to immediately turn around and head out on another trip. Those were great summers and created scores of memories that Bob still savors.

Widji now has a venerable tradition of caring for and repairing wood and canvas canoes, particularly those made by the late legendary Ely canoe-maker Joe Seliga, who became a close friend of Bob's. But during Bob's guiding summers, Widji had only Morris canoes (with an awkward extra flotation tube along both



Bob Binger on a trip to Bathurst Inlet in Canada, 30 miles north of the Arctic Circle.

sides) and Haskell canoes, which were made out of plywood. "They were awful!" Bob remembers. Still, his wilderness trips were fabulous experiences.

Bob visited the Boundary Waters in all seasons, too. He spent all of his college vacations there, including Easter and Christmas, snowshoeing through the deep snows. He still remembers one snowshoe trip around midnight from Widji to Camp Du Nord further down Burntside Lake in the moonlight, when it was so quiet and beautiful.

During his many trips in the Boundary Waters, Bob developed a deep interest in the forests of the area. This interest led to a bachelor's degree in forestry from the University of Minnesota and a graduate degree in forestry from Yale. This in turn led to his career as a professional forester, first with the M & O Paper Company (and then with Boise Cascade after Boise acquired the M & O), and still later with the Northern Pacific Railroad, one of the original land-grant railroads. It was during his years with Northern Pacific that Bob met Wilderness Watch's Bill Worf, who then worked for the U.S. Forest Service. The two liked each other right away, and remain good friends to this day.

Bob continued his interest in Wilderness during these years. He took pack trips into the Bob Marshall Wilderness, raft trips

down the Salmon River, and trips into the backcountry of Yellowstone. Bob also had an active interest in mountain climbing. He climbed Mt. Rainier, peaks in Glacier National Park, and took expeditions to both the Matterhorn and Nepal.

Bob also began taking trips into the Arctic, to travel with the Inuit people while they were still nomadic. In all, he took five trips with the Inuit people, traveling by dogsled during the winter and learning their survival techniques. He was both fascinated and impressed with the Inuit. "They were so self-reliant and proud," he said. "They all had dog teams and were always on the go, needing to hunt seal and caribou." On one trip the Inuit performed a drum dance for Bob with a good tight caribou drum, dancing and singing with their eyes closed. Bob felt quite privileged to witness it. On his last Arctic trip, Bob traversed Baffin Island by dogsled, from Pond Inlet over to Arctic Bay, a rough trip but one that was very rewarding.

So Bob Binger has led an adventurous life, one with many trips in wilderness areas and with native peoples. His enthusiasm in recounting some of these adventures continues to shine through today. Wilderness Watch is fortunate to have him as a member and supporter. 🌿



Bob Binger.

Victory on the Tongass, continued from page 3

The other problem was the installation of 3600 permanent survey markers. As we told the Forest Service in our comments, "Though the markers might be fairly visually unobtrusive, simply knowing that thousands of markers have been placed every 6,000 acres on a grid system across every Wilderness greatly detracts from visitors' sense of these remote places as still being wild and largely unexplored. The sense of wilderness remaining a frontier of mystery, challenge, and discovery...would be psychologically diminished by knowing that these places have been visited and permanently marked on a mathematical grid system." There would be no more blank spots on the map. We congratulated the Forest Service for the distance it had traveled thus far, and we encouraged it to complete the journey by eliminating helicopters and requiring survey crews to "monument" each plot in a manner that leaves no evidence of their passing such as photo points, written descriptions, GPS readings, or other means that don't result in permanent impacts.

Total victory was achieved several months later when the regional forester issued his decision to select the "no action" alternative, putting an end to the FIA survey as it was proposed in Tongass Wildernesses. In the decision he noted, "Even with the already noted value of the FIA data, it was difficult to clearly discern the overriding need for gathering data when it would require such extensive use of helicopters in wilderness areas...I ultimately based my judgment on the side of employee safety and the wilderness values that are articulated in the Wilderness Act."

This effort to protect Wilderness on the Tongass illustrates the long, arduous, and mostly behind-the-scenes battles that Wilderness Watch often engages to protect Wilderness. It also represents one of those rare times when the process worked, an example of how when given the information and taking the time to do the analysis the right decision was made...and Wilderness won. It is a much richer decision because the regional forester's example and the efforts of his staff serve as a model for their peers. 🌿



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