

**WILD SKY WILDERNESS ACT; LAND IN DOUGLAS COUNTY,  
OR; CAMPS ON THE SALMON RIVER; CIBOLA NATIONAL  
WILDLIFE REFUGE; AND ALASKA NATIVE VILLAGE COR-  
PORATION LAND EXCHANGE**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS  
FIRST SESSION  
ON

**S. 391**

**S. 1003**

**S. 714**

**H.R. 417**

**S. 924**

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JUNE 4, 2003



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**WILD SKY WILDERNESS ACT; LAND IN DOUGLAS COUNTY, OR; CAMPS ON THE SALMON RIVER; CIBOLA NATIONAL WILDLIFE REFUGE; AND ALASKA NATIVE VILLAGE CORPORATION LAND EXCHANGE**

**WEDNESDAY, JUNE 4, 2003**

U.S. SENATE,  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:10 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Larry Craig presiding.

**OPENING STATEMENT OF HON. LARRY E. CRAIG,  
U.S. SENATOR FROM IDAHO**

Senator CRAIG. Good morning, everyone. The Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources will be convened.

I want to thank all of you for coming to the hearing today. I would like to recognize, not yet present, but I trust him to be present, my ranking colleague, Ron Wyden, but I especially want to welcome Senator Patty Murray, who is here to testify in support of S. 391, the Wild Sky Wilderness bill. She and Senator Cantwell have worked very hard to get this bill passed.

Senator Murray, welcome. We look forward to your testimony this morning. Welcome to each of the witnesses who have traveled here to Washington, D.C. to testify on S. 391, and finally, I'd like to welcome Mark Rey, the Under Secretary of Agriculture, Deputy Director of the BLM, Jim Hughes. It's nice to see you both this morning. Welcome to the committee.

We are taking up several bills that we dealt with last year that I hope we can work through quickly. S. 924, Senator Murkowski's—how do you pronounce that?—Newtok Islands exchange, and S. 714, Senator Wyden and Senator Smith's Douglas County, Oregon conveyance bill were marked up in the past in this committee. They were noncontroversial. We would hope to move them out quickly. H.R. 417 is designed to correct a boundary mistake that was made probably 40 years ago. It is my hope that we can expedite consideration of these bills.

S. 1003 is legislation that I introduced to remove an ambiguity regarding the intent of the Central Idaho Wilderness Act of 1980 to provide a continuation of a historic use of our outfitter hunting

camps on the Snake River. In short, these camps were established well before the river designation, and they have been managed as part of the river designation for 23 years.

These camps allow the elderly and the physically challenged to have access to and enjoy the spirit of this wild area. The rustic nature of these camps upholds the ideals envisioned by Congress, and they are used in accordance with all provisions of the law. We have numerous letters of support from a variety of interests supporting the clarification as proposed by the legislation, and those letters will become a part of our committee record.

Now I want to quickly discuss S. 391. Last year it came to light that several of the parcels proposed in wilderness, in S. 391, contained concrete and log stringer bridges. The structures have the potential to fall into fish-bearing streams within the proposed wilderness. Our staff worked last year to cherry-stem some of these bridges out of the wilderness area, and I say our staff collectively, Senator Murray's staff, ours, the committee's staff, Senator Cantwell's staff. Over the winter, additional information became available on an additional concrete bridge on a decommissioned road within the proposed wilderness. In April, we found out there are eight more log stringer bridges within the proposed wilderness boundary. Seven of these bridges have already failed.

Further, there appears to be as many as 90 culverts, ranging in size from 18 inches to 10 feet in diameter that will be abandoned within the wilderness boundary, along with the 28 logging roads to be included in the wilderness. I want to discuss how to address the possibility that these bridges or culverts could fail, causing potential damage to critical fisheries' habitats.

In my mind, we are fooling ourselves if we think these culverts and bridges will function as originally designed forever. Once we designate the area wilderness, it becomes very difficult, if not impossible, to complete maintenance on these structures. It would seem that we guarantee future damage to important fisheries. If that happens, it will be a little late for Congress to approve a waiver to allow mechanized equipment to enter the wilderness to repair the damage.

We have, in certain instances in the past, allowed mechanized equipment within wilderness areas for a moment in time to do repair work, and I'd like to work with you, Senator Murray, to see if we can't create an exception here specific to a potential problem that might occur. I know that between our staff and the Forest Service we can find the acceptable solution, I would hope, to this possible problem, so I wanted to make that a part of the record as we work our way through this, but I don't see that as a problem.

With that, let me turn to my colleague, the Senator from the State of Washington, Senator Patty Murray. Senator, welcome before the committee.

[A prepared statement from Senator Murkowski follows:]

PREPARED STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Mr. Chairman, thank you for calling this hearing today.

I would like to make a brief statement about my legislation that would authorize a land exchange between the federal government and a small community in the southwestern part of my State of Alaska.

Newtok, a Village with about 300 Yupik Alaska Native residents, is located in the Yukon-Kuskokwim Delta near the Ninglick River. Erosion from the Ninglick is slowly threatening Newtok, and the Village will be under water in less than a decade and the Village airstrip in less time. Once the Village airstrip—Newtok's only connection with outside world—is flooded, the Village will not be able to survive.

This Village is surrounded by land owned by the federal government in the Yukon Delta Wildlife Refuge. In 1997, the Newtok Native Corporation attempted to exchange land on higher ground with the Fish and Wildlife Service, administratively, but those negotiations failed. Therefore, action by Congress is required to ensure the future of Newtok and its residents.

My legislation would begin the process of moving Newtok to a location that is not threatened by erosion or flooding. The Newtok Native Corporation has identified a 10,943 acre tract of land on Nelson Island for the location of the new Village. Newtok Native Corporation is willing to accept this land in the Yukon Delta Wildlife Refuge from the Fish and Wildlife Service in exchange for a 996 acre piece of land on Baird Inlet Island and another 11,105 acre plot northeast of the present location of Newtok.

The Fish and Wildlife Service desires the Newtok owned land for ecological reasons and Newtok needs the federal land because of its geology keeps it safe from erosion. Both parties will benefit from this exchange; the federal government improves the Yukon Delta Wildlife Refuge for the benefit of the American people, and villagers of Newtok have the opportunity to move to a safe location and see that their culture and community endure.

Thank you Mr. Chairman.

#### **STATEMENT OF HON. PATTY MURRAY, U.S. SENATOR FROM WASHINGTON**

Senator MURRAY. Well, thank you very much, Mr. Chairman. I really appreciate you including the Wild Sky Wilderness Act as part of your hearing today.

The Wild Sky Wilderness Area will protect wildlife and promote clean water, enhance and protect recreational opportunities, reflect the diverse landscapes of the Puget Sound Region, and contribute to the local economy. Mr. Chairman, this has really been a team effort with many partners, and I want to thank Senator Cantwell as well. She will be here, I know, in a little while. She is a strong supporter of this bill, and I really appreciate all of her assistance.

I especially want to acknowledge my colleague and partner in this bill, Congressman Rick Larsen. Rick has really reached out to the local communities there to understand their priorities.

The bill before you today is a result of over 3 years of discussion and negotiation with the local community, Longview Fiber, the Washington State Snowmobile Association, the Wild Washington Campaign, the Back Country Horsemen, the Seaplane Pilots Association, Washington Coalition of Citizens with Disabilities, Chelan County Public Utility District, and many others.

My colleagues and I have worked very hard to address every single constructive and timely concern that's been brought to us, and I think you'll see that because we worked so hard to address those concerns this bill has very broad support. Working with the local and State snowmobile groups, we excluded large sections of land they identified as important riding areas.

Snohomish County came to us with concerns about emergency communication capabilities. We've addressed that in this legislation. At the Index meeting, local town, local resident Bob Hubbard expressed concerns at a section of 700-year-old trees that had been left out, and we added those 400 acres. We also worked with the Forest Service on various boundary road and management issues,

and lastly we adjusted the proposed boundary just prior to Senate passage last year to accommodate the bipartisan concerns of the committee staff.

There are many more examples of the significant collaborative process, and the bill is better as a result. I'm really grateful to everyone who has reached out to us and worked with us.

I want to stress how long my colleagues and I have been working on this issue, and how much of it has been in the public spotlight. In June 2001, I took a trip through the area with Congressman Larsen, some local elected officials, and some residents. Since that time, this issue has received significant coverage in local papers. It has been the subject of editorials and letters to the editor, and we've also held many public meetings. Again, all of this attention has helped, we find, in improving the legislation, when those with specific concerns and ideas have come to us.

Mr. Chairman, I have a few letters from groups and individuals that I would like to submit for the record and the committee's consideration. They are letters of support from the Back Country Horsemen of Washington, the Seaplane Pilots Association, the Washington Coalition of Citizens With Disabilities, John Leary of the Wild Washington Campaign, a group of 19 State, county, and local election officials from the Snohomish area, Snohomish County Councilman Kirke Sievers, and Snohomish County Executive Bob Drewel.

Briefly, Mr. Chairman, I would like to comment on an apparent misunderstanding of the 1964 Wilderness Act. Some people make the claim that any lands once touched or currently marked by human touch should not be included in designated areas. This purity theory has been debunked for decades, starting with congressional members who contributed to the creation and passage of the original act. My own State's great Senator, Scoop Jackson, once noted that this "false so-called purity theory threatens the strength and broad application of the Wilderness Act." Furthermore, there are many examples of designated wilderness areas that include roads and culverts, houses and other structures. The recent 2000 Virginia Wilderness Act, passed in July, includes lands harvested as recently as 1945. The legislative history of the 1964 Wilderness Act and subsequent designations clearly demonstrates the intended inclusion in wilderness of lands that have signs of human impact.

Now I would like to mention just a few benefits of the Wild Sky Wilderness Area. First, this wilderness area will protect wildlife and promote clean water by preserving the landscapes that host many native plants and animals. The wilderness is especially critical to threatened species of salmon, steelhead, and trout, which are found in the North Fork Skykomish and Skykomish Rivers and the many creeks that feed into them.

At a time when we are asking so much of our private landowners in our work to recover wild fish runs, I've always believed that the Federal Government must do everything possible on its own land to achieve those goals.

Secondly, this wilderness designation will enhance and protect recreational opportunities for our growing region. More people and more families are turning to outdoor recreation on our public lands.

The bill protects the area for today's users, and also seeks to open up new areas for climbers, hikers, hunters, and anglers.

Specifically, the bill directs the Forest Service to work with the public to develop new trails in and around the wilderness to expand public access to this remarkable landscape. That leads me to the third benefit of this bill. Wilderness will contribute to the local economy. Even during the bad economy of the last several years, the outdoor industry retail sales have actually increased. That means more people are getting out more often into our wildlands and the gateway communities that serve them. People looking for easy and quick access to nature in its purest form will see the Wild Sky as a destination. The recreational economy appears to have grown even in difficult times, and I hope this bill will help improve the economies of these gateway communities.

Another driving purpose behind the bill is the inclusion of low elevation lands in Washington State wilderness. Lowland areas in some of our current wilderness in the Cascades make up only around 6 percent of the designated lands. This proposal is made up of around 30 percent lowland areas, and brings in important salmon areas into our wilderness system. These lands are a central component of the proposal.

Mr. Chairman, I would like to acknowledge all of the witnesses who have come a long way here from Washington State to provide testimony today. Ed Husmann is a long-time member of the community and is representing the Snohomish County Farm Bureau. John Postema is another member of the Snohomish County Farm Bureau and is a local business owner, Mike Town has spent years in the Wild Sky area and knows as much about the lands involved as anyone that I've met. Mark Heckert, president of the Washington Wildlife Federation, represents the large numbers of hunters and fishermen who support this legislation.

Again, Mr. Chairman, your kind words last June and the time the subcommittee and its staff has expended on the legislation is all very much appreciated. I stand ready to work with you and the committee on addressing any legitimate outstanding issues such as you've mentioned, because I believe the Wild Sky Wilderness Act is significant for the State and local communities, and I hope it will be moved out of this committee very soon.

Thank you very much, Mr. Chairman.

Senator CRAIG. Senator Murray, thank you very much for that testimony, and I agree with you. I don't see that we have any great difficulties here. You've put some letters in the record. We have received a couple of letters, one from a State legislator and one from the Snohomish County Council expressing some concerns. I'll give you copies of those. I'm sure you'll want to address those with those folks as we move forward on this.

With that, we've been joined by one of my colleagues on the committee and the other Senator from the State of Washington who has worked closely on this legislation, as has already been recognized. Let me recognize Senator Cantwell for any comments on Wild Sky that you would like to make.



**STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR  
FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman, and it is a pleasure to be here this morning with my colleague, Senator Murray, who has worked diligently on this legislation. I would like to recognize the hard work that my colleague has done on this very important piece of legislation for the State of Washington, and I applaud her for crafting this legislation in a bipartisan effort, and working with many people, over 100 Washington businesses and organizations and local elected officials of both parties who have endorsed this legislation.

You mentioned several things that have been submitted for the record. I want to make sure that we include in that a letter of 19 local elected officials from Snohomish County, including several mayors and city councilmen and State representatives, a letter from the county executive, Bob Drewel, an endorsement from the Seaplane Pilots Association, a letter of support from the Washington Coalition of Citizens with Disabilities—I apologize if Senator Murray had listed all of these—and various sporting good businesses and coalitions. Unfortunately, the mayor of Index couldn't join us today, but he has been a huge proponent of this proposal.

Senator CRAIG. Without objection, those will be part of the record.

Senator CANTWELL. Thank you, Mr. Chairman. Last year we were successful in getting this legislation through the Senate, and I hope that we can successfully move this in an earlier period of time so that we can resolve any differences with the House and give to Washington State and to the whole country an added resource that we very much would like to see in the Wild Sky Wilderness Act.

Thank you, Mr. Chairman.

Senator CRAIG. Well, thank you very much for that testimony, and I thank both of you for your efforts and your hard work on this legislation. I appreciate it.

Now let me call our first panel before the committee, Mark Rey, the Under Secretary for Natural Resources and the Environment, U.S. Department of Agriculture, and Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior.

Senator CANTWELL. Mr. Chairman, if I could, I understand that Congressman Larsen gave us some testimony, and if I could submit that for the record as well.

Senator CRAIG. Oh, certainly, without objection.

[The prepared statement of Representative Larsen follows:]

**PREPARED STATEMENT OF HON. RICK LARSEN, U.S. REPRESENTATIVE  
FROM WASHINGTON**

I would like to thank the Subcommittee on Forests and Public Lands for convening today's hearing on this important legislation for the State of Washington. I would like to also thank Senators Murray and Cantwell for their tireless work on behalf of this balanced wilderness bill.

When Senator Murray and I began the process of crafting the first Wilderness bill in Washington state in nearly 20 years, our aim was to create an area that would enhance both the environment and the economy. The protection of over 106,000 acres, including 80,000 acres of old growth and mature second growth forest and 25 miles of salmon and steelhead spawning streams, is necessary to continue the diversity and environmental health of this area.

In addition, Wilderness designation for the Wild Sky area will provide a protected area for a wide variety of activities, including day and overnight use, hunting, fishing, camping, hiking, climbing, horse packing, kayaking, swimming, rafting, and berry picking. Enhancing these activities will create jobs for a new economy for local rural towns. Outdoor recreation gear shops, hotels, restaurants, tour guides, retail stores, and other businesses in local communities will flourish. Wild Sky will benefit not only the environment but also the economy of the Pacific Northwest.

Additionally, the process Senator Murray and I have followed in creating this legislation has been open and inclusive. We have met with a wide variety of interest groups and constituents to craft a balanced bill that would be acceptable to as many people as possible. In addition to the several public meetings, we have worked to address the concerns of timber companies, farmers, snowmobilers, tribes, local elected officials, local businesses, seaplane pilots, outdoor clubs, and any other parties who have an interest in this bipartisan bill. In order to introduce a balanced bill, we needed a balanced group of supporters. I believe we have put together the strongest endorsement list possible—one that can stand up to any list for other proposed Wilderness bills in the country.

Lastly, I am very pleased this bill will move forward in protecting private landowners downstream from the Wild Sky area. One of the most challenging issues facing farmers today is ensuring that both farming and salmon survive in Snohomish County and in Washington state. By protecting the North Fork Skykomish River—one of the best remaining strongholds of wild anadromous and freshwater fish in the Puget Sound basin—Wild Sky reduces the pressure on private landowners, including farmers, brought on by measures to protect Puget Sound salmon runs in the lower Skykomish Valley. We proposed this legislation in an effort to use public lands for salmon protection, ensuring that the federal government is doing its part to protect salmon and lessening the burden on private landowners.

Wild Sky is an important bill for the Pacific Northwest, and I am happy to see the Senate moving forward today. The bill came very close to becoming law last year, and I encourage my Congressional colleagues to support this balanced and bipartisan bill.

Senator CRAIG. Gentlemen, welcome before the committee. You're obviously no stranger to this committee, neither of you, and so with that, let me start with you first, Mark, our Under Secretary of Agriculture, for your testimony. Please proceed.

#### **STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND THE ENVIRONMENT, DEPARTMENT OF AGRICULTURE**

Mr. REY. Chairman Craig, Senator Cantwell, thank you for the opportunity to appear before you here today. I'm here to provide the administration's comments on S. 391, the Wild Sky Wilderness Act of 2003, and S. 1003, the Outfitter Hunting Camps on the Salmon River.

S. 391 would create approximately 106,000 acres of additional wilderness on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department does not oppose the designation of the Wild Sky Wilderness as a component of the National Wilderness Preservation System. We recognize and commend the Washington delegation for its collaborative approach and local involvement that contributed to bipartisan support for the bill. We would like to work with the committee to improve some of the provisions of S. 391, but we like, when we can, to defer, on a State-specific bill, to the views of the delegation, particularly when those views are expressed in a bipartisan fashion.

S. 1003 would amend the Wild and Scenic Rivers Act to clarify the intent of Congress with respect to the continued use of three long-established commercial outfitter hunting camps on the Salmon River. The administration does not object to S. 1003. Again, we'd

like to work with the committee to address some issues related to the continuance of the permits for the camps.

With that, I'd like to submit my entire statement for the record, and would be available to respond to any of your questions. Thank you.

[The prepared statement of Mr. Rey follows:]

PREPARED STATEMENT OF MARK REY, UNDER SECRETARY,  
NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am Mark Rey, Natural Resources and Environment Under Secretary for the United States Department of Agriculture. I am here today to provide the Administration's comments on S. 391—Wild Sky Wilderness Act of 2003 and S. 1003—Outfitter Hunting Camps on the Salmon River.

S. 391 The Wild Sky Wilderness Act of 2003 S. 391 would designate approximately 106,000 acres of additional wilderness on the Mt. Baker-Snoqualmie National Forest in the State of Washington. It directs the Secretary to assure adequate access to private in-holdings within the Wild Sky Wilderness and establish a trail plan for hiking and equestrian trails within and adjacent to the wilderness. The bill authorizes the use of helicopter access to construct and maintain a joint Forest Service and Snohomish County repeater site to provide improved communication for safety, health, and emergency services.

S. 391 also requires the Secretary to exchange specified lands with the Chelan County Public Utility District if the District offers to the Secretary approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest, in exchange for a permanent easement, including helicopter access, consistent with such levels as used as of the date of this bill's enactment, to maintain an existing snotel site on 1.82 acres on the Wenatchee National Forest. The snotel site is currently used to monitor the snow pack for calculating expected runoff into hydroelectric projects. If, after the exchange occurs, Chelan County notifies the Secretary that they no longer need to maintain the snotel site, the easement will be extinguished and all rights conveyed by this exchange would revert to the United States.

The Department does not oppose the designation of the Wild Sky Wilderness as a component of the National Wilderness Preservation System. We recognize and commend the delegation for its collaborative approach and local involvement that contribute to bipartisan support for this bill. However, the Department would like to work with the Committee to improve S. 391.

While the vast majority of the lands described in S. 391 are appropriate for wilderness designation, the Department has significant concerns with approximately 16,000 acres. These acres would not be considered suitable for wilderness designation under the provisions of the 1964 Wilderness Act or under existing Forest Service regulations and planning direction. The Department believes that the current allocation of these lands under the Mt. Baker-Snoqualmie Forest Plan continues to be the most suitable designation for these acres.

The lands that we believe are appropriate for designation under the Wilderness Act, approximately 90,000 acres, consist of all of the Eagle Rock Roadless Area and portions of Glacier Peak A, B, K, and L. These areas retain their undeveloped character and are largely without permanent improvements or human habitation. Limiting the wilderness designation to these lands would address many of the Department's concerns.

The areas we propose for exclusion from wilderness designation include low elevation forests that have been utilized for timber harvest and mining over the last 80 years, still showing visible evidence of road building, logging and mining activities. The areas also include approximately 27 miles of existing roads, some of which are all weather, drivable, and graveled. Several of the roads receive significant visitor use associated with recreation opportunities. The Rapid River Road is such a travel way and we recommend excluding it, in its entirety, from wilderness designation. The types of recreation experiences enjoyed by users along the Rapid River Road corridor include driving for pleasure, nature photography, fishing, picnicking and dispersed camping at a number of pull-off sites along the road. In the winter snowmobiles use this road as a part of the snowmobile trail system, traveling to its end point.

Another concern lies with roads, both outside and adjacent to the proposed wilderness boundary that have narrow corridors subject to landslide and river bank erosion. This situation poses significant public access and resource management issues, as the proximity of the proposed boundary could result in constraints related to nec-

essary repairs and road reconstruction work. We would like to work with the Committee on more appropriate boundaries.

Further, we propose the exclusion of most of the approximately 2,400 acres of private patented mining claims and private timberlands. A boundary adjustment in the Silver Creek drainage would remove most of the private lands from the proposed Wilderness.

Finally, the approach to naming these disconnected areas of land collectively as the Wild Sky Wilderness may cause public confusion, particularly since some of the areas proposed for designation are immediately adjacent to the existing Henry M. Jackson Wilderness. In order to minimize administrative costs and reduce public confusion, the Department suggests designating only Eagle Rock Roadless Area as Wild Sky Wilderness. The Glacier Peak Roadless Areas A, B, K, and L should become additions to the adjacent Henry M. Jackson Wilderness.

The Department supports the administrative provisions in the bill, particularly provisions for a repeater site to provide improved communications for safety and health purposes. The Department also supports the provisions for land exchange in the Glacier Peak Wilderness and provisions for management of the existing snotel site in that wilderness.

#### S. 1003—OUTFITTER HUNTING CAMPS ON THE SALMON RIVER

S. 1003 would amend the Wild and Scenic Rivers Act to clarify the intent of Congress with respect to the continued use of three long-established commercial outfitter hunting camps on the Salmon River.

S. 1003 would direct the continued authorization of the use and occupancy of lands and maintenance or replacement facilities and structures for commercial recreation services at Stub Creek, Artic Creek, and Smith Gulch. The Forest Service's special use permits for the camps would be subject to revocation only for non-compliance. If revoked, S. 1003 would require the Forest Service to re-offer the permits through a competitive process.

The hunting camps in question are located on the wild section of the Salmon Wild and Scenic River in the Frank Church-River of No Return Wilderness managed by the Salmon and Challis National Forests. The camps were in existence prior to the passage of the Central Idaho Wilderness Act of 1980, which designated the river segment as a component of the Wild and Scenic River system. One of the camps was relocated to Smith Gulch in 1988.

The camps operate under special use permits administered by the Forest Service and they provide unique, traditional services and experiences to the public in a setting that cannot be duplicated. Historically, the Forest Service had taken the position that the camps—and the associated permanent facilities that are at issue—are consistent with agency policy and the law. In 1995 the Forest Service reauthorized the special use permits for the camps through 2010.

In 2000, however, a federal court found the permanent facilities to be in violation of the Wild and Scenic Rivers Act and ordered the Forest Service to have them removed. When the court ordered the Forest Service to remove these facilities, it also directed the agency to consider the needs of the camp owners in setting a timetable for removal. In January 2003, the Supervisor of the Salmon-Challis National Forest signed a Record of Decision (ROD) that continued use of the camps with temporary facilities and set a schedule for removal of all permanent facilities at the three camps by December 31, 2005.

Mr. Chairman, in the context of these three camps the Department supports efforts to clarify congressional intent regarding permanent facilities within this designated river corridor. The Department would like to work with the Committee on amendments to the measure that would provide the Secretary maximum flexibility to make appropriate determinations regarding permit duration and other terms and conditions under which the use and occupancy of national forest system lands are authorized so that high quality, traditional, services that 1) meet the public needs, 2) adhere to the legal requirements related to special use authorizations on national forest system lands, and 3) are consistent with the public expectations for river corridors listed under the Wild and Scenic Rivers Act will be provided.

This concludes my statement. I would be happy to answer your questions.

Senator CRAIG. Thank you, Mark. Now let me turn to Deputy Director Hughes. Jim.

**STATEMENT OF JIM HUGHES, DEPUTY DIRECTOR, BUREAU OF  
LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Mr. HUGHES. Thank you, Mr. Chairman. I want to thank you for this opportunity to present the Department of the Interior's position on three bills, S. 714, authorizing a land conveyance in Douglas County, Oregon, H.R. 417, concerning lands in Cibola National Wildlife Refuge in California, and S. 924, authorizing a land exchange in Alaska.

The Department supports both H.R. 417 and S. 924 as introduced, though we have some suggestions for some minor technical amendments to S. 924. We also support the goals of S. 714, and would like to work with the committee on certain changes to the bill.

First, with reference to S. 714, this would authorize the conveyance of a 68-acre parcel of public domain land in Douglas County, Oregon to the county in order to improve access to the Oregon Dunes National Recreation Area. The parcel is currently under the administration of the BLM's Coos Bay District, although management is difficult because the land is isolated from other BLM-managed lands. The parcel was identified as suitable for disposal in the District's 1995 resource management plan. The Department supports the goals of S. 714, and would like to work with the subcommittee on changes to the bill.

Consistent with longstanding practice, we believe the Government should receive fair market value for the land being transferred out of public ownership. The land to be conveyed under S. 714 is located just south of where the Umpqua River empties into the Pacific Ocean near Winchester Bay. It's bordered on the south by the Umpqua Lighthouse State Park and private land, and the Umpqua Lighthouse State Park is located less than a mile from the Salmon Harbor on Winchester Bay. The lighthouse and adjacent museum are operated and maintained by the Douglas County Parks Department and the U.S. Coast Guard.

With regards to H.R. 417, this would revoke a public land order, a portion of a public land order, 3442, which was issued in 1964, which erroneously included approximately 140 acres in Imperial County, California, in the Cibola National Wildlife Refuge, and it would return those lands to the management jurisdiction of the BLM, where they've actually been for the last 40 years.

The Department supports H.R. 417. Prior to the establishment of the Cibola National Wildlife Refuge in 1964, the 140 acres erroneously included in the land order were administered by the Bureau of Land Management. In 1962, the Bureau issued a permit for a public recreation concession on the lands commonly known as Walter's Camp, which consists of a recreational vehicle park, a small marina, and a store.

BLM estimates that Walter's Camp receives 11,000 visitors a year. In 1980, the current concessionaire obtained a 20-year permit which has been extended continuously to date. In contrast to the multiple uses of BLM-managed lands including recreation, wildlife refuges may be used only for the purposes which are compatible with the purpose for which the refuge was created. Recreation such as offered by Walter's Camp concession is not compatible with the purposes for which the refuge was created.

Furthermore, I'm told by the Fish & Wildlife Service that the 140 acres that are to be conveyed back to the BLM do not possess wildlife refuge qualities. The 140 acres, including the land on which the concession is operated, were included in the refuge by error and should have remained instead under the multiple use management of the BLM. It is in the public interest to correct this error and return the 140 acres to the public land status to be managed by the BLM in allowing recreation.

And finally, S. 924 would direct a land exchange between the Department of the Interior and the Newtok Native Corporation in Alaska. The Department supports the bill, which will address the community's special hardship case. The Department has worked cooperatively with Newtok's representatives and the committee over the last year to achieve consensus on the legislation. We have provided suggestions for some additional minor technical amendments that are detailed in the written testimony we have submitted to the committee.

The present village site has experienced severe erosion along the banks of the Ninglick River, and it is expected that the land under the homes, schools, and businesses of the village will erode within 7 years. The bill would provide a new site for the Native village on lands, approximately 11,000 acres, within the Yukon Delta National Wildlife Refuge on Nelson Island that are adjacent to other village-owned lands on the island.

In exchange for the lands that will be granted to the village under the bill, Newtok will give up approximately 11,000 acres of land referred to as the Aknerkochik parcel and relinquish ANCSA selection rights to approximately 996 acres on Baird Inlet Island. The parcel includes important wildlife habitat which will be restored to unencumbered refuge status. Baird Inlet Island, meanwhile, is the summer home to 4,500 pairs of Pacific brant, and with the relinquishment of the village's selection to this parcel, the U.S. Fish & Wildlife Service will be able to retain administrative jurisdiction over all the island, thus assuring the ongoing protection of this important colony.

The Department is satisfied that S. 924, with the suggested clarifying technical amendments, will safeguard both the fish and wildlife resources of the Yukon Delta National Wildlife Refuge and Newtok's future as a viable community.

Mr. Chairman, this concludes my testimony. I'd be pleased to answer any questions.

[The prepared statements of Mr. Hughes follow:]

PREPARED STATEMENTS OF JIM HUGHES, DEPUTY DIRECTOR,  
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 714

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the position of the Department of the Interior on S. 714. This bill would provide for the conveyance of a 68-acre parcel of public domain land in Douglas County, Oregon, to the county in order to improve management of and recreational access to the Oregon Dunes National Recreation Area.

The Department of the Interior supports the goals of S. 714, but would like to work with the Subcommittee on certain changes to the bill.

Currently, the Bureau of Land Management's (BLM) Coos Bay District administers this land, which is located just south of where the Umpqua River empties into the Pacific Ocean, near Winchester Bay, in Douglas County, Oregon. The land is

bordered on the west by public lands withdrawn for the U.S. Army Corps of Engineers and on the south, by the Umpqua Lighthouse State Park and various private lands. The Umpqua Lighthouse State Park is located less than a mile from the Salmon Harbor on Winchester Bay, and the lighthouse and adjacent museum are operated and maintained by the Douglas County Parks Department and the U.S. Coast Guard. There is no other BLM-managed land in the vicinity.

The 68.8-acre tract to be conveyed under S. 714 is isolated and difficult for the BLM to manage. It was identified in the Coos Bay District's 1995 Resource Management Plan as suitable for disposal.

Off-highway vehicle riders use this parcel for access to the Oregon Dunes National Recreation Area because it is one of the few free access points to the Area. Recreational access across this tract to the Oregon Dunes National Recreation Area can be managed more appropriately by Douglas County.

However, consistent with longstanding practice, we believe that the government should receive market value for the land being transferred out of public ownership. We would also like the opportunity to work with the Subcommittee to address technical issues including: clarifications to the reversionary clause, acknowledgment of existing rights-of-way, and corrections to the map referred to section 1(a).

H.R. 417

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to testify today in support of H.R. 417, which will revoke a small portion of Public Land Order 3442, dated August 21, 1964. This Public Land Order withdrew approximately 16,600 acres of public domain lands along the Colorado River in California and Arizona for the Cibola NWR. The withdrawal erroneously included a small area of approximately 140 acres in Imperial County at the southern boundary of the California portion of the refuge. A similar bill, H.R. 3937, was passed by the House last year, but was not acted upon by the Senate.

Prior to 1964, this property fell under the jurisdiction of the Bureau of Land Management (BLM) and, beginning in 1962, the BLM issued a permit for a public recreation concession on the lands now in question. Because neither the Fish and Wildlife Service nor the BLM recognized the mistake in legal descriptions on the ground, the BLM continued to renew the original permit and the recreational concession use has continued, unbroken, to the present time. The current lease expires on July 13, 2003. The concession and location are commonly known as "Walter's Camp," which consists of a recreational vehicle park, a small marina, and a store, and the BLM estimates that Walter's Camp receives 11,000 visitors per year.

The National Wildlife Refuge System Administration Act of 1966, as amended, (Act) requires that all uses of refuge lands be compatible with the purpose for which the refuge was established. Section 4(a) of the Act and section 204(j) of the Federal Land Policy and Management Act both prohibit the Secretary of the Interior from revoking withdrawals of land within NWRs. For this reason, Congressional action is required to remove these lands from the Refuge System.

Since the inclusion of these lands in the Public Land Order was certainly a mistake, due to the prior existence of the concession, we believe the most equitable solution is removal of the lands from the refuge. There are no listed species inhabiting the 140 acres and the area in question is, at best, marginal wildlife habitat. Removal of the 140 acres of land from the refuge would free-up the area necessary for the continuation of the recreational concession, while still affording more than adequate protection for the nearest significant wildlife habitat feature, Three Fingers Lake.

We believe that withdrawal of these lands will benefit all parties involved—the concessionaire, the Service, the BLM and, ultimately, the public. For this reason, we support the bill and urge prompt action on enactment of H.R. 417.

S. 924

Mr. Chairman and members of the subcommittee, I want to thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 924, which would direct a land exchange between the Department of the Interior and Newtok Native Corporation. The purpose of this exchange is to provide a new site for the Native Village of Newtok, Alaska, on lands within the Yukon Delta National Wildlife Refuge on Nelson Island. The present village site is experiencing severe erosion along the banks of the Ninglick River. The average annual erosion rate is 90 feet per year, and it is expected that the land under the homes, schools, and businesses of Newtok will erode within seven years.

We support the desire of the residents of Newtok to relocate their village from its present site across the Ninglick River to an upland area on the Yukon Delta Na-

tional Wildlife Refuge that is adjacent to other Newtok Village owned lands on Nelson Island.

The new bill, S. 924, represents the results of discussions had last year on S. 2016 in the 107th Congress. The Department had several concerns last year regarding the earlier version of the bill, including insufficient acres to support the future needs of the community, a complex appraisal process, and ambiguities regarding the effect of the exchange on Newtok's ANCSA entitlement and the United States' ability to protect valid existing rights and enforce treaty obligations. Since that time, we have worked cooperatively with Newtok representatives and the Committee to achieve consensus on a bill that will allow for the relocation and re-establishment of the Village to more suitable terrain and still protect the fish and wildlife resources and supporting habitat within the National Wildlife Refuge System. We support S. 924. We do, however, on further examination of the bill, have suggestions for several minor technical clarifications to the bill, discussed below.

#### LANDS TO BE ACQUIRED BY THE FEDERAL GOVERNMENT

Under the terms of the exchange as proposed in S. 924, Newtok will give up approximately 11,105 acres of land referred to as the Aknerkochik parcel and relinquish selection rights to approximately 996 acres on Baird Inlet Island. The Aknerkochik parcel lies about 14 miles northwest of the current community of Newtok and includes important wildlife habitat which will be restored to unencumbered refuge status. Baird Inlet Island lies between the current village of Newtok and the site proposed for relocation of the village. This island is the summer home to 4,500 pairs of Pacific brant which nest and brood their young there. The Baird Inlet Island brant population accounts for about one quarter of the entire Pacific brant population within the Yukon Delta National Wildlife Refuge. With the relinquishment of Newtok's selections, the U.S. Fish and Wildlife Service will be able to retain administrative jurisdiction over all of Baird Inlet Island thus assuring the ongoing protection of this important colony.

#### LANDS TO BE CONVEYED TO NEWTOK

In exchange for these lands and selection rights, Newtok Native Corporation will receive title to approximately 10,943 acres of surface and subsurface estate on the northern shore of Nelson Island adjacent to lands already owned by the corporation. This proposal does not increase Newtok Native Corporation's ANCSA entitlement. The corporation will remain charged for lands which had previously been conveyed to it and will also be charged for the selections it relinquishes. Following survey of the lands on Nelson Island conveyed to Newtok under this proposal, the Bureau of Land Management will adjust Newtok's entitlement so that the corporation will be ultimately be charged 1.1 acres for each acre to be conveyed under this bill. The additional charge of one tenth of an acre is to compensate the government for conveyance of the subsurface estate to Newtok Native Corporation, an additional benefit not extended to village corporations under the original ANCSA.

Approximately 70 acres within the area to be conveyed to Newtok Native Corporation fall within the boundaries of the former Clarence Rhode National Wildlife Range. For that reason, these 70 acres would normally remain subject to statutory and regulatory restrictions imposed by Section 22(g) of ANCSA. Because such restrictions could limit Newtok's ability to develop these lands for their intended purpose, the Department agrees that the lands conveyed to Newtok should be free from restrictions imposed by Section 22(g) of ANCSA. The Department also agrees that it is appropriate for the conveyance to Newtok to be free from the standard 14(c) reconveyance requirements of ANCSA intended to benefit residents and communities occupying land as of 1971 and that the lands conveyed to Newtok shall no longer be considered part of the Yukon Delta National Wildlife Refuge.

When a village corporation such as Newtok Native Corporation exchanges selection rights prior to receiving title under ANCSA, there can be ambiguity as to the effect on the Regional Corporation whose right to equivalent subsurface acreage is derived from conveyance of the surface estate. The bill includes a provision that assures that Calista Corporation will not lose subsurface acreage as a result of this exchange.

Because detailed site plans and surveys for the new village have not yet been completed, the bill gives the Secretary of the Interior the flexibility to adjust the exchange to meet the intended purposes of the bill should Newtok determine at a later date that a larger site is needed for the relocated community.



## SUGGESTED TECHNICAL AMENDMENTS

The Department suggests five small technical amendments. 1) In section 4(b), add the word "Delta" to the name Yukon National Wildlife Refuge so it reads "Yukon Delta National Wildlife Refuge," the correct name. 2) In section 4(d), after "subsistence resources on", delete "those public lands" and add "those Newtok lands." This will be clearer and avoid ambiguity. 3) In section 4(e), second sentence, change "This additional entitlement" to read "This equivalent entitlement." This is a more accurate description of the entitlement. Also in section 4(e), third sentence, change "this additional entitlement" to "this equivalent entitlement." 4) Further, in section 4(e), at the end, after "acreage" add the phrase "from lands within the region but outside any conservation system unit." This will help clarify the areas from which lands may and may not be selected. Finally, in section 4(f), strike the word "original" before "exchange" and add the words "herein authorized" after "exchange," to clarify the exchange referenced. There is really no "original" exchange. We have attached a copy of the bill showing the suggested changes.

I appreciate the opportunity to comment on S. 924. The Department is satisfied that S. 924, with the suggested clarifying technical amendments, will safeguard both the fish and wildlife resources of the Yukon Delta National Wildlife Refuge and Newtok's future as a viable community.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions.

Senator CRAIG. Jim, thank you very much. I appreciate both of you being here, and your testimony. I have several questions for both of you.

First of all, Under Secretary Rey, before we dive into the bill that you've testified on, or the bills, I want to know if you've seen a report that was released yesterday by the National Forest Protection Alliance of the 10 most endangered forests. I got it this morning and have been thumbing through it, and I note that the top three are forests that were devastated by fire over the last 3 years. I don't believe that was the intent of this group to publicize that, but to publicize the human activity that has gone on on those lands.

You are responsible for overseeing these forests. Would you care to comment on the report? It just so happens that one of them is on the breaks of the Bitterroots between Idaho and Montana. 300,000 acres were lost there in 2000. I think that's 20 percent of that forest, and on the Apache Sitgreaves last year, the Rodeo Chediski fire. That's almost 1/2 million acres. I find it an interesting—I'll just be blunt, an interesting ignoring of the reality of our current state of forest health.

Mr. REY. Well, I've had the opportunity to glance at the report, which I think was jointly issued by the National Forest Protection Alliance and Greenpeace, and I guess I agree with their listing of the top three most endangered forests, because all three of them have burned up in the last 3 years. The third one was the Black Hills, where Congress passed legislation to in part get these folks to start helping, but what is striking about the report is that it doesn't mention the catastrophic fire situation that we currently face. We have 193 million acres of federally owned forest and rangelands that are endangered and are at risk.

I just came this morning from a briefing by our long-term climatological and fire behavior modelers, and what they tell me is that as a result of a multidecadal climatic trend that began in the mid-1970's we have significantly more vegetation on our Federal lands, and that that will continue to get worse for the foreseeable future. So there are endangered national forests, there's no question about that, although there is considerable question about the

dangers that are recounted, the alleged dangers that are recounted in this report.

Senator CRAIG. Well, thank you. I haven't read all of it yet. I'll spend time reading it. Interesting report.

Let's turn to the legislation at hand and S. 391, that you've testified on. Last year, the Forest Service testified that it would not oppose this wilderness. If this bill is passed, are we establishing any new wilderness standards?

Mr. REY. Not particularly. I think Congress has the ability and has executed the discretion in the past to include areas that, as far as our administrative procedures, the administrative criteria we use to review wilderness proposals wouldn't qualify for wilderness. That's not a new issue that's raised by this bill.

Senator CRAIG. While I try to look at wilderness bills that are as pristine as possible as it relates to the designation, in my conversation with Senator Murray this morning and in testimony I expressed some concerns about some existing bridge structures, and culverts that are there and, if they were to breach or clog, how we might handle those? I think you heard that testimony

Mr. REY. I did.

Senator CRAIG. Comment on that.

Mr. REY. Under our existing procedures, if a culvert should fail and we're confronted with an emergency situation, we do have the authority to use mechanized equipment. However, if you want us to go in and deal with the problem before there's an emergency situation, then it would be helpful if the report language accompanying the bill made it clear that you wanted us to do that and allowed us to use the equipment necessary to get that job done.

Senator CRAIG. Well, I'll obviously work with both of my colleagues here to see if we can resolve that. That may be a way to approach it. Obviously, the potential of less damage occurring, if you can go in proactively and remove these structures prior to, and for any change of road or road obliteration. Are there resources to be able to do that?

Mr. REY. Our best estimate right now to do the road work that would need to be done in the area is roughly \$6 million. We would look at it in the context of our other priorities, absent some additional funding.

Senator CRAIG. I guess we're not using the timer. Let me turn to my colleague, Senator Cantwell, if she has any questions of these gentlemen.

Senator CANTWELL. Thank you, Mr. Chairman.

Mr. Rey, I wanted to go back to your testimony in which you indicate that the Department doesn't oppose this legislation. Does that mean it supports it?

Mr. REY. It means that the legislation, if passed by the Congress, will be signed by the President.

Senator CANTWELL. And does that mean that if people ask if you have questions or concerns, that you'll say you don't oppose the legislation and would like to see it passed?

I want to make sure that we don't go through the same process at the eleventh hour that occurred last year, I don't want people to quietly or secretly try to raise objections about the bill and then

not have it pass. We want to answer whatever we need to get answered.

Mr. REY. You have our full statement, our full list of concerns. Some of them you may not elect to address. We know we don't always get what we want, but if this bill passes the Congress, it will be signed by the President.

Senator CANTWELL. Does that mean you're neutral?

[Laughter.]

Mr. REY. Let's go to a major concern. There are about 16,000 acres of the land affected by the bill that we think would be better designated as back country rather than wilderness, but as I said to Senator Craig, you know, we're not purists either. Congress has in the past periodically included areas in wilderness bills that didn't meet the statutory standard in the 1964 act, so there's nothing new there. This is a good bill. We commend you and the Washington delegation for the bipartisan nature in which you put it together, and if it passes, we'll be pleased to sign it.

Senator CANTWELL. Well, thank you for that last statement. I want to focus in on that, the purity issue, because we've heard it before and I think you're right. I think you've characterized the situation in the past, and that is that sometimes this issue has been brought up, and our former colleague, a longstanding member and at one point in time chairman of this committee, Scoop Jackson, once said, "a serious and fundamental misrepresentation of the Wilderness Act has recently gained some credence, thus creating a danger to the objective of securing a truly National Wilderness Preservation System." It is my hope to correct this false, so-called purity theory which threatens the strength and broad application of the Wilderness Act.

I believe the Forest Service has many times approved or, as you said, had the administration sign an act, one being in 2000, the Virginia Wilderness Act, which in my understanding had had some areas and incursions in that that were a similar issue and we went ahead and proposed those, so I guess what you're saying about this purity argument is that you're not going to go out of your way to lobby against this legislation based on that. You've made your testimony and you'll see how Congress deals with it, recognizing that Congress has passed other bills with similar inclusions.

Mr. REY. Recognizing that, and also recognizing, as I said in my prepared statement, that in a State-specific bill where the delegation has come together, particularly in a bipartisan fashion to effect an outcome, we generally tend to try to defer to that, unless there's some larger issue that causes us concern, and this would be a case where there is not a larger issue that's going to cause us concern.

Senator CANTWELL. Thank you, and then the other issue that Senator Craig brought up in his testimony as it related to culverts, do you think report language would get us in the more proactive stage on that and would satisfy that particular issue?

Mr. REY. Yes. If you want to make it possible for us to do the work quicker and cheaper, then it would be good to put some report language indicating that that's your desire and that we should use whatever equipment is necessary for that purpose.

Senator CANTWELL. And those are really your two primary concerns?

Mr. REY. There's a naming question that's in the testimony as to whether part of it wouldn't be better added to the existing Scoop Jackson Wilderness, but that's a technical detail.

Senator CANTWELL. Thank you. That addresses my concerns, Mr. Chairman.

Senator CRAIG. Well, thank you very much. Just for the record, Senator, when we look at eastern wilderness, there is an Eastern Wilderness Act that allows some greater flexibility. I think Virginia Wilderness came in under that, smaller parcel, more flexibilities. When I was in the House in the mid-eighties we were looking at the Mark Twain, and their members of the House had included an existing power line and a few other things that were, in my rather pristine view of wilderness, uncharacteristic. We changed that bill and moved some of that out.

You are right, though, and I think Secretary Rey has spoken to that. We've offered flexibility in the past. We're not going to sit here and argue pristine, especially if those structures that are in there, once the decision has been made, can effectively be taken out and/or modified to fit the character of the act and/or the language of the legislation.

Senator CANTWELL. Well, listening to my predecessor's comments, Senator Jackson, that this debate has gone on for sometime, and obviously it is something that the Wilderness Act really doesn't speak to, basically has what it takes to provide wilderness area, and so we want to make sure that we continue to move ahead on these designations.

Senator CRAIG. Thank you.

Secretary Rey, I've got one other question of you before I turn to Mr. Hughes. You mention in your testimony that one camp was relocated to—and I'm talking about S. 1003—to Smith Gulch in 1988. I believe that relocation took place to move the camp off the river to ensure that it was screened from the view of those on the river. Is that a correct analysis?

Mr. REY. That was one of the reasons that it was moved. The other was that there was an opportunity for a better septic system in the new location, and the move also allowed us to increase recreation opportunities, because we were able to then convert the former location into a group campsite for rafters.

Senator CRAIG. In talking with outfitters that facilitate and utilize these camps as it relates to a broader use of the river by older Americans and disabled recreationalists, they believe these camps are critical for that purpose. Do you believe that to be the case?

Mr. REY. I think our use data indicates that the camps are popular with older, or people with disabilities, because of the conveniences that the camps provide, but they also are used by younger and able-bodied people as well.

Senator CRAIG. You said you support the effort to clarify the situation. Is that correct for the record?

Mr. REY. That is correct. This will be helpful in clarifying the congressional intent. It will also address issues that are being raised in pending litigation.

Senator CRAIG. Okay, thank you.

Jim, S. 714, Douglas County, Oregon. You testified in favor of this proposal after enactment. How quickly can the Department implement this conveyance?

Mr. HUGHES. If we resolve some of our differences, probably 3 to 6 months, Mr. Chairman. We will have to do a Cadastral survey, cultural clearances and consultations with tribes, NEPA compliance analysis, and then a Federal Register notice, and then a notice of realty action, so we think somewhere 3 to 6 months, and some of that action can be done concurrently, all right.

Senator CRAIG. In S. 924, the Newtok land exchange, I believe that last year the Department supported the legislation but recommended a number of technical changes. I know that both staff worked very hard last fall to accommodate the Department's concerns prior to the markup last fall. I see that this year you mentioned the need for some minor corrections. Can I have your assurance that you will have these changes to our staff by close of business on Friday so that we can get them incorporated?

Mr. HUGHES. Absolutely, Senator. I think we have included it in our written statement.

Senator CRAIG. And on H.R. 417, the Cibola National Wildlife Refuge, it would seem to me that this boundary adjustment would have been made a long time ago. I was looking at the maps here a few minutes ago. We will work to expedite this legislation through our process. To help us, can you assure us that your agency will work on this proposal with as much speed as we can generate here?

Mr. HUGHES. Absolutely. I'll take that message back today, sir.

Senator CRAIG. Well, thank you both very much for your time before the committee and your testimony today on these issues. We appreciate it.

Let me now call our second panel to the table, Mike Town, Friends of Big Sky—oh, excuse me, wrong State, Montana, there is a difference, isn't there?—Wild Sky, Ed Husmann, Washington Farm Bureau, Mark Heckert, president, Washington Wildlife Federation, and John Postema, local businessman from Snohomish. Gentlemen, please.

Well, again, thank you all for being with us this morning. Mr. Town, let's start with you, Mike Town, Friends of Wild Sky. Yes, pull the mike as close as is comfortable and proceed, please.

#### **STATEMENT OF MIKE TOWN, FRIENDS OF THE WILD SKY**

Mr. TOWN. Chairman Craig, Senator Wyden, I suppose when he gets here, and other members of the subcommittee, I'd like to thank you for giving me this opportunity to testify today on behalf of the proposed Wild Sky Wilderness Act. I'd also like to thank Senator Murray, Senator Cantwell, and Congressman Larsen for sponsoring this important legislation, and I'd like to ask that my full statement be included in the committee record.

Senator CRAIG. Without objection, your full statement will be.

Mr. TOWN. Thank you, Senator.

My name is Mike Town, and I'm testifying today on behalf of the Friends of the Wild Sky, an association of local residents and concerned citizens who support permanent protection for the Wild Skykomish country. My background includes an undergraduate de-

gree in terrestrial ecosystems analysis and work experience in silvaculture with the U.S. Forest Service. My wife and I are both currently science teachers. We first moved into the beautiful Skykomish Valley in 1988. Currently, we're in the process of building a new home in the shadows of the Wild Sky country.

I'm testifying today based on my extensive knowledge of the Wild Skykomish country. As an avid outdoorsman, I've spent the last 15 years exploring the beautiful Skykomish area. Within the boundaries of the Wild Sky Wilderness are lush, old growth forests, high peaks over 6,000 feet tall, breathtaking waterfalls, 1,000-foot cliffs, pristine rivers, and secluded alpine lakes. The proposal protects over 25 miles of the Skykomish River, which provides habitat for endangered species, world class whitewater, and renowned fishing.

Other watersheds in the proposal contribute to clean and safe drinking water for the city of Everett, and the forested slopes reduce the potential for downstream flooding. Recreation abounds in the Wild Sky, as back-country skiers, anglers, hunters, hikers, horseback riders, and campers flock to this spectacular area. This steady flow of visitors is crucial to the economic stability of the small towns in the Skykomish Valley.

To prepare for today's hearing, I went out and investigated on the ground issues raised by the Forest Service's testimony last year. When the Forest Service raised some concerns about inclusion of certain areas within the wilderness, these concerns were without merit and appropriately rejected last year by the committee on a bipartisan vote and later by the full Senate. While some areas within the Wild Sky Wilderness proposal have been affected by logging activity, the Forest Service failed to mention that these areas are already recovering naturally from the railroad logging that occurred during the 1920's. These stands, left to grow back on their own, have now almost returned to their former glory. Other than the occasional stump, these forests appear quite natural to almost all visitors as they assume the characteristics of true ancient forests.

The Forest Service also did not inform the committee that these previously impacted areas are crucial to protect stream habitat to help ensure survival of salmon, steelhead, and bull trout. Last year, the Forest Service testified that approximately 35 miles of existing roads would be impacted. This overstates the effect of the proposed wilderness by not taking into account roads that have already been permanently decommissioned by the Forest Service, or roads closed by the agency, or roads closed by acts of nature that prevent access. In reality, the Wild Sky Wilderness would impact only about 2 miles of roads that are currently driveable by passenger vehicles.

In recent weeks, a few colleagues and I have field-checked most of the roads and the culverts in the wilderness. In short, we found most of the culverts do not appear to have been maintained for many years. Many of the small culverts which need maintenance can be maintained by hand labor. Numerous culverts are fully functional and will not need very much maintenance in the future. None of the culverts in the Wild Sky block the passage of salmon.

Mr. Chairman, local support for the Wild Sky is strong in the valley, and includes endorsements by many local officials, busi-

nesses, and nearly 1,000 valley residents who signed a petition asking for the creation of the Wild Sky Wilderness. Importantly, I'd like to add that this area serves as a living laboratory for students of my wife and I, who enjoy the beauty of the Wild Sky as they learn lessons about geology, history, culture, ecology, and botany.

One of my favorite memories is introducing my students to a spawning site of wild salmon, one of the few places left in the Cascade Mountains where salmon are so numerous you can walk across the river on their backs. This river's headwaters is in the Wild Sky, which still allows for one of the greatest spectacles of nature. Watching this display of nature with my students, I'm reminded that wilderness is not just about the present but, rather, about the preservation of the ancient attributes of nature.

I cherish the hope that my teenage students will have the ability to share this experience with their grandchildren. Permanently protecting the Wild Sky country lets that happen. It's a gift to the ages, and a powerful legacy of this Congress. I urge the members of the committee to support passage of the Wild Sky Wilderness bill. Thank you.

[The prepared statement of Mr. Town follows:]

#### PREPARED STATEMENT OF MIKE TOWN, FRIENDS OF THE WILD SKY

Chairman Craig, Senator Wyden, and other Members of this Subcommittee, I would like to thank you for giving me this opportunity to testify today on behalf of the proposed Wild Sky Wilderness bill. I'd also like to thank Senator Murray, Senator Cantwell and Congressman Larsen for co-sponsoring this important legislation.

My name is Mike Town and I am testifying today on behalf of the Friends of the Wild Sky, an association of local residents and concerned citizens who support permanent protection for the Wild Skykomish Country. My background includes an undergraduate degree in Terrestrial Ecosystems Analysis and work experience in silviculture with the USDA Forest Service.

Currently, I am a high school science teacher. My wife, who is also a science teacher, and I first moved into the beautiful Skykomish valley in 1988 and currently we are in the process of building a new home in the shadows of the Wild Sky country.

I am also testifying today based on my extensive and personal experience and knowledge of the Wild Skykomish Country. As an avid outdoorsman I have spent the last 15 years exploring the beautiful Skykomish area. Each year I hike, ski, and snowshoe more than 200 miles to the forests, high country meadows, secluded lakes and numerous mountain streams in the proposed Wild Sky Wilderness. My wife and I have written a newspaper column on the wonders of the Wild Sky and other parts of the region for our local newspaper, *The Monroe Monitor*. Each summer I teach college courses on mining, ecology, and history within the boundaries of this wilderness proposal.

I would like to take the entire Committee to see this special place, but the best I can do today is to try to describe in words why the Wild Skykomish Country is a perfect candidate for designation to our National Wilderness Preservation System.

Within the boundaries of the proposed Wild Sky Wilderness are lush old growth forests, high peaks over 6000 feet tall, breathtaking waterfalls, 1000-foot cliffs, pristine rivers and secluded alpine lakes. The proposal protects over 25 miles of the Skykomish River, which provides habitat for endangered species, world-class white water and renowned fishing. Other watersheds in the proposal contribute to clean and safe drinking water for the City of Everett and the forested slopes reduce the potential for downstream flooding. Recreation abounds in the Wild Sky as backcountry skiers; anglers, hunters, hikers, horseback riders and campers flock to this spectacular area. This steady flow of visitors is critical to the economic stability of small towns in the Skykomish valley.

Since the Members of the Committee can't go there, I'd like to describe this special place—moving west to east.

### *Ragged Ridge*

The wild country directly north of Goldbar and Index is an area of high lakes and ridges. From Arsenic Meadows to Northstar Mountain, one can wander through some of the loneliest terrain in the Cascades. Extensive middle elevation forests, mostly western hemlock and silver fir, cover the hillsides, with scenic parklands of mountain hemlock above. This is an area without established trails - this is wilderness in the truest sense, a great big blank spot on the map. It's a place where just about no one ever goes, or, in more scientific terms, "core security habitat," for many kinds of wildlife.

### *Lower North Fork Skykomish Valley*

The lower fifteen or so miles of the North Fork valley contain beautiful ancient forests with several trees over eight feet in diameter. Some of this area was railroad logged in the 1920's and '30's. During this time only the highest value trees were taken, and much of the biological legacy survived. Most importantly, these areas were never replanted, and a diverse, naturally regenerated forest has grown back. There are many miles of these forests along the North Fork road, and from high vantage points in the Wild Sky they form a continuous green blanket over the entire lower valley.

### *West Cady Ridge*

As one moves further up the North Fork Skykomish, the land begins to change. Rather than the sharp peaks, and fearsome brush and cliffs of Eagle Rock, the terrain opens up bit and the mountains grow gentler. Long ridges are topped by extensive flower meadows provide extensive bear habitat and important wildlife corridors to other areas in the Cascades. This is a friendly, inviting country, slightly drier than areas further west. There are a number of popular trails, such as West Cady ridge and Scorpion Mountain. Certain other areas lend themselves well to off trail wandering through open forests and meadows.

### *Eagle Rock Roadless Area*

This country inside the Jack's Pass road loop is east and south of the lower North Fork, west of the Beckler River valley and north of Highway 2. The Eagle Rock area contains some of the most rugged mountain terrain in the Skykomish area, with sharp, jagged Gunn, Merchant and Baring peaks prominently visible from Highway 2. Only one formal trail enters the area, to scenic and popular Eagle Lake at the end of Paradise Meadow.

This is a place of many diverse attractions. On its southern edge, some of the most impressive old growth forest in the Cascades grows on low, south facing slopes just north of the village of Grotto. A large area of Alaska cedar forest is found near Eagle Lake, and further north, the valleys of upper Trout and Howard creeks support extensive virgin forest. Seldom visited lakes like Sunset and Boulder lie at the heads of most valleys, offering outstanding fishing. Botanically significant areas like Paradise Meadow display rare orchids, and carnivorous sundews as well as a bouquet of flowers in the early summer. The central and northern reaches of the Eagle Rock area are little visited, and mysterious. Summits such as Conglomerate Point and Spire Mountain see only a few visitors in any year while other places like Bear Mountain and upper Bear Creek valley may go a decade or more without seeing any humans.

As you can see the Wild Sky country is a land of contradictions. It is rimmed by powerful mountains, cut by turbulent streams, punctuated with biologically diverse forest and meadows and filled with habitats for a wide range of common and rare species. Its pure waters provide adventure for white water rafters, habitat for fish, drinking water for Snohomish County, and flood control for downstream residents. Its recreational benefits are endless and its ecological significance so valuable that this area demands permanent protection.

Unfortunately, the Wild Sky area was excluded from consideration in the 1984 Washington Wilderness legislation and left hanging at the end of the 107th Congress. However, almost 20 years after the creation of the last wilderness in Washington State, Congress can revisit the Wild Sky and give the protection this unique and beautiful area deserves.

I have had a chance to review the testimony submitted last year by the Forest Service concerning the Wild Sky Wilderness legislation. It's worth noting that both the Committee and the full Senate rejected the agency's proposals to exclude lands from the new Wilderness. For the past year, I have had a chance to investigate on the ground the issues raised by the Forest Service. Here's what I've seen:

The Forest Service correctly points out that there are some areas within the Wild Sky Wilderness proposal that have been affected by logging activity. These areas are



mostly at lower elevations, and most are already recovering naturally from the rail-road logging that occurred around the 1920's.

For example along the North Fork of the Skykomish there are forest stands, which were logged about 80 years ago. These stands, left to grow back on their own rather than being reforested with a monoculture of Douglas fir, have now almost returned to their former glory. Now they feature species diversity, multi-layer canopies and an abundance of ecologically important reproductive niches. These forests are in direct contrast to the second growth forest started from reforested trees, which are so abundant throughout the portions of the Cascades, which have been previously logged. Other than the occasional stump, these forests appear quite natural to almost all visitors as they assume the characteristics of true ancient forest.

Another example of past logging is seen in the area of lower West Cady Creek, a tributary stream of the North Fork Skykomish River. This valley was partially logged, but extensive areas of old growth forest remain. Ten years ago the most significant logging road in this valley was permanently decommissioned and the logged areas have stabilized the soils and began to contribute significant ecological values. This vibrant lowland valley needs to be included in the Wild Sky Wilderness to protect the remaining old growth and mature second-growth forests, water quality and important wildlife corridors. It also provides a logical, and manageable Wilderness boundary without a non-Wilderness finger intruding deeply into the Wilderness.

It is important to include these previously impacted areas in the Wilderness in order to protect stream habitat to help ensure the survival of salmon, steelhead and Bull trout. It is also important for these low elevation forests to be better represented in Washington's Wilderness Areas, to fully reflect this especially important type of ecosystem and wild landscape, which promotes biodiversity and is absent in so many other wilderness areas in the state.

In testimony last year the Forest Service stated: "approximately 35 miles of existing roads, some of which are all weather, drivable and graveled." Actually, the Wild Sky Wilderness would impact approximately 2 miles of roads that are currently passable by passenger vehicles. The agency overstates the effect of the proposed Wilderness by not taking into account roads that have already been decommissioned i.e., non-drivable and permanently closed by the Forest Service and other roads that are currently gated or otherwise closed by the agency to prevent access. Other stretches of roads are closed by landslides, washouts, overgrown vegetation or closed because of other random acts of nature.

The Forest Service's testimony also stated that the Rapid River road receives high levels of visitor use for recreation purposes, and so should be excluded. It's important to clarify that the Wild Sky Wilderness proposal would only impact approximately one mile of the upper section of this road. This section, which passes through towering stands of ancient forest, actually gets very limited visitation because it is rough, accesses few dispersed recreation sites and most drivers stop at the Meadow Creek trailhead which is located outside of the wilderness boundary. In fact, recently I spent 4 hours along this section on Saturday of Memorial Day weekend—a beautiful sunny day, and did not see a single vehicle on the upper section of this road. In any case, it is important to close the upper portion of Rapid River Road for a number of reasons: the closed road can be converted into a barrier-free trail that is wheel-chair accessible; closure will protect significant ancient forest and important riparian areas; and it will leave this low elevation area, which is open almost all year, accessible by a short hike.

It should be noted that the bridge on the upper Rapid River road is not in the proposal. This issue was raised last year due to an inadvertent mapping error and has since been resolved. Similarly, the bill this year excludes the ancient log-stringer bridges on the old Silver Creek road. The proposal does include an old cement bridge located in the West Cady Ridge region, but it is located over 3 miles up a decommissioned road. It is important to state that the West Cady Bridge does not invalidate the Wilderness character of this area.

The Forest Service asserted that roads outside and adjacent to the proposal have narrow corridors subject to landslide, and the boundaries are too close. While there may be locations where roads proceed through areas with narrow corridors, the boundaries have already been set to meet that concern in these areas. However, the 1/2 mile buffer suggested by the Forest Service would have forced Space Needle-sized buffers for every road bordering the proposal. The current buffer as determined by the Senate last year and applied generally along the North Fork and Rapid River Road should be more than adequate.

While it is true that there is some visible evidence of past mining activity, it is not as significant as the Forest Service contends. Large areas of the Cascades have experienced the regions mining history, but no major mine site ever existed in the Wild Sky proposal. Mining in this area was mostly limited to small claims that were

worked sporadically for short periods up until the 1940's. Today the visible evidence of mining activity is limited to an occasional mine portal, some old road disturbances and rare dilapidated miner's shacks, and most of these are actually on private lands which are surrounded by National Forest land.

I want to briefly comment on the question of dealing with culverts on decommissioned roads. In recent weeks a few Friends of the Wild Sky colleagues and myself have field checked a most of the roads and culverts included in the proposed Wilderness. In short, we found:

- Most of the culverts appear to not have been maintained for many years;
- Many of the small culverts which need maintenance can be maintained by hand labor;
- Numerous culverts are fully functional and will not need very much maintenance in the future;
- None of the culverts in the Wild Sky block the passage of salmon.

Finally, two issues raised last year by the Forest Service—the Evergreen Mountain Lookout and floatplane use on Lake Isabel are expressly addressed by the current version of the bill.

Local support for the Wild Sky is strong in the valley and includes endorsement by many local officials, businesses and nearly 1000 valley residents who signed a petition asking for the creation of the Wild Sky Wilderness. The Monroe City Council unanimously passed a resolution in the support of Wild Sky and the Mayor of Index, the closest town to the proposal, testified before this committee last year in support of wilderness designation. Later this month the Friends of the Wild Sky will be sponsoring the first annual Wild Sky Wilderness Festival in Index, which has received an incredible positive response and support from a large number of local business in the Skykomish Valley who have donated a variety of goods and services to the festival.

Clearly, people in Snohomish County and eastern King County care about the quality of life they get from the Wild Sky country whether it be in the form of accessible wilderness oriented recreation, pure drinking water or the knowledge that the ancient forest and salmon will continue to provide solitude, serenity and enjoyment which is guaranteed with Federal Wilderness protection.

Finally I would like to add that as science teachers this area serves as a living laboratory for our students who enjoy the beauty of the Wild Sky while also learning lessons about geology, history, culture, ecology and botany. My favorite memory is introducing my students to a wild salmon spawning site, which is one of the few places left in the Cascades where spawning salmon are so numerous that you could walk across the river on their backs. This river's headwaters is in the Wild Sky and it is the wilderness character of the forests along its banks, which still allow for one of the greatest spectacles in nature.

When I am watching this display of nature with my students it often dawns on me that wilderness is not just about the present, but rather is about the preservation of the ancient attributes of nature. I cherish the belief that with federal protection my teenage students will have the ability to share the experience of spawning wild salmon with their grand children. Permanently protecting the Wild Sky country lets this happen. It is a gift to the ages and a powerful legacy of this Congress.

In closing, I want to commend Senator Murray for bringing disparate interests together from timber companies, backcountry horsemen and environmentalists to residents and elected officials from local communities—to support this legislation. Washingtonians are committed to Wilderness and preserving our State's natural heritage, and Senator Murray as well Congressman Larsen deserve thanks for continuing that tradition alive. I urge the members of the Committee to support passage of the Wild Sky Wilderness bill.

Senator CRAIG. Mike, thank you very much. Let's turn now to Mark Heckert, president, Washington Wildlife Federation. Mark.

#### **STATEMENT OF MARK HECKERT, PRESIDENT, WASHINGTON WILDLIFE FEDERATION, OLYMPIA, WA**

Mr. HECKERT. Good morning, Mr. Chairman, Senators Murray and Cantwell. I appreciate the opportunity to be here. I'm Mark Heckert, president of the Washington Wildlife Federation, a citizen of the great State of Washington, and a proud husband and dad. I'm honored to be able to present my testimony to the subcommittee regarding the Wild Sky Wilderness Act of 2003.

The Washington Wildlife Federation is a grassroots conservation organization comprised of hunters, fishers, and conservation educators from many areas of the State who all share an abiding love and concern for our wild places and the bounty of our State. The Washington Wildlife Federation is an affiliate of the National Wildlife Federation, the Nation's largest conservation organization. The Washington Wildlife Federation is currently implementing, as a partner with the Washington Department of Fish and Wildlife, a program called "Go Play Outside" to engage and educate the youth of Washington in outdoor recreation activities such as fishing and hunting while instilling a respect for our natural resources. We hope through these activities to bring our younger generations to an awareness of the natural world, an awareness which may be missed in the rapidly urbanizing Puget Sound region.

I'm a fisheries and wildlife biologist and owner of a natural resource consulting firm located in Puyallup. I have been, among other things, executive director of the Willapa Alliance of South Bend, and a forest biologist for the Puyallup Tribe, as well as a commercial fisherman. I'm a hunter and fisherman and have throughout my life sought and enjoyed the solitude of wild places.

The Washington Wildlife Federation strongly supports the Wild Sky Wilderness Act because, among other things, it will protect over 106,000 acres of roadless national forest, the forestland designated as wilderness. It will protect approximately 80,000 acres of old growth and mature second growth forest, with roughly 14,000 acres of rare, low elevation old growth. It will directly protect over 25 miles of salmon and steelhead spawning stream, and sustain continuing health for many more miles of downstream spawning habitat, like protecting critical forested watersheds.

The north fork of Skykomish River and its tributaries are home to one of the best remaining strongholds of anadromous and freshwater fish in the Puget Sound region. It will permanently close approximately 13 miles of old, failing logging roads which are damaging watersheds, only 2 miles of which are currently passable by motor vehicles. Eliminating these old roads will help protect and restore critical fish-spawning habitat.

This will preserve special places in the Wild Sky region such as the Upper Fork Rapid River, Trout Creek, and the Upper North Fork Skykomish. It will protect existing opportunities for primitive recreation, summer and winter, and fishing and hunting opportunities. It will provide support for the new economy for local rural towns and communities to take advantage of the abundant recreational opportunities of these areas. It will protect important habitat for a wide range of wildlife, including popular game species and endangered or sensitive species such as the northern spotted owl, marbled murrelet, bald eagle, mountain goat, pine marten, pileated woodpecker, cougar, wolverine, lynx, and grizzly bear.

Soon, I will give this gift of wild places to my children. Last summer, my boys got to go on their first sighting-in trip to check the accuracy of our hunting rifles in the area that will be the Wild Sky Wilderness. We will hunt and camp in the proposed wilderness area this fall, and I will have that time in the wondrous place to let my children experience the irreplaceable beauty of wild places.

After this area receives its wilderness status, we will be able to continue hunting, fishing, and camping in this very same area.

Our trip will be possible because of our country's great history of valuing wild places and protecting these places by creating wilderness areas. This is especially valued in Washington State, where we have a distinguished history of land conservation and resource preservation on our public lands. I want to see this history continued, and a new chapter of preservation written on our landscape by the establishment of the Wild Sky Wilderness.

It's been 20 years since wilderness was added to Washington State. Since that time, our population has almost doubled, and it's getting harder and harder to find places for outdoor recreation. It seems that everywhere nowadays is private, logged, or crowded. The addition of new wilderness to our public lands will broaden our outdoor opportunities and allow us to come back to the same places year after year without having to worry whether they've been logged.

I'm in strong support of the creation of the Wild Sky Wilderness. This is our legacy to our children, their children, and the untold generations that will follow. The Wild Sky Wilderness will tell them of our commitment to the land, to them, and to the things of the world that have value that transcends the price of their pieces.

I appreciate the opportunity for being able to comment this morning.

Senator CRAIG. Thank you very much for your testimony, Mark. Now let us turn to John Postema, a local businessman from Snohomish.

John, welcome to the committee.

**STATEMENT OF JOHN POSTEMA, LOCAL BUSINESSMAN,  
SNOHOMISH, WA**

Mr. POSTEMA. Thank you, Senator. Good morning. My name is John Postema, and I represent myself, my company in the horticulture industry and many nurserymen in the area which is going to be affected by the Wild Sky. I have submitted my written testimony.

Senator CRAIG. It will become a part of our record, thank you.

Mr. POSTEMA. I want to preface my oral comments here with the fact that we like wilderness, and I personally like the wilderness as well because 20 years ago I spent with my family and kids gathering moss, and moss-gathering is one part of the forest product-gathering industry, and I remember, because our nursery was really small, we collected 2,000 bags of moss and we sold it for \$6 apiece. Well, my kids all hated doing this, but it did help us to gather money for our nursery.

I also have included, and I would ask to be included some signatures, about 300 signatures of some good people the rural county gave me, including 60 companies, names of companies who are actually opposing the Wild Sky as it is being written.\*

To summarize, and I'm not going into all the details I went into in my written testimony, but the people, the rural people in Snoho-

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\*The signatures have been retained in subcommittee files.

mish County feel they have been sold a bill of goods, and I'm not sure if the Senators and Congress has been done the same, because it is a great Wild Sky, but this has been to us locally a great wild deception. There has to be, and I hate to use the word deceitful, there has to be in a process which was not open, it was not public, and hardly anybody knows anything about it, contrary to what you have heard.

To us, it is not a matter of less or more, we should do this or should do that. This is a black and white issue. The process has not been followed, and that's why last year there was—you didn't hear anything from the rural people out there. What you have led to believe that this is a wonderful thing that is supported by many, many people and, contrary, I'll tell you that this is not good for the salmon and the environment as it is written. It is not good for the timber industry. It is not good for the forest-gathering products, as I described the moss, the Christmas trees, the firewood, cones, seeding. There is a big business for that.

It is not good for the recreation, contrary to what you've heard. It is not supported by the local people. It is supported by other people from Seattle, and as you've heard now many times, it isn't as wild as it appears to be.

And just elaborating on the salmon environment, when I made that claim, I spent 4 years on the Snohomish County Groundwater Committee concerned about salmon, the environment, and the water supply in the Snohomish River. The Snohomish River does not have any more water in it to supply for either farmers, nurserymen, or fish, and in order to—the committee, after 4 years meeting, they decided that we had to manage the water different. We had to store, and we also had to control the devastating floods which occur when storms get into the—in the wintertime, they will cause landslides, and this is causing the habitat destruction of salmon.

So this Wild Sky effort is contrary to what we can do, because it will lock up that area where there is potential for water storage and for water control. The lack of fire control would, as you know, just heard, there are many steep slopes. On steep slopes, where it's very hard to combat fire when it starts, we would—if we cannot control and go in there, this will cause landslides and again it will affect the habitat of fish and the environment generally.

As far as the timber is concerned, and maybe, you probably know more, but we did find out that in the early seventies there was about 300 million board feet being sold and harvested. In the 1990's, it was about 80 to 100 million board feet, but 3 years ago there was nothing. It was zero, and that affects the local communities.

Now, under the Clinton forest plan we were promised to have some cutting going on, and again, Wild Sky will deprive some of that to the local people in Snohomish County.

As far as recreation is concerned, the U.S. Forest Service study shows that only 7 percent of the people who would normally visit the national forest will only visit the wilderness, and how we then can make the deduction that this will increase the recreation. I have submitted to you a calculation that this would cost us up to 600 or more jobs just in the recreational area.

There is no local support. We have made that point. You have a letter from the Snohomish County Council which makes the same argument, and the reason you have different answers is that the proponents, they have a lot of people from Seattle which have been either—and they're very interested in it, but it's not the local people. We have not had any public hearing as we know it in Snohomish County. I was a planning commissioner for 2 years about 10 years ago, and we have it set up that a public hearing is something that's publicized, and everybody knows about it, et cetera.

And then the last thing, it is not wild, and you have already heard testimony.

In closing, I would urge you to reexamine the premises and the promises of Wild Sky, and I would urge you to read the facts of the Forest Service studies and letters, and by passing this bill out of committee, as it is written, you would do great injustice to the rural people of Snohomish County, so I urge you to look at the facts that this proposal also goes beyond the 1964 Wilderness Act, and eventually I ask you not to destroy hundreds of jobs in the rural Snohomish County.

Thank you.

[The prepared statement of Mr. Postema follows:]

PREPARED STATEMENT OF JOHN POSTEMA, LOCAL BUSINESSMAN, SNOHOMISH, WA

Honorable Members of the Committee, my name is John Postema and I have lived in Snohomish County, Washington, for the last 30 years. My wife Maryke and I, own a large garden center and retail nursery called Flower World. We are using almost 100 acres to grow plants trees and shrubs for the general public. Over 300,000 customers visit our nursery every year and we employ 150 people at peak times.

About ten years ago, I was a Snohomish County Planning Commissioner and I also represented the Washington State Nursery Association for four years on the Snohomish County Groundwater committee. The following comments represent my views and interest, as well as my company's interest, and the interests of the horticultural and nursery industry, concerning the Wild Sky Wilderness Act being proposed by our Senator Murray and Congressman Larsen.

For the last forty years, I have worked in the horticultural industry growing plants and trees for a better environment. I am not here to tell you that we should not have additional Wilderness areas. In fact, I voted and supported Representative Rick Larsen in his last election. What I am here to tell you, is that if Congress is to designate additional Wilderness in the County in which I live and work, it should be done the right way. In the case of Wild Sky, I wish to bring two important issues to your attention as a result of my discussions with many people in local communities of Snohomish County.

In the first place there are two procedural problems with the Wild Sky proposal:

1. WILD SKY IS NOT SUPPORTED BY THE LOCAL COMMUNITY

Contrary to what proponents have told you, hardly anyone in Snohomish County knows anything about Wild Sky. We have contacted all of the cities around the Wild Sky area and none is supportive of the idea, mainly because they do not know anything about it. Aside from two informational meetings, there have been no public meetings, no hearings, no studies, and no input from the general public. Even though the City of Index organized a town hall meeting, and the Mayor supports the proposal, the rest of the City Council does not support Wild Sky.

In my view this proposal is strictly a political move to please the Seattle-based environmental organizations.

For example taking a look at the list of elected officials who are supporting Wild Sky according to the Wild Washington Campaign organization. All of these people are from different counties other than mine with the one exception previously noted. It should be pointed out that none of the elected officials in the area impacted by this proposal is on that list. Behind the scenes, it seems that outside interests have been making decisions for the people who will be affected by the Wild Sky proposal.

*Elected Official Endorsements of Wild Washington's Local Efforts*

## State Representatives

Fred Jarrett (R), District 41  
 Aaron Reardon (D), District 38

## Mayors

Mark Asmundson, Mayor, City of Bellingham  
 Bill Baarsma (D), Mayor, City of Tacoma  
 Cary Bozeman (D), Mayor, City of Bremerton  
 Kem Hunter, Mayor, Town of Index  
 Greg Nickels, Mayor, City of Seattle

## County Council Members

Laurie Caskey-Schreiber, Whatcom County Council  
 Seth Fleetwood, Whatcom County Council  
 David Irons (R), King County Council  
 Kathy Lambert (R), King County Council  
 Rob McKenna (R), King County Council  
 Dan McShane, Whatcom County Council  
 Sharon Roy, Whatcom County Council

## County Commissioners

Rhea Y. Miller, San Juan County Commissioner  
 John Roskelley (D), Spokane County Commissioner  
 Steve Tharinger (D), Clallam County Commissioner  
 Richard Wojt (D), Jefferson County Commissioner

Of course, there are people in Snohomish County supporting Wild Sky, but by and large the local community does not know about it. If the Snohomish County Council is not supporting Wild Sky, the question has to rise why are we doing this?

The list of organizations supporting Wild Sky is almost exclusively environmental groups. The Washington Wilderness Coalition has stated that their goal is to designate an additional 3 million acres of Federal lands in Washington State as Wilderness.

## Organizational Endorsements of Wild Washington's Local Efforts

1000 Friends of Washington  
 Alpine Lakes Protection Society  
 Association of Bainbridge Communities  
 The Backpacking Club  
 Betts Meadows Wetland Preserve  
 Biodiversity Northwest  
 Black Hills Audubon Society  
 Bridgeport Way Community Association  
 Cascade Chapter—Sierra Club  
 The Cascadians Clear Creek Council  
 Crystal Conservation Coalition  
 Earth Ministry  
 Eastern Environmental  
 Federation of Western Outdoor Clubs  
 Friends of the Loomis Forest  
 Friends of Miller Peninsula State Park  
 Friends of the Wild Sky  
 Frosty Hollow Ecological Restoration  
 Gifford Pinchot Task Force  
 Gonzaga Environmental Organization  
 Issaquah Alps Trails Club  
 Kettle Range Conservation Group  
 The Lands Council  
 Leavenworth Adopt-A-Forest  
 Lighthawk  
 Monte Cristo Preservation Association  
 The Mountaineers  
 Mt. Baker Wilderness Association  
 National Outdoor Leadership School (NOLS)—PNW  
 Native Forest Network  
 The Nature Conservancy—Washington Chapter  
 North Cascades Conservation Council  
 Northwest Ecosystem Alliance

Olympic Park Associates  
 Pacific Biodiversity Institute  
 Pend Oreille Environmental Team  
 PCC Farmland Fund  
 Pilchuck Audubon Society  
 Republicans for Environmental Protection  
 Seattle Audubon Society  
 Snohomish Group—Sierra Club  
 Spokane Audubon Society  
 Spokane Canoe and Kayak  
 Spokane Mountaineers  
 Tatoosh Group—Sierra Club  
 Trout Unlimited—Washington Council  
 Tulalip Tribe of Washington  
 Upper Columbia River Group—Sierra Club  
 Washington Association of Churches  
 Washington Coalition of Citizens with disAbilities  
 Washington Environmental Council  
 Washington Trails Association  
 Washington Wilderness Coalition  
 Washington Wildlife Federation  
 WashPIRG  
 Whidbey Audubon Society  
 Whidbey Environmental Action Network  
 The Wilderness Land Trust  
 The Wilderness Society  
 Wild Steelhead Coalition

## 2. PORTIONS OF WILD SKY ARE NOT “UNTRAMMELED BY MAN”

In testimony before this Committee last year, Ms. Abigail Kimbell, Associate Deputy Chief, National Forest System, testified that the agency had significant concerns with about 36,000 acres of land inside the Wild Sky proposal. This hearing revealed the second procedural problem: the fact that many of the areas inside Wild Sky are not suitable for Wilderness designation. This point was also noted last year by the House of Representatives Resource Committee Chairman who said: “there are members of this committee that have strong concerns about this bill as it stands now. The bill includes lands that do not have wilderness character and do not meet the intent of the Wilderness Act of 1964.”

The fact that non suitable lands may be designated as wilderness, which really are not “wilderness”, should drive Congress to examine the far reaching consequences for the people of Snohomish County by conducting appropriate environmental and economic impact studies. When one looks at the map of Wild Sky it becomes obvious that this is not a large contiguous landmass, but really an artificial Wilderness creation of almost five pieces, dissected by rivers, roads and non-wilderness areas. It is this proliferation of so called wilderness pieces, that are causing the problems of the impact of unintended consequences. The Mt. Baker-Snoqualmie Forest Plan only identified 33,000 acres of the Wild Sky area as being suitable for wilderness. The consequences of declaring 70,000 acres of lowlands as eligible for Wilderness designation is far too complicated to contemplate without the benefit of extensive studies. Interestingly enough, it is precisely this type of procedure that is being followed in the current effort to create additional Wilderness as part of the I-90 Wilderness Study effort directed by Congress.

The Wild Sky area as proposed is not “untrammelled” by man, and going forward with this proposal would set a dangerous precedent for future designations.

## SERIOUS NEGATIVE ECONOMIC IMPACTS ON LOCAL COMMUNITIES

### *Loss of 600 Jobs Possible in the Recreational Sector*

The U.S. Forest Service-Study, dated September 2001, evaluated the differences in spending habits of visitors to the Mt. Baker-Snoqualmie National Forest. Regarding visitors to Wilderness areas, the study clearly shows a potential negative financial impact on retail sales (see calculations below). Thirty million dollars less in sales in the recreational industry translates into a job loss of 600 employment opportunities. Proponents have forwarded misleading information of increased revenues for local communities based on nothing more than their opinions. The U.S. Forest Service Study speaks for itself.

The 2001 Forest Service Study shows the following data:



Visits outside existing Wilderness areas total 10.4 million. (page 8) Visits to Wilderness areas total 700,000, which is less than 7 percent of the total visits to the General Forest. Average total expenditure per year for outdoor recreation by the Mt. Baker-Snoqualmie Forest visitor is \$1,656.74 of which \$60.02 is spent within 50 miles of the Mt. Baker-Snoqualmie Forest on each visit. In comparison the Wilderness visitor spent \$1,836.05 for outdoor recreation per year, and spends \$27.54 within 50 miles of the Wilderness. Note that these figures do not include the expenditures for gas and oil which are \$8.93 for the regular Forest visitor and a controversial \$148.56 for the Wilderness area visitor. It is very unlikely that a wilderness area visitor would drive around a wilderness area and use almost \$150.00 in gas and oil per visit. (page 14 and 19). (Note: Wild Sky is being heralded as being only one hour drive from Seattle).

*Potential Economic Impact on Tourism Income on Local Communities*

35 percent of the 2 million acres of Mt. Baker-Snoqualmie Forest is already Wilderness (13 different wildernesses totaling over 700,000 acres). By adding another 100,000 acres of Wild Sky Wilderness (14%) we are adding approximately 100,000 wilderness visitors (14% of 700,000 visits), who could spend \$27.54 within 50 miles of the forest. That adds up to \$2,754,000 to the local economy. However, by doing so, we have to subtract 100,000 acres from the 1,300,000 acres of national forest, which translates into approximately 8% reduction. It also diminishes the local expenditures by 800,000 less visitors (8% of 10 million), which could have spent  $800,000 \times \$60.00 = \$48$  million dollar less. The total impact is \$48,000,000 less tourism dollars for the local communities, minus the increase of Wilderness visitors expenditures (\$2,754,000) to the local community. Even if we add the controversial gas and oil expenditures per person of \$148.56, we will still have a negative economic impact of over 30 million dollars.

Conclusion: A Potential Negative Impact of 30 Million Dollars to the Local Businesses

ADDITIONAL JOB LOSSES DUE TO LOSS OF TIMBER SALES

The Mt. Baker-Snoqualmie National forest covers almost 2 million acres, of which over 721,000 acres (35%) are already designated as Wilderness. Under the Clinton Northwest Forest Plan only 53,000 acres (2.5% of total) of land on the Forest were to have been allocated to "matrix" and be made available for future commercial timber harvest under multiple-use management. The Forest Service estimates that approximately 11% of these matrix lands are located within the current Wild Sky proposal. If these lands become Wilderness, the agency now estimates future timber sale output will be reduced another 13% with attendant losses in employment and associated drop in "25% payments" to my county for schools and roads.

Additional losses of timber sales are adding insult to injury to the local forest products industry and timber dependent communities. The Mt. Baker-Snoqualmie timber sales information shows that in the early 1970's the timber sales were fluctuating between 300 to 350 MMBF per year enough to support 5 sawmills. In 1990 this was down to 108 MMBF. In 2001 it was zero and in 2002 it was only 0.2 MMBF; barely enough to support one single sawmill shift.

WIPING OUT THE FOREST PRODUCT GATHERING INDUSTRY

Experts estimate that the business of gathering salal, huckleberries, mosses, pine cones, evergreen boughs, bark, wild grasses, onions, roots and herbs is a 500 million dollar business in the Pacific North West. Federal agencies estimate that there are at least 10,000 legal harvesters active in the region's forest. Twice as many may be working without a permit. Harvesters took more than 10,500 tons of pine, cedar and fir boughs in 2001. It is not known how much of this comes from the potential Wild Sky areas, but it is a fact that the Nursery and Landscape industry buys a lot of forest grown live Vine Maples, Alpine Fir, Douglas Fir, Mountain Hemlock and Aspen (up to 12 feet in size) in the Spring and for Christmas trees in the Fall. Firewood collection and seed gathering are other sources of employment.

Sources of information: Non Timber Forest Products, <http://www.ifcae.org/ntfp/> U.S Forest Service, <http://www.fs.fed.us/> Oregon Department of Forestry, <http://www.odf.state.or.us/> Washington Department of natural resources, <http://www.wa.gov/dnr/> Simpson Resource C, <http://www.simpson.com/>

On page 16 of the Mt. Baker- Snoqualmie National Visitors Monitoring report you will find that there are as many fishermen as there are forest product gathering people in these forests. This illustrates the potential magnitude of impact of denying the use of forest product gathering to the communities. Since we are talking about

substantial revenues, it would be very imprudent to ignore these data without further studies.

#### FUTURE IMPACT ON WATER SUPPLY AND WATER STORAGE

Wild Sky would severely limit Snohomish County from managing its water resources. Currently the Snohomish River is short on water during the summer and no additional water can be made available to agriculture unless more storage is provided. These were the conclusions from the Snohomish County Groundwater Committee. Topographical maps show potential storage areas in the Wild Sky area or in areas immediately adjacent to it.

The law will only allow such a water project if the President of the United States permits such a project and only if he finds that such use "will better serve the interest of the United States and the people thereof than will its denial".

We believe that there are potential sites for water control, which have to be examined. The current ESA protection of listed fish species in Snohomish County is focussing on habitat improvement. Low stream flows are a major concern as well as the unmitigated impact of erosion caused by floods to salmon populations. It is becoming quite clear that better management of the water systems is a key component to the survival of these endangered species. This wilderness proposal goes the other way. It is highly debatable if Old Growth Trees add or mitigate the high flow of rivers. The most damaging floods in Snohomish County have always been associated with the fast melting of snow in the lower elevations. Interestingly though, the biggest flood in Snohomish County occurred before 1900, when no logging had taken place in the Snohomish river watershed! The point being that Congress should not let Wild Sky proceed without first addressing these important water issues, especially since this area is located in lower elevations, unlike other wilderness areas in Washington.

#### OTHER ISSUES

The following issues are of concern to the growing communities of people who are opposing "Wild Sky":

##### *Issue 1. HUNTING*

Claim that hunting becomes a problem, when no roads are allowed.

Discussion: Hunting is not allowed in national park wilderness areas, but it is allowed in non-park wilderness areas. For practical reasons it becomes awfully hard to hunt larger animals away from roads.

##### *Issue 2. MINING*

Claim: "That for all practical purposes there will be no mining . . . within such an area".

Discussion: We looked up the Wild Sky bill and the 1964 Wilderness Act. The Act stipulates that mining claims after September 1964 and January 1984 are subject to all kinds of restrictions and that all such claims are subject to restrictions prescribed by the Secretary of Agriculture. These restrictions are based on the concept to "protect the Wilderness character of the land". In reality, there will be no mining anymore, if there are no roads for access.

##### *Issue 3. SEAPLANES*

Claim: Seaplanes may not be allowed on Lake Isabel.

Discussion: The Wild Sky proposal, as introduced, states under section 4(d): "FLOAT PLANE ACCESS as provided by section 4(d)(1) of the Wilderness Act (16 U.S.C.) 1133 (d)(1), the use of float planes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines desirable".

However, the phrase "reasonable restrictions" is not being used in 1133(d)(1). It states "may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable". The implications of that sentence are that the secretary is not bound by "reasonable" consideration, but by other considerations which are spelled out by the Wilderness Act i.e.: "shall be devoted to the public purpose of recreational, scenic, scientific, educational, conservation, and historical use."

This unfortunate language does not at all secure access for existing floatplane use, as future flights would be subject to the changing winds of political appointees. In addition, this language could be subject to future court challenges.

*Issue 4. DEFINITION OF WILDERNESS*

Claim: A lot of areas in the proposed Wild Sky do not meet the definition of Wilderness. Other people claim that Wilderness is “in the eye of the beholder”, and that Congress can do whatever it wants to do.

Discussion: America is still a land bound by law. Law binds its people. If Congress wishes to change the definition of Wilderness, it should explicitly do so by amending the Wilderness Act of 1964 rather than creating a defacto change as clearly the Wild Sky supporters want to happen. The Wilderness Act of 1964 as passed by Congress explicitly states that the definition of Wilderness is land “retaining its primeval character and influence, without permanent improvements” and which: “generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable”. The argument, that other wildernesses do not comply with these requirements either, is not a viable argument principally because there are different standards between wilderness areas (the East settled earlier than the West). Two wrongs do not make it right.

Furthermore, the Forest Service testified that 36,000 acres probably should not be included, as well as another 13,000 acres which was identified under the North West Forest Plan, for commercial timber. The Mt. Baker-Snoqualmie Forest Plan had identified only 33,000 acres of land as being suitable for wilderness inside Wild Sky. And then there is the small issue of at least 7 bridges, 2 dams and at least 30 miles of inventoried roads (many with high risk culverts) right in the middle of the Wild Sky proposal.

*Issue 5. STRATEGY OF DECEPTION OF INCLUDING NON WILDERNESS AREAS*

We object to the continuing strategy of declaring multiple use public lands off limits for a privileged few, when they are not really wilderness areas. Other people think that is not a real problem, because it has been done before.

Discussion: Special interest groups are making an effort all over the Pacific Northwest to use that strategy. Look at the I-90 Wilderness, the Kettle Range in Eastern Washington, the Dark Divide, the South Quinault Ridge on the Olympic Peninsula and the Pratt River near North Bend. As pointed out before, just because it has been done before does not justify Wild Sky.

*Issue 6. CLOSING OF 30 MILES OF ROADS*

Claim: Thirty miles of roads that either are in good or bad shape prove the point that this is not a wilderness and that the cost and impact of decommissioning such roads should necessitate appropriate environmental analysis.

Discussion: The argument that only a disputable 8.6 miles of roads are driveable does not take away the fact that many roads have honeycombed the rest of the area for different purposes. We do not think that you can make the case that this area is “untrammeled by man”, a requirement for wilderness designation. We have had reports from landowners in the area about landslides caused by the decommissioning of roads. Furthermore, studies have shown that decommissioning of roads is more expensive than constructing them. In a June 2002 letter to Congresswoman Dunn, the Mt. Baker-Snoqualmie Forest Supervisor estimated that the cost of converting only 12 miles of road to wilderness-suitable trails was \$6.5 million. Therefore, an environmental impact study is absolutely necessary. It is amazing to me that all of a sudden the environmental groups do not see the need and wisdom of such a basic concept.

*Issue 7. ACCESS FOR DISABLED AMERICANS*

Claim: The concept of limited access to Wilderness areas flies in the face of the American Disability Act.

Discussion: Logic indicates that the wilderness concept denies practical access to disabled people. If somebody can explain how non-motorized wheel chairs will be able to access wilderness trails, we may change our view. There is no doubt in my mind that the great majority of Americans with disabilities value wilderness areas, but when it comes to access; it does not make sense. Forest Service data clearly shows that most wilderness users are young, and that the profile of wilderness users does not at all match the diversity of the American public including our local communities.

*Issue 8. FIRE CONTROL*

We question the impact of a different fire control policy in a Wilderness area than in non-wilderness areas. Others claim that man made fires are less of a problem in wilderness areas and therefor Wilderness is better.

Discussion: With the experience of the last couple of years in mind, it is safe to say that fuel build up in the Forest is one of the biggest causes for large fires. For-

est researchers now know that catastrophic 'stand replacement' fires occur on about a 300 year cycle in Washington's western Cascade range. The claim of the benefits of wilderness unfortunately does not extend to naturally caused fires, which are by far more occurring. Without getting into an argument of fighting fires or not, the problem exists that large areas of Wild Sky already have been managed by man and therefore the entire eco-system has changed. It is our opinion that more likely than not the "hands off" fire policy in wilderness areas will result in unacceptable losses in a Wild Sky wilderness and resulting negative impacts on water quality and wildlife. The whole Wild Sky proposal consists out of almost 5 separated sections, intersected by rivers, public and private land. The reason for this completely artificial segmentation lies in the very reason that Wild Sky is only a partial wilderness. Ignoring these facts will result in catastrophically fire losses to surrounding lands. Therefore these issues have to be addressed.

#### *Issue 9. DISEASE CONTROL*

We claim that this issue could have a substantial impact on surrounding areas including private and state lands. Therefore, this has to be taken in consideration. Others claim that a proposed wilderness area like "Wild Sky" can take care of most disease problems in a better way than a managed forest, and that it does not make a difference because commercial forest are treated the same way.

Discussion: First off, one of the main difference with commercial forest is the fact that disease and fire fighting is not subject to "conditions, the Secretary deems desirable". In addition the problem with Wild Sky is the fact that it is separated in 5 pieces. Because of that, the impact of a different disease control in Wild Sky can cause insurmountable disease problems for managed areas adjacent to it. Many forest diseases are fungi diseases, which can spread through contact and other means. One of the newer "Sudden Oak Death" (SOD) fungus disease will also attack Douglas Firs, Rhododendrons and other nursery stock. A newly discovered non-native pathogen *Phytophthora ramorum*, discovered in Oregon has the Xmas tree industry as well the timber and nursery industry on edge. Any contaminated trees have to be destroyed by fire. Having the potential of untreated areas in a wilderness area, next to and among managed forest, is asking for trouble.

#### *Issue 10. TIMBER HARVEST*

We maintain that the economic impact of a no logging policy should be analyzed. Others claim that there are very little logging possibilities in the Wild Sky area anyway and that it would not make any difference in the supply of timber.

Discussion: I am not an expert on the marketing of timber, but I do know that the American Forest Resource Council, which includes most of the local sawmills in Snohomish County, recently reported that their member companies want to have the matrix lands taken out of the "Wild Sky" proposal, so as to help try and achieve the timber targets, that were promised under the Clinton's Northwest Forest Plan. Presently, there is vastly more timber that dies each year in the Mt. Baker-Snoqualmie National Forest than is being harvested.

#### *Issue 11. NEED OF AN OPEN AND PUBLIC PROCESS AND AN ENVIRONMENTAL IMPACT STUDY*

We claim that "Wild Sky" has progressed out of sight, off the radar screen and does not have the backing of the local community. Furthermore an Economic and Environmental Impact Study is necessary. Others claim it is not necessary since it is more advantageous to have a wilderness there.

Discussion: After contacting the cities of Skykomish, Index, GoldBar, Sultan, Monroe, Snohomish, Darrington and Arlington, we found that hardly anyone knows anything about this plan. None of above cities organized a formal public meeting with the exception of a town hall meeting in Index. None of the city councils, including the Index council, support the Wild Sky proposal. The Snohomish County Council is not in favor of this plan and questions the authority of the rezoning of over 100,000 acres in Snohomish County without the knowledge of the council.

It is even more amazing that the Snohomish County Council has not been involved, when Representative Rick Larsen was a Snohomish County Councilman before he became a member of the House. Since Rick Larsen's own party has been in control of the County until January 2002, there should have been no reason not to ask the support of the Snohomish County Council. The only reason for this lack of support can be found in the fact that this "Wild Sky" proposal is either unsound or is unknown. In either case the solution is an open, honest and public process based on information from environmental and economic impact studies.

There is no reason why there should not be a formal EIS as is being used in the I-90 Alpine Lake Wilderness area.

I think it should be realized that such a far-reaching proposal has an impact much larger than the town of Index. This proposal takes away the rights from all Snohomish County citizens. Therefore they all should have a chance to know more about it.

After reviewing this discussion, there are four big issues:

1. Why are the People of Snohomish County not entitled to an open and public process? If "Wild Sky" is such a good thing for Snohomish County, why is it not done the correct way?
2. "Wild Sky" is not as wild as it appears. We are changing the law by doing so, with a lot of unintended consequences?
3. How many jobs will Snohomish County lose? How much will it cost and who is going to pay for it? The people are entitled to scientific, rational answers on all questions. No opinions!
4. And finally the question has to be answered: "Why are we doing this and who will benefit?"

Until such actions have been taken, the Wild Sky wilderness proposal should not go forward.

Senator CRAIG. Mr. Postema, thank you very much. Now let me turn to Ed Husmann from the Washington Farm Bureau.

Welcome, Ed.

**STATEMENT OF ED HUSMANN, MEMBER, SNOHOMISH COUNTY  
WASHINGTON FARM BUREAU**

Mr. HUSMANN. Good morning, Mr. Chairman, members of the subcommittee and ladies and gentlemen. Thank you for the opportunity to appear before you today. I'm Ed Husmann. I've lived in the Sultan, Washington area for about the past 25 years. Sultan is located a few miles west of the Wild Sky area. I'm here today on behalf of myself and the Snohomish County Farm Bureau and a great many others whose letters and signatures I have brought with me today.

With the committee's permission, I would like to enter into the record these petitions and letters.\*

Senator CRAIG. They will become a part of the committee record.

Mr. HUSMANN. Thank you, and my testimony, of course.

I have with me—and included in these letters, I should point out that some are from elected officials, specifically State Senator Val Stevens, State Representative Dan Kristiansen, State Representative Kirk Pearson. These are the State officials that, this is their area, Wild Sky is contained in their legislative districts.

I feel that it is important for you to know that I and my family, including my grandchildren, some of whom of which are adults already, and I really don't want that to go in the record maybe, but we've hiked, back-packed, mountain-biked, swam both lake and rivers, mountain biked, 4-wheel-driven, that's my grandson, and just driven this area over these years.

I am and have been a member of REI for 30 years. My wife and I are members of the Mountaineers, the Washington Trails Association—this coming Saturday is National Trails Day, and my wife and I will be up on the Heather Lake Trail doing trail maintenance in support of WTA. However, I'm opposed to this Wild Sky issue, and that's why I'm here today.

S. 391, the Wild Sky Wilderness Act of 2003, does not increase the recreational opportunities for the people of my State. This proposal severely limits the type of activities enjoyed in this area at

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\*The referenced material has been retained in subcommittee files.

this time. In fact, it is my belief that if this passed into law, it will actually make the freedoms we currently enjoy in this area a criminal act. I believe that the letters and petitions that I have submitted here today clearly demonstrate that an open public process in regard to the Wild Sky issue was not conducted. Even our own Snohomish County Council states that they were not consulted.

This is a controversial issue. Many people and elected officials state that they have been left out of the process. To the best of my knowledge, no one has ever done an economic study or reviewed the potential impact of the Wild Sky proposal on our county. Our Snohomish County Council clearly views S. 391 as a serious adverse impact to Snohomish County.

It appears that many of the promises to the people contained in this proposal cannot be kept, as noted by Mr. Phipps' letter, the Forest Supervisor. The cost, as outlined in Mr. Phipps' letter for trail-building and converting into 16 roads is enormous, given the cost of removal and probably restoration of 90 or more culverts, make this proposal sheer financial lunacy.

This area does not comply, by definition or intent, to wilderness as stipulated in the 1964 Wilderness Act. This area is not suitable or desirable for wilderness designation. Support for Wild Sky has been greatly, if not deceptively overstated, and it's fraught with technical, legal, and safety discrepancies.

I find the 1964 Wilderness Act statement of policy in section 2, that the wilderness are established for use and enjoyment of the American people, people are the only species mentioned in that section. To maintain, enhance ecosystems, habitat, fish-spawning areas are not mentioned and not part of the purpose of that 1964 act. In fact, as stated in that act, quote, man himself is a visitor who does not remain. To me, this means that man, by law, is not to remain and tinker with the natural character of this area.

There are no threats to the recreational use in this area at this time. In all that I've seen and heard of the Wild Sky, there are no compelling, in fact, no reasons at all to proceed with the Wild Sky Wilderness Act.

Again, thank you for allowing me to speak my peace not only for me, but those who have entrusted me to bring this message to you. Thank you.

[The prepared statement of Mr. Husmann follows:]

PREPARED STATEMENT OF ED HUSMANN, LOCAL BUSINESSMAN,  
SNOHOMISH WASHINGTON FARM BUREAU

Good morning, Mr. Chairman, members, Ladies and Gentlemen. My name is Ed Husmann and I live in Sultan Washington, which is located a few miles west of the proposed Wild Sky area. I am here today on behalf of myself, the Snohomish County Farm Bureau and a great many others whose letters and signatures I have brought with me today. These individuals, and groups, have asked me to present to this committee with your consent, their letters and petitions, to be entered into the record in regard to and in opposition of S. 391, the Wild Sky Wilderness Act of 2003. I would also like to enter into the record other documents that I have brought with me in support of the Snohomish County Farm bureau's our opposing position on this legislation.

I believe that it is relevant for you to know that I have lived next to "Wild Sky" for about 25 years and I know the area well. Furthermore, my wife, children, grand children, and myself have all participated in both motorized and non-motorized recreational activities in the proposed "Wild Sky" area over these years. I have day hiked, backpacked, off road motorcycled and mountain biked this area. I have

backpacked into Lake Isabel and my children and I have flown into Isabel for a picnic on a floatplane. We enjoy these diverse activities and do not want to change any recreational opportunities afforded us, or for that matter, anyone, in this area. We only hope that the people using this, or any area, just use common sense, are polite, and considerate of both the land and the others in the area. Unfortunately, these qualities cannot be legislated.

I would also like to point out that the list of organizations in support of the "Wild Sky" (enclosure #1) may not, necessarily reflect the views of its members or patrons. The list published on the Wild Washington Campaign website lists, among others, REI (Recreational Equipment Inc.), The Mountaineers and WTA (Washington Trails Association). I have been a member of REI for more than 30 years and spent an enormous amount of money at their stores and through their catalogue. I can tell you that my wife would rather shop at REI than Nordstrom's and we really do not appreciate REI spending "our" dividends on lobbying "Wild Sky" into existence. We also belong to the Mountaineers and the WTA (Washington Trails Association). As you may know, June 7th is National Trails Day. On this day my wife and I will be working on the Heather Lake trail, located in Snohomish County as part of a WTA organized event.

I read an article published in the Seattle Post-Intelligencer, Oct. 3, 2002 (enclosure #2) about an area called Eagle Lake. This article is aimed at garnering support for the "Wild Sky" proposal. What is missing in this article is a discussion of the two routes of getting there. People who know of this area understand the meaning of "the hard way" and "the easy way." You had better be in good shape and not trying to bring the family traveling the hard route. I'm an experienced Dad, and I now understand that my pack is considerably heavier when my children are along. The hard route will, undoubtedly, survive the future Wilderness designation. The easy route, which I take, is located by driving in on a logging road to a trail that is much easier but still enough of a hike to make you appreciate the lake upon arrival.

This route will most likely not survive the Wild Sky process. Practically speaking, passing Wild Sky means I will no longer be able to take my grand children, or they take me, to Eagle Lake. Further in the article, one of the hikers lamented, "one of the great tragedies of the world is that this is not (designated) wilderness." Unfortunately, wisdom comes late in life and youthful vigor too early. Where he was, at that time standing, was wilderness, it was years ago for long forgotten hikers and will be there for future outdoors types. There is no current threat to alter this, it is not broken, and I am convinced that tinkering with it insures that it will be. One additional note, one of the individuals quoted in this article is very much not in support of this proposal, in fact, he created and has circulated a petition (enclosure 3) in opposition to the "Wild Sky" proposal and I believe that you will also find that the Trailblazers, referred to in this article, have not endorsed the "Wild Sky" proposal.

In terms of this proposed Act itself, I still do not know—why Wild Sky? This area is not wilderness to start with, in fact, far from it. "Wilderness" is concisely defined in the 1964 Act and unless repealed will remain the law for administering and adopting new Wilderness areas. Although it appears that much of the 1964 Act language is used in this proposal, the objective of this legislation seems to proceed in an entirely new direction. While the 1964 Act preserves areas of wilderness, this legislation is actually aimed at creating wilderness where one does not currently exist. If the point is to provide access to scenic points, or build trails, or save the trees, it does not take designating it a wilderness area to do so.

The Federal government already manages this land; it takes Federal permission to cut a tree. If this is the concern, then issue a bulletin—Do Not Cut the Tree! But, using a wilderness designation to protect trees, fish habitat, spawning areas to ensure the health of salmon or steelhead is not appropriate, and may actually go against the law. The 1964 Wilderness Act was enacted for people, not fish or bears or goats or trees or heather, it was enacted to preserve a spot of wilderness for the enjoyment of present and future generations of people, the only species mentioned in Sec. 2. (Wilderness System Established Statement of Policy). It also states very clearly in the Wilderness Act (16 U.S.C. 1121) that these wilderness areas "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."

I believe that last year this committee heard the testimony of Abigail Kimbell, Associate Deputy Chief, National Forest System; July 30 (enclosure #4). Although her testimony is not in opposition, she clearly identifies many serious problems with the "Wild Sky" proposal. In brief she points out that about 1/3 of this proposed area is unsuitable for Wilderness Designation. Being more specific, the local Forest supervisor stated in a letter to Congresswoman Dunn (enclosure #4) that "including these areas would be a change in the standard used by Congress in considering wilderness suitability." I think it is fair to say that staffs of the originators of these bills have

not fully engaged groups that are opposed or have legitimate concerns about the public process or lack thereof. This supports my observation in that no one in this valley seems to know any thing about this proposal, or its location and, we are into the second year for this issue. Most of "Wild Sky" was not formally studied for its wilderness potential. Lands proposed for Wilderness must include formal public involvement. The "Wild Sky" area is not threatened . . . why Wilderness then? Proponents of "Wild Sky" have failed to show a demonstrated need for Wilderness. As also noted on the Wild Washington Campaign website ([www.wildwashington.org](http://www.wildwashington.org)) as recently as last year, "the publicly stated goal of the Wild Washington Campaign is to designate an additional 3 million acres of Wilderness in Washington State", begs the question, is this proposal a capricious, un-thoughtful attempt to fulfill the goals of a vocal minority? Again—Why Wild Sky?

The cost of this project has not been discussed to my knowledge. As Mr. Phipps points out (enclosure #5) in question 2, the forest service has not built new trails in this area because of the rugged terrain. He further states that if designated wilderness "it is likely that the Forest would adopt the position that no new trails should be built inside the Wild sky." In the Wild Sky proposal there is a lot of talk of a trail system, but no mention of where the money is to come from. Mr. Phipps puts the cost of trails in this area at \$100,000 per mile. This is serious money when considering the construction of a whole system of trails. He puts the cost of converting the 12 miles of road to trail at \$6.5 million, another serious consideration that has not been discussed. I understand that there may be more than 90 culverts to be removed and fish passage restored. What kind of dollar figure do we have for this? There are many costs to this proposal that simply have not been addressed. This is pure fiscal irresponsibility at its finest.

Accordingly, Representative Larsen has encouraged an open, public process where all interested parties can offer input, ask questions, and have their concerns addressed (enclosure #6). As best we can count, there have been 3 public meetings. I do not know what occurred in Seattle but I have talked to individuals who attended the meetings in Monroe and Index. I'm told that the Monroe meeting were tables with handouts, not a forum for discussion and debate. At the Index meeting, apparently many people were not allowed or able to get into the building to offer their opinions (enclosure #7).

Representative Larsen states (enclosure #6) that there is a 50:1 ratio in favor of wilderness protection. One assumes quite naturally that he is talking about "Wild Sky." In one day of gathering signatures in Index it appears that it may be 50:1 against "Wild Sky." Of course he did not say 50:1 for Wild Sky did he, the ole lead them to assume trick. He further states that he has received positive feedback from local elected officials, local business leaders and local recreation groups. Notice that he does not state that this positive feedback concerns "Wild Sky" specifically.

I guess if you want the real story you will have to read carefully. Maybe ask for a few thousand of those "thousands of letters on the proposed Wild Skykomish Wilderness area." Note that no actual claim is made that these letters support Wild Sky, but the implication is there. The letters and petitions that I have brought with me today speak for themselves. I drew up the "just say NO Wild Sky" petition just last Thursday. I gave them to four people, one gas station and our local bakery to see if anyone would sign. That's about two days with very little effort out here in the sticks. This cry for "Wild Sky" looks like a hoax from here.

The "Wild Sky" proposal received a big NO from the Snohomish County Farm Bureau as well as the Washington State Farm Bureau Board of Directors (enclosure #8). Actually the vote was unanimous and I believe all of the Washington State county farm bureaus have passed resolutions rejecting "Wild Sky." The 2003 policies of the American Farm Bureau Federation (enclosure #9) oppose expansion of wilderness areas, they also call for legislation that would allow local County governments to ratify or reject any proposed wilderness area. It is evident that the farming community resists designation changes to wilderness at all levels. In addition, the Snohomish County Council has stated (Enclosure #11) that this bill S. 391 "posses' serious adverse impacts on Snohomish County, Washington.

I'm not sure why the Federal government wants to litigate with the people who have mineral resource claims that will be affected by this proposal. Wild Sky is inconsistent with mining operations and the necessary access. Ms. Webster notified the House committee last year (enclosure #10) that there was a potential conflict, and it appears that she and her attorney are prepared to litigate the issue. There are other claims that have this same potential. The litigation over these claims is unnecessary and unwarranted. The cost to the taxpayers to try these cases is certainly avoidable.

In summary, this area is just not suitable or desirable for Wilderness designation. Support for this proposal has been greatly overstated and is fraught with technical



and legal problems. The letter from the Finley's is very disturbing, and points directly to serious concerns relating to way support for "Wild Sky" has been carried out. Many people, including our local elected officials, are completely ignorant of the proposal, its implications, even its location. It appears that a large number of those who are knowledgeable, reject "Wild Sky." No one seems to believe that this will be good for the local economy; in any case, there are no studies to support this statement either way.

The Forest Service is certainly not keen on the idea and clearly states that the purported new trail system, one of the key promises by the proponents, will very likely not happen. The Farmers and Cattleman, who are traditional stewards of the land, do not support "Wild Sky." Certainly there is now serious doubt as to the support for "Wild Sky" by the people in the town of Index itself, who supposedly, overwhelmingly, support this issue. There are issues of potential litigation, right of way problems, private property issues and safety issues. In all that I have seen and heard of "Wild Sky" there are no compelling reasons, in fact no reason at all, to proceed with this legislation. The Wild Sky Wilderness Act of 2003, S. 391 will make freedoms we currently enjoy in this area a criminal act. Please, just say NO to "Wild Sky."

Senator CRAIG. Well, Ed, thank you very much. To all of you, thank you for your testimony. I have several questions I want to ask, and I'm sure Senator Cantwell has, too, but we do thank you for taking the time to be here this morning.

Mike, you've heard from two other—well, one other person who lives in the area and another person who expresses his concern about the proposal and the way it was developed. To your knowledge, were there any hearings or public meetings in Snohomish County dealing with this issue that you attended?

Mr. TOWN. Yes, sir, there was, and I actually attended both of them. In July 2001, a town meeting was held in the city of Index, which is about a mile outside of the proposed area, and then later that summer—I can't remember the exact date, but Senator Murray and Congressman Larsen hosted a public meeting in Monroe, which is the largest city down-valley from the proposal, and then there was a public meeting in September that was in Seattle, also held by Senator Murray and Congressman Larsen.

The Energy and Natural Resources Committee of course had a hearing on June 30, 2002, and that was also, of course, addressing this issue.

Senator CRAIG. Was testimony taken at those meetings that were in—in other words, was the input of local citizens taken at that time by testimony?

Mr. TOWN. I don't think there was any written testimony if that's what you're asking, Senator Craig, no. There was more of an informal way of how people were allowed to speak about their concerns on the issue.

Senator CRAIG. Senator Murray, Senator Cantwell and myself discussed in part the language of the 1964 act, or the intent and the definition of wilderness, and you've heard that expressed in general ways, and some specific ways here this morning. I understand there is a fair amount of this, I don't know what the total acreage is, land that would qualify because of past roads as a national recreation area. Some would argue that it might fit better as a national recreation area than under wilderness designation. Have you ever looked at that, or reacted to that proposal?

Mr. TOWN. In the early days of the Wild Sky proposal there were discussions about including NRA status for certain areas in the proposal. Specifically, they were more about areas that were used

by snowmobilers and other motorized people. These included areas like, for example, Windy Ridge, and areas south of Highway 2. Those areas were deleted from the new proposal of the bill, predominantly because of the use by those user groups, so the discussion on national recreation status for those areas has not continued as far as I know.

In terms of some of the roads that are in the Wild Sky that are going to be within the proposal, I'm not aware of any particular discussion of including those areas as an NRA. They're pretty dispersed. They're all over the place. I think there would be some issues with drawing logical boundaries in terms of that.

Senator CRAIG. I know one of the discussions we're currently having is that in certain areas, certainly wilderness designation fits. There are other areas where we're looking at the potential of a new designation of back country recreation that would have certain limitations to it, would not be a national recreation area, might better fit certain categories.

Mr. Heck—

Mr. HECKERT. Heckert.

Senator CRAIG. Heckert, thank you. I'm getting the emphasis wrong. The Forest Service letter to Representative Dunn last summer speaks to 2,500 acres of private land that will be landlocked within the wilderness if this legislation passes. Our current laws guarantee that such landowners have the right to reasonable access. Would you oppose including language in the bill that would require rights of way to establish and include vehicle access?

Mr. HECKERT. Throughout the wilderness area, or just to specific—

Senator CRAIG. No, to the designated—to the private land, the fee land that is within.

Mr. HECKERT. I've never considered that situation. We'd certainly look at it. I'm not prepared to say yes or no right now based on the generality of the proposal, but it's certainly something we'd consider.

Senator CRAIG. Okay, because it is our understanding that there is a parcel of 2,500 acres—oh, several parcels, an accumulative, a total private acreage of about 2,500 within the boundary, the proposed boundary at this time.

Given the testimony you've heard today, have you ever considered, or would you consider national recreation status or back country recreation designation for any of this land that's under consideration within the proposed boundaries of the legislation now?

Mr. HECKERT. I don't know the specifics of the designation of back country recreation, but I do know that—

Senator CRAIG. It's yet to be defined.

[Laughter.]

Senator CRAIG. It is a current discussion that many of us have. It would be more restrictive, but it would not deny the use of some motorized recreational vehicles. It would obviously be less restrictive than wilderness, but that's about as far as I can go, because it's a conceptual thing now that many people who look at wilderness consideration—but there are certain lands that are recreated on now by motorized vehicles, but yet it would be desirable that

they not be logged or in any other way utilized—have considered that. That's why I'm asking you the question.

Mr. HECKERT. We haven't discussed that, but we have discussed that we are very comfortable with the wilderness designation, so we're not entering into this as a fall-back position. It's something, we've looked at the wilderness designation, the restrictions on wilderness utilization, and we are entirely comfortable with those, so that's the best way I could answer that, I guess.

Senator CRAIG. Thank you. I appreciate that. That's not an off-the-wall question, but obviously one that probably isn't under active consideration in Snohomish County, at least as it relates to that kind of a new designation.

Mr. Postema, in your testimony you point out that most of the support for this bill comes from the Seattle metro area, but that there's little local support. Further, you suggest that the local people have not spoken out because they didn't know about the proposal. Now, it is my perception that this story was heavily reported last year after our first hearing and then again in the fall. How is it that with all of the reporting this has not become, or you're not aware of the issue per se, or the development of the proposal?

Mr. POSTEMA. As Mr. Town said, no public hearing—public meeting is a different thing than public hearing, where people have got input. The newspapers he is referring to are Seattle newspapers, mainly. Later on some reports have surfaced in the Everett newspaper, but I discussed and asked the same question in June of 2002 of Congressman Rick Larsen, and he said, well, everything was done properly, and it was basically a done deal, and since we have some of our nurserymen out in the Sultan area and in the Monroe area, they didn't report any problems. They had never heard about it.

So this whole thing went under the radar, and this was my question to Congressman Larsen, did this thing under the radar, and he says no, absolutely not, and we hear this all the time, and I'm not the only one who tells you this. The Snohomish County Council, which is in the middle of this—I was a planning commissioner 10 years ago, and any piece of land as big as 1 acre had to go through a public hearing process when it is being rezoned, and so therefore we're used to thinking in terms of a public hearing where everybody has input, and as Mr. Town said, there is no public input from this whole proposal, so therefore it didn't have the exposure that people said, and maybe it did in Seattle in the environmental community. It sure did not in the rural areas.

Senator CRAIG. Last year, Kim Hunter, mayor of Index, Washington, gave testimony in favor of the proposal, yet you mentioned, you included the town of Index in a list of towns you contacted and claimed that hardly anyone knows about the plan. Has something changed, or has the mayor changed in his position, or her—I guess that's a gentleman.

Mr. POSTEMA. The impression has been created by Mayor Kim Hunter that the town of Index and the city was all in favor. His letters are on the letterhead from the city. He has been censured for that by the city council. The city council of Index does not support the Wild Sky, and I have some employees in Sultan, and they live there, and they know everybody, and they don't know anything

about it, and so you've got a situation where there's a presentation to the outside which does not reflect what's happening on the local scene.

Senator CRAIG. Lastly, both Senators—one Senator remains here this morning. Both Senators were here in support of it, representatives from Washington State are supporting of it. Have you worked with their offices, or contacted their offices on this issue?

Mr. POSTEMA. Yes, we have, and we have talked to Rick Larsen's office. We have submitted our testimony and our concerns about that, and we intend to keep working with these offices.

Senator CRAIG. I have some questions of you, Ed, but my time is up, and let me turn to Senator Cantwell for questions.

Senator CANTWELL. Thank you, Mr. Chairman, and thank you to the distinguished panel here who has traveled all of this way to be part of this hearing. I have a couple of different questions on a variety of issues, and so I'll probably direct them to individuals, but others feel free to jump in and comment on them as well.

The first issue, on this issue of hearings and input, isn't it correct that there was a Wild Sky workshop hearing in Monroe on September 6 and, later in July, Index meetings that were part of this, and that there is a document of record, written testimony that were accumulated at those meetings?

Mr. TOWN. Yes, Senator, it's true that there were meetings, I believe, on both those days, and as far as the input, yes, people were allowed to write some input in the Monroe meeting, and I'm sure Senator Murray's office has some records in terms of that.

Senator CANTWELL. I don't want to create a voluminous record, but I think we ought to get some indication of what those written testimony, the volume of that written testimony and what it looks like so that we can understand how the community has participated in the issue, so perhaps, Mr. Chairman, that's something we can follow up on.

Mr. HUSMANN. I wonder if I could also answer, or at least add to the question.

Senator CANTWELL. Yes, jump in there when you can.

Mr. HUSMANN. It's somewhat interesting in that I've talked to several people. The Monroe meeting, as I understand it, and I was not there, from those who I've talked to, was more of a display of tables and information.

I don't believe, other than the fact that some of the people that signed up received from Congressman Larsen a letter and a form to comment and return to him—and that was the Monroe meeting. The town of Index, as the letter indicates that—it's in the enclosures that I've submitted with my testimony—was kind of interesting, because we all thought that Index was fully supporting this issue, up until only last week, and a friend of mine who has a son who's lived up there for 25 years, has a bed and breakfast, and I asked them and they were not in favor, and I said, well, what about the rest of the people around here, and I had a petition that I drew up just several days ago, and that's what I submitted here, and it was very easy to get—I don't know, there must be 100 signatures there or something, and a lot of signatures are from Index.

But this couple went out to their neighbors, reluctantly, because they thought everybody supported Wild Sky, and they, as testified

in their letter, it took them like, 2 hours before they found one person who supported Wild Sky in the city, in the town and the area of Index. I thought that was very interesting, to say the least.

Also contained in some of that testimony from those people that live in Index was that apparently they could not get into that meeting that we're discussing at Index. Some claim they couldn't get in, some claim they had to leave because it was too hot, but in any case, apparently there were a number of people who were not able to voice their objection, even though they wanted to at that meeting.

So I don't—you know, this is not something I've investigated, or you know, we don't—but there is a huge amount of controversy out here now. I think we need to go look around and ask around and see what we really have here.

Senator CANTWELL. I'm sure that we will do that, and I know that I have a resolution here that's by the city of Monroe, and their support, and so we'll get all the resolutions and figure out—

Mr. HUSMANN. Again, that one from Monroe was just a few weeks ago, and why is Monroe suddenly going, council going and supporting Wild Sky? Why didn't they do this 2 years ago? These kinds of things I don't understand.

Mr. TOWN. Senator, if I may add something.

Senator CANTWELL. Yes.

Mr. TOWN. The Wild Sky proposal has been in the media a lot in the last 2 years. I can recall easily just from memory that there were at least six articles that were in the *Monroe Monitor* on the Wild Sky. The *Everett Herald*, which really is the newspaper of local interests in Wild Sky county, has also done numerous, numerous articles and commentaries and editorials on the Wild Sky, and I'm not sure, but I believe it also announced that a public hearing of course was going to be in there.

The *Mountaineers Magazine*, which of course is a magazine of a recreational user group, has also devoted articles in regards to the Wild Sky, and certainly the *Seattle Times* and the *Seattle PI*, which are also read in the valley, have done articles in regards to the PI. Local radio stations have discussed the Wild Sky as well, and one other thing is, we did gather 1,000, almost 1,000 signatures from the valley, all valley residents that signed a petition in support of the Wild Sky.

Senator CANTWELL. I guess that's the thing that we need to make available, is that I think that these forums, whether they provided hours and hours of stand-up testimony, my understanding is that they provided a conduit of outreach and follow-up testimony that has been made available, but we should get access to all of that and all of the resolutions and everything, and get a complete record.

Did you want to add something, Mr. Heckert, because I want to ask Mr. Postema and Mr. Husmann.

Mr. HECKERT. Yes, very quickly, in the Washington Wildlife Federation we had followed this due to the activities of our members in that local region, so we're comfortable that the public process was visible and followed, and that's the way we got activated on it.

Senator CANTWELL. Thank you.

Mr. POSTEMA. Mrs. Cantwell?

Senator CANTWELL. Yes.

Mr. POSTEMA. We contacted all seven cities, Monroe, Snohomish, Marysville, Arlington, Darrington, et cetera, Sultan, Goldbar. We got two or three letters back and they said, we don't know anything about this and we will not have a hearing on it. We don't have any information. That has been the cities.

I mean, the cities are right in the middle of it. If they would say, we have a hearing, and this I think is the proper way, then we have input, et cetera, but it hasn't been done, and the only thing, the resolution, which is not a public thing, there's just a council decided, a city council, to support it. I think that needs to be done, but we asked, and they don't have it.

Senator CANTWELL. Well, I appreciate your planning commission background, Mr. Postema, and I'm sure that these issues, as they overlay on various communities, we do want to have input from those various communities. My sense is, though, Mr. Town is probably right on this point, there's been a lot of publicity about it, and so whether a city council has taken action or not, I find it hard to believe that they would say they don't know much about it, given how much press there's been, but we'll figure it out, and we'll get some comments from them.

But I wanted to ask you, if I could, and I don't want to indulge my colleague too much here, and I know I'm supposed to be at two other hearings at this moment as well, so I want to make sure we're cognizant of time, but I'm interested, Mr. Postema, you probably have lived in the area for quite some time, I'm assuming.

Mr. POSTEMA. Thirty years, yes.

Senator CANTWELL. The name sounds very familiar, so I'm assuming that you had. Were you supportive of the Henry M. Jackson Wilderness Area designation?

Mr. POSTEMA. Yes, I am.

Senator CANTWELL. And so that, were you active in that when that was created?

Mr. POSTEMA. No. I think I was too busy gathering moss in the area.

Senator CANTWELL. And why were you supportive of that designation, and what was—you know, if, in fact, you maybe weren't tracking it and the designation got made—

Mr. POSTEMA. Yes, I understand. Because basically, maybe one-third is truly wilderness, and the rest is really lowlands, and that has a tremendous impact on the rural communities, and the aspects I have talked about, and that's the difference. If this has an impact on jobs and the environment as we see it, and I think that has to be addressed, and that's the difference between all the wilderness area way up there, or what we're trying to do here. Anybody who is familiar with that area would know what I'm talking about.

Senator CANTWELL. Well, I'm familiar, but I'm sure that there are some lowland areas through the Henry M. Jackson area. I know in thinking about this from the perspective of my colleague from Idaho and some of the questions he asked about bridges and culverts, there is some access between the two areas, so I'm sure

there are some lowland areas within the Henry M. Jackson Wilderness Area.

Mr. POSTEMA. One of the main differences, of course, is that we are very much more environmentally concerned about salmon and water. Water is a very big issue, as you well know in the Seattle area, because all of that water has to go through the Snoqualmie-Snohomish system, so there are concerns, and we're very much more knowledgeable about the things we're doing which will impact the environment, and I believe that makes a difference.

Senator CANTWELL. And a second question, Mr. Postema, before I ask Mr. Husmann, do you trust the Forest Service as it relates to their input on this?

Mr. POSTEMA. No. I have no contacts with the Forest Service except we have found the information on the Web site and we're taking it from there.

Senator CANTWELL. But does it matter to you that the Forest Service has been here this morning and they're not opposed to this legislation. Does that matter to you as someone who's been part of a local planning process, and hearing from various agencies that this Federal agency isn't opposed?

Mr. POSTEMA. No, I think they're very neutral on this subject. They're given the facts, and the facts are is that, according to their reports, we will lose a lot of jobs in the recreational areas, and so we're just leaving it as it is written.

Senator CANTWELL. Where are you saying that there is a report that we'll lose a lot of jobs?

Mr. POSTEMA. I submit it in the record. There's a study done by the national forest use in the Snoqualmie-Mt. Baker Forest, and it shows that only 7 percent of the people who visit, normally the national forest will visit the wilderness, and they have figures of how much they've spent in the local communities, and in that calculation, it's in my testimony and the details, it might be about an impact of \$30 million on the local community.

I'm not thinking this up. This is what your Forest Service has calculated, and we're just putting the things together.

Senator CANTWELL. Well, we'll take a look at that. I'm not aware of the U.S. Forest Service numbers on that, or that they're making that claim of losing jobs. In fact, we've enjoyed a great deal of economic growth because of those recreational areas in the past, and I hope that our State can continue to do that.

I wanted to ask Mr. Husmann about the culverts, because it seemed to me that one of the main questions and concerns you did have that you mentioned in your testimony were the culverts. The testimony by Mark Rey this morning that those culverts could be managed both in a proactive way and in the case of emergency. What did you think of that testimony in the sense of relating some of your concerns about culvert management?

Mr. HUSMANN. Well, I'm not sure if this is a deeper philosophical question. The Wilderness Act was created specifically to set aside areas of pristine, untouched by mankind—I mean, that's the way we, as people out here, read these things. That's the law, untrampled by man. We don't go in there with anything to tinker around.

Now, when you start talking about creating a wilderness area and then going back in and working on culverts, I don't understand that. If you're suggesting a different designation of a recreational area, I think that's great, but I see some kind of conflict here, and maybe I'm not quite educated enough to understand this, but most of the people like myself, us people that are out there, we read this Wilderness Act and we say, well, we can't ride our mountain bike in here any more, and then we have people saying, yeah, it's wilderness, but we're going to let the snowmobiles here, we're going to let the mountain bikes there, or we're going to create a path for wheelchairs, or all mechanized transport. I don't know what we're talking about, and I don't know where those things are going to be. I don't see a real plan of all of that kind of stuff.

And then I see Mr. Phipps saying it's \$100,000 a mile for a trail. They don't have any money for that. They haven't built any new trails lately and they don't intend to, apparently, if this is designated wilderness, and so it's a problem, for me, anyway.

Senator CANTWELL. Well, I would love it if there was still some pristine areas to preserve that didn't have culverts. I think that we are in a different day and age here, and logging has been something that we've approved in our national forests, and it's occurred, and yes we've seen the challenge—

Mr. HUSMANN. Not in wilderness areas, though.

Senator CANTWELL. I'm saying prior—I mean, we could go back 30 or 40, or maybe it will take us even 100 years to get to some of these areas that you are now saying that we could be able to say are pristine and not be preserved.

The issue is, we want to do a better job on these areas and on their management resources, and unfortunately some of them do have culverts and our obligations on clean water and on salmon recovery are very real, and so unfortunately I think that's going to be a fact of life in a lot of areas of our national forests, and we're going to have to come up with a plan, and I applaud my colleagues who have, prior to me coming to Congress, dealt with this and dealt with the appropriations side of it, because it is a very tough issue for us in the Northwest.

So I guess what I'm saying is that that culvert issue, I was comforted by Mr. Rey's comments this morning that he felt that that issue could be dealt with in a proactive way.

Mr. HUSMANN. I agree with—you know, we do want to preserve our areas maybe, but I come back to this wilderness designation. I can't understand, or justify in my own mind how you can use that 1964 wilderness designation and then do these things as you so feel needed to do under the wilderness designation. I think Senator Craig there has asked a question that is very interesting. I don't know what that designation means, but it certainly doesn't mean wilderness, and I think that's great.

Senator CANTWELL. Mr. Heckert or Mr. Town, did you want to make a comment on that?

Mr. HECKERT. Yes. I think it's a dangerous precedent to be treading on, the fact that if an area was once ever had a human impact on it that it can never again retain a pristine, natural condition. I don't know philosophically, but I do know that ecologically that's not correct.



Mr. TOWN. I'd also like to add, Senator Cantwell, that most of the Wild Sky Wilderness is high elevation, and there is some low elevation land which is along the north fork of the Skykomish River. The north fork is part of the Washington State Scenic River System, and at one time was recommended for National Wild and Scenic River designation as well.

We're a little bit concerned about making sure that those low elevation lands are included in this wilderness proposal, and we brought a photograph here which might be difficult to see, but this is along the north fork, and it shows a place that was previously logged during the era of railroad logging about 80 years ago, and to most observers this area would seem to have whole forest benefits. Again, you might be able to find occasional stumps from some high-grade logging that occurred during those days, railroad logging, but when you look at the designations of ancient forests, multispecies, multilayer canopies, significant downfall, these railroad-logged areas are now acquiring those particular characteristics.

It's been a shame that in the past that a lot of low elevation timber has never been put into wilderness areas. This area is in a significant riparian area with a significant fish run and its benefits in terms of retaining water from flood damage and its benefits to salmon are very significant, and that's why we would like to include these.

As far as the purity argument goes, I think that's been addressed throughout what we've been talking about today, and so if man did trample in this area 80 years ago, I think that again the casual observer would not really notice it, and so therefore we would really like these low elevation areas included.

Senator CANTWELL. Well, I'm again struck by the fact that my predecessor, Scoop Jackson, had these same kind of debates and comments before the committee on other designations, so obviously this pristine debate has been going on for many years, and this is just the latest round of it.

I would like, Mr. Chairman, just to add one more thing to the record from the Everett Herald, maybe shedding little bit of light on this debate and basically saying that some of these more recent calls and input into the process are coming late to the game, and that they would have been better to have on the front end of the process, but we will, if we can, enter that into the record.

Senator CRAIG. Certainly.

Senator CANTWELL. And then also do a little more input and analysis for the committee about all that public comment that is out there, and whether we can somehow get that in the process, again without clogging all of the files and systems here with that, but get that information.

Senator CRAIG. Some of it's part of the record, and some of it is simply filed here for purposes of reference, so it all becomes a part of the total record. We're happy to have that.

Senator CANTWELL. We can get some of that. But thank you, Mr. Chairman, and thanks for holding this hearing today.

Senator CRAIG. Well, thank you, Senator. I think the discussion over what is wilderness is a respectable discussion and debate. My

frustration over the years is that I believe we have attempted to stretch the Wilderness Act beyond what it was originally intended.

That is not to say, and it is not for anybody to refer or to suggest that I don't recognize the need to give unique status or protection status to other properties of the public domain for the changes needed, water quality, fish habitat and all of those kinds of things, but my State values public lands for recreational purposes, as part of an economic base along with an environmental quality base, and we have a growing concern that wilderness is by definition restrictive, and I think most of us recognize that, as it relates to access, to unique styles of access, but be able to have some flexibility and still assure a protective status is something that many of us here are looking into here in Congress as the needs, as the understanding changes on the character of these lands.

Mr. HUSMANN, I did not ask you any questions. I have a couple to ask you. I know we're talking about lowlands and highlands, and I think Mr. Town spoke to that, Mr. Heckert spoke to that, and while clearly lowlands have become a part of wilderness over the years, the higher country almost always was less accessible, some of it left more untouched early on, and it was true in my State, as it was true in others, that was the more pristine land. That was the land that got designated wilderness. Are there any parts of the Wild Sky Wilderness proposal that you could support for wilderness designation as you've looked at it?

Mr. HUSMANN. Oh, I'm sure there are. I haven't gone to the map to map out how many acres, but certainly there must be areas that are very reasonable to designate, and in the traditional wild, wilderness sense, or, you know, with some other vehicle that you may be discussing.

Senator CRAIG. Have you contacted your Representatives and Senators and requested that additional public meetings be held?

Mr. HUSMANN. Yes, we have.

Senator CRAIG. Did that come from the State Farm Bureau, or—

Mr. HUSMANN. Now, I'm here on behalf—even though the State Farm Bureau also has a policy similar to, you know, more restrictive designations, and I did ask their permission to speak to that and enter into the record, but actually I'm from the Snohomish County Farm Bureau, a board member.

Senator CRAIG. I see, from the Snohomish County—

Mr. HUSMANN. Right.

Senator CRAIG. Have the communities of interest requested those meetings, do you know?

Mr. HUSMANN. As communities?

Senator CRAIG. As communities.

Mr. HUSMANN. I don't know. Mr. Postema referred to, you know, he had contacted, I think it was in the spring, sometime around March or April, when we started to see if really this was a supportive process right in my own town of Sultan, and I guess Mr. Town lives in Sultan, too. I guess we're neighbors.

I called Laura Kaning, who is the town clerk, and said, do you know anything about Wild Sky, and she says, well, no, but we just got a map, and I said, well, can I have it, and she says, well, it came from you, and that's all they knew, and so I mean, you know,

maybe we're just getting where certain people know some things and certain people don't.

I know one of the workers down there the other day, she saw the petition, she's been in the city for longer than me, I think, and she had no idea, and she's an avid Seattle-to-Portland biker and all of that sort of thing, and she had no idea, didn't know anything about Wild Sky, and she works for the city.

You know, I don't know who knows what, but I do know that there's a lot of people out here who are beginning to question what's going on.

Senator CRAIG. Well, I thank all of you gentlemen for your testimony. Wilderness designation is always a controversial issue. In most instances there are great passions, and there are reasons for that, on both sides of this issue. I've struggled with it over the years, as have a good many of my colleagues.

I trust that we've had a thorough process here and, if not, I would hope that it would be more thorough as we come to a final piece of legislation, that appears to have finality to it. I know that the staff of the committee and the staff of the two Senators—this was mentioned earlier—have worked to build a compromise and to work to resolve issues that were brought up on behalf of the two Senators in the State of Washington.

So let me also add to the record letters from—this deals with Senate legislation S. 1003—Bethine Church, Senator Jim McClure, Governor Cecil Andrus, Dennis Baird, Frank Elder, Norm Guth, and Bill Worf, as it relates to that legislation dealing with the hunting camps on the Salmon River. Those will become a part of the record, without—or, unanimously with no objection.

With that, the committee will stand adjourned. Again, thank you all.

[Whereupon, at 11:50 a.m., the hearing was adjourned.]

## APPENDIXES

### APPENDIX I

#### Responses to Additional Questions

U.S. DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, DC, June 26, 2003.

Hon. JEFF BINGAMAN,  
*Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR BINGAMAN: Enclosed are responses to the questions you submitted on S. 1003, following the hearing by the Subcommittee on Public Lands and Forests on June 4, 2003.

Thank you for the opportunity to present additional information on the subject.

Sincerely,

MARK REY,

*Under Secretary for Natural Resources and Environment.*

[Enclosure]

#### RESPONSES TO QUESTIONS FROM SENATOR BINGAMAN

As you know, S. 1003 would have the effect of overturning a Federal district court opinion, *Wilderness Watch v. U.S. Forest Service*, 143 F. Supp. 1186 (2000). I have reviewed the court's opinion in that case and would like to clarify a few issues.

*Question 1a.* Section 9(b) of Public Law 96-312, the Central Idaho Wilderness Act of 1980, makes clear that the section of the Salmon River that lies within the Frank Church River of No Return Wilderness is to be managed under the Wild and Scenic Rivers Act and related regulations, rather than the more restrictive provisions of the Wilderness Act. Your written testimony states that “[h]istorically, the Forest Service had taken the position that the camps—and the associated permanent facilities that are at issue—are consistent with agency policy and the law.”

What is the formal agency policy and law with respect to permanent facilities within a river segment designated as “wild” under the Wild and Scenic Rivers Act?

Answer. The Wild and Scenic Rivers Act (WSRA) defines wild river areas in Section 2(b) as, “those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.” The WSRA also directs that each designated river be managed “to protect and enhance the values which (sic) caused it to be included in said system . . .”

The Departments of the Interior and Agriculture promulgated extant interagency guidance for the study of wild and scenic rivers and the management of designated rivers in 1982, *National Wild and Scenic Rivers System; Final Revised Guidelines for Eligibility, Classification and Management of River Areas* (Federal Register, Vol. 47, No. 173; September 7, 1982, pp. 39454-39461). *Section III—Management* interprets Section 10(a) of the WSRA as “a nondegradation and enhancement policy for all designated river areas, regardless of classification” and offers a number of “management principles” stemming from this section that managing agencies should implement “to the fullest extent possible under their general statutory authorities.” We quote the two management principles specific to facilities: It should be noted that the interagency guidance that follows was not meant to address the unique requirements and expectations of Public Law 96-312. Rather, they were developed to address a broad array of Wild and Scenic Rivers located in all parts of the country.

The legislative record shows that Congress clearly intended to allow commercial uses such as outfitter and guides. The three private camps have been in existence and operated under special use permits for at least 20 years prior to the establishment of the Frank Church-River of No Return Wilderness through the Central Idaho Wilderness Act (CIWA). Both Senators McClure and Church used the jet boats and destination camps during their deliberations prior to the passage of the CIWA. This Act is often referred to as one of "compromise," because of its many provisions for continuing established uses.

**Basic Facilities.** The managing agency may provide basic facilities to absorb user impacts on the resource. Wild river areas will contain only the basic minimum facilities, in keeping with the "essentially primitive" nature of the area. If facilities such as toilets and refuse containers are necessary, they will generally be located at access points or at a sufficient distance from the river bank to minimize their intrusive impact. In scenic and recreational river areas, simple comfort and convenience facilities such as toilets, shelters, fireplaces, picnic tables and refuse containers are appropriate. These, when placed within the river area, will be judiciously located to protect the values of popular areas from the impacts of public use.

**Major Facilities.** Major public use facilities such as developed campgrounds, major visitor centers and administrative headquarters will, where feasible, be located outside the river area. If such facilities are necessary to provide for public use and/or to protect the river resource, and location outside the river area is infeasible, such facilities may be located within the river area provided they do not have an adverse effect on the values for which the river area was designated.

*Question 1b.* What was the formal agency policy at the time the Salmon River segment was designated in 1980?

*Answer.* The Departments of the Interior and Agriculture adopted *Guidelines for Evaluating Wild, Scenic and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System Under Section 2, Public Law 90-542 (Guidelines)* in February, 1970. The Guidelines provide criteria to supplement Section 2 and apply to "classification, designation, and administration of river areas." They contrast wilderness and wild river areas by stating the latter may contain recreation facilities for the convenience of the user in keeping with the primitive setting." "Essentially primitive" is defined as "shorelines . . . free of habitation and other substantial evidence of man's intrusion."

*Question 2a.* The court opinion references several Forest Service memos that raised concerns about the nature of the camps changing from temporary structures to permanent facilities that were more consistent with the Forest Service's definition of a resort, rather than an outfitter and guide camp. I would like to hear your view on this issue.

Are the facilities at the three camps the same structures that existed at the date of enactment of the Central Idaho Wilderness Act of 1980?

*Answer.* The Arctic Creek and Stub Creek camps are essentially the same. The Smith Gulch Camp has new structures and is in a different location than the original camp. The original camp was approximately 50 years old and was directly on the river bank where it was highly visible and had no sanitary facilities. The replacement camp is set back from the river and is screened from view. The camp structures are designed and constructed to blend into the natural setting, has a sanitary septic system, and handles approximately the same number of persons at one time as the old facility.

*Question 2b.* Have the relevant Forest Service permits issued since 1980 authorized temporary or permanent facilities for the three lodges? Has there [been] a change in any of the permits issued since 1980 with respect to allowing permanent facilities when previously only temporary facilities had been allowed?

*Answer.* In 1980, the Stub Creek camp operated under a Private Camp Permit, on which some structures were authorized as "semi-permanent" structures. The permit required all improvements to be removed when the permit holder no longer needed them. In 1993, when the Private Camp permit was re-issued with a two-year term, the clause requiring removal of improvements was removed. In 1996, the permit was re-issued with a 15-year term, with removal of all improvements required.

Between 1980 and 1996, the Arctic Creek camp operated under annual or two-year Outfitter/Guide permits that were inconsistent in their descriptions and directions on facilities. In 1996, a Private Camp permit was issued authorizing permanent structures as described in the 1993 permit with a 15-year term until 2010.

Unfortunately, many of the permits issued in the 1980s could not be located, including permits for the Squaw Creek camp. In 1988, the Forest Service issued a decision to move the location of the camp from Squaw Creek to Smith Gulch. In 1991, the camp operated under a Private Camp permit, with a five-year term, that de-

scribed several structures. In 1996, a 15-year Private Camp permit describing buildings, two water systems and a sanitary system was issued.

Private Camp permits allow for permanent facilities and are issued for a specified period of time. Normally, at the time of permit termination, the Forest Service Line Officer has the discretion to issue a new permit, with or without changes, or, with justification, not issue a new permit.

*Question 2c.* If any of the structures have changed since enactment of the Central Idaho Wilderness Act, especially if the nature of the structures has changed from temporary to permanent facilities, why should that be treated as being protected under the Act?

Answer. The only substantial physical changes were at Smith Gulch and they were the result of a 1988 Forest Service decision and intended to improve sanitation and the camp's visual impact on the river corridor. The camp serves the same function and capacity as prior to 1980, but with lesser impacts to the environment.

*Question 3.* The court's opinion states that "[p]ermanent resort facilities were clearly not legal at that time" (enactment of the Central Idaho Wilderness Act of 1980). In your opinion, is this an accurate statement of the law? If not, why is it inaccurate?

Answer. The court indicated its disagreement with our position on this issue. Agency permitting actions throughout the 1980's and 1990's related to the camps also reflect the contemporaneous agency understanding that permanent facilities at the camps were not in violation of and are an established use recognized by the CIWA. That is not to say that facilities at the camps are like jet boat and aircraft uses, which cannot be diminished under the CIWA. Rather, we interpret the CIWA and its legislative history as providing for the continued authorization of the camps by the Forest Service. This view is also supported by the letter submitted for the record by former Interior Secretary Cecil Andrus, former Senator Jim McClure, and the widow of former Senator Frank Church.



## APPENDIX II

### Additional Material Submitted for the Record

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SEAPLANE PILOTS ASSOCIATION,  
*Lakeland, FL, May 14, 2003.*

Congressman RICK LARSEN,  
*Longworth HOB, Washington, DC.*

DEAR CONGRESSMAN LARSEN: Having reviewed House Bill 822, which proposes to create a new wilderness area in the Cascade Mountains, the Seaplane Pilots Association endorses the legislation as introduced.

Considering the wide range of potential interpretations of what might be considered "reasonable" regulation of seaplanes on Lake Isabel, we would appreciate a brief description of what might constitute a "reasonable" restriction in the report language.

Contemplating the sensitivities of a wilderness area, we believe reasonable restrictions could include prohibiting early morning takeoffs that might disturb recreational users, limiting the number of seaplane operations should the number of such operations climb to a level at which observable, measurable environmental harm is being done, and limiting the number of landings any one seaplane could make in a given day.

We would hope to avoid "reasonable" regulations based on fear of the unfamiliar, personal prejudices, or false pretenses.

We commend you for seeking input from the many and varied groups that utilize the area you are proposing to protect, and appreciate the opportunity to participate in the process.

Sincerely,

MICHAEL VOLK,  
*President.*

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*Boise, ID, May 22, 2003.*

Mr. DOUG TIMS,  
*Northwest River Company, Boise, ID.*

Re: A Bill Clarifying commercial Outfitter Hunting camps on the Salmon River

DEAR DOUG, I have looked at the proposed legislation concerning the lodges at Stub Creek, Smith Gulch and Arctic Creek along the Main Salmon River in the FCRNR Wilderness.

These lodges and camps were well known at the time the Act was written and debated, and any effort to have them removed as part of the deal would have raised great controversy, I'm sure. Indeed, Frank was committed to achieving a balance in the legislation that allowed many such facilities to remain in place. I question whether the law could have passed without this type of compromise.

Frank certainly wanted to maintain a true wilderness but he was a realist about the situation. His effort always was mindful of keeping the River of No Return accessible for as many people as possible. Staying at the lodges is a great alternative for some families then and now. He understood the need to keep out inappropriate uses such as vehicles and roads, but he clearly advocated for the valid historic recreational uses in the 1980 bill for the River of No Return Wilderness.

You have my permission to send this letter on to all relevant congressional representatives and committees.

Very sincerely,

BETHINE (MRS. FRANK) CHURCH.



*Moscow, ID, May 28, 2003.*

Chairman DOMENICI,  
*Senate Committee on Energy and Natural Resources, Washington, DC.*

DEAR SIR: I have read the text of S. 1003 and believe that its language is fully consistent with the original intent of congress when it passed the Central Idaho Wilderness Act.

I participated as a conservationist in most aspects of the writing of the Central Idaho Wilderness Act, working closely with Senator Frank Church and his staff in that long process. I have also personally visited all three sites where outfitter camps operate on public lands along the Salmon River.

In writing this legislation, Sen. Church intended to the maximum extent possible to insure that uses compatible with the natural values of the Salmon River that were in place before enactment would be able to continue at the same level after enactment of the Central Idaho Wilderness Act. Sen. Church had visited all three camps in existence at the time this legislation was being considered and repeatedly stated that it was his intention that the law would permit their continued existence under USPS permit. Based on my memory of these events, there can be no doubt about what Mr. Church intended the final legislation to do. Sen. Church was also a fine writer in general, and of legislation in particular, and consequently I can see no room for ambiguity in interpreting this legislation and Mr. Church's intent: these three camps were to stay.

One of the three camps is now at a different location than at the time of enactment, but that move was made at the behest of the Forest Service and was designed to relocate the camp to a less visible and intrusive spot—a request generously agreed to by the lease holder.

Sincerely,

DENNIS BAIRD.

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STATE OF WASHINGTON HOUSE OF REPRESENTATIVES,  
*Olympia, WA, May 30, 2003.*

HONORABLE MEMBERS,  
*Energy & Natural Resources Committee, Dirksen Senate Building, Washington, DC.*

DEAR DISTINGUISHED COMMITTEE MEMBERS: I am writing to you today to express my concerns regarding the proposed Wild Sky Wilderness in the state of Washington. The area in question comprises approximately 106,000 acres in the southwest portion of the Legislative District which I have the honor of representing.

My primary concern is the likelihood of serious environmental degradation in the event this Wilderness proposal is adopted. There are currently about forty miles of forest road with several bridges and numerous culverts within the boundaries. Under the proposed legislation, no consideration is given to the status of these roads. If left alone, lack of maintenance could cause culverts to be filled causing washouts creating negative environmental impacts.

This brings us to my next concern, the issue of the inholders within the proposed Wild Sky. The Wild Sky legislation reiterates the Wilderness Act's statement of assuring "adequate access." As you are no doubt aware, "adequate access" lacks a clear definition. I believe that the inholders need certainty in how their property will be affected.

In conclusion, I would like to ask for your consideration of the potential environmental impacts of this change in classification and also the effects on the status of inholders.

Thank you for your consideration.

Sincerely,

KIRK PEARSON,  
*State Representative.*

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*Boise, ID, May 30, 2003.*

Senator PETE DOMENICI,  
*Chairman, Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Please accept this correspondence as my total support for S. 1003.

As a result of my years as Governor of Idaho and as Secretary of the Department of the Interior, I am intimately familiar with the issues and location of the properties in question, properties that are now inside the outer boundary of the Frank

Church River of No Return Wilderness Area. I have personally visited the locations in question and was involved in the decisions that permitted Norman Guth, owner of the Big Squaw Creek facility, to move that facility to a less intrusive location away from the river's edge. He agreed to move; the Forest Service was happy; and it appeared that we had enhanced the wilderness characteristics of the area. The new location of this facility is at Smith Gulch, which is much less obtrusive but permits "existing uses" to continue.

In 1980, when we passed the legislation that finally created the River of No Return Wilderness Area, which is now the Frank Church River of No Return Wilderness Area, we thought the issue had been resolved to everyone's satisfaction. I might add that Norm Guth went to considerable expense in creating the new facility, and he did it simply because he is a good citizen, one whom I have known for more than 30 years.

The 1980 record of the committee hearing is, I think, quite clear as to what the intent was, and I hope that you and your committee will see fit to pass this proposed legislation to clarify the issue once and for all.

With warm personal regards to you, I remain

Sincerely,

CECIL D. ANDRUS.

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WASHINGTON WILDERNESS COALITION,  
Seattle, WA, May 30, 2003.

JEFF SAX,  
Council Member, Snohomish County Council, Everett, WA.

DEAR COUNCILMAN SAX: We are pleased to present you with a significant demonstration of support for the proposed Wild Sky Wilderness by your constituents. Enclosed are 780 petition signatures supporting the Wild Sky Wilderness Act, which would permanently protect 106,000 acres of National Forest land as congressionally designated Wilderness.

The petition signatures are exclusively from your constituents in District 5 who live in the Skykomish River Valley (including Monroe, Snohomish, Sultan, Gold Bar, Startup and Index) All signatures were gathered earlier this year in February.

We hope that you will join the many other elected officials in Snohomish County that have already endorsed protecting the Wild Sky as Wilderness.

Please feel free to contact me or one of my staff for more information on Wild Sky Wilderness.

Sincerely,

JILL SMITH,  
Executive Director.

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WASHINGTON COALITION OF CITIZENS WITH DISABILITIES,  
Seattle, WA, June 2, 2003.

Hon. PATTY MURRAY,  
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: I am writing to express Washington Coalition of Citizens with disabilities (WCCD) continued support for your proposal to protect the Wild Skykomish Country as a congressionally designated Wilderness—WCCD supports protecting Washington's remaining scenic roadless areas in our National Forests through Wilderness designation and other protective measures.

WCCD's mission is to support people with disabilities, including those with the greatest needs for multiple, complex human and economic services, in becoming as independent as possible in accordance with their own choices and desires. We feel that National Forest roadless areas have more value to more people when they are left intact, rather than to be roaded and logged or turned over to motorized use. Saving our wild public forests as sources of clean water, wildlife habitat, scenic beauty and sustainable recreation gives the public more choices in how their land is used. Developing these last wild forests benefits only timber, mining, dirtbike and other off-road-vehicle interests.

As you know, the Wilderness Act provides the most durable and comprehensive protection to wild, largely unspoiled federal land. It allows the land to forever retain its wild character, prohibiting road construction, logging and other damaging activities while providing a glimpse of what our country looked like when Lewis and Clark first visited the Pacific Northwest.

In regard to access for citizen's with disabilities, even though Wilderness designation prohibits general mechanized travel within in its boundaries, it allows full wheelchair use where possible.

The Americans With Disabilities Act of 1990 reaffirmed that nothing in the Wilderness Act should be construed as prohibiting the use of a wheelchair in a wilderness area by individuals whose disability requires it. A 1992 report by the National Council on Disability found that "[a] significant majority of persons with disabilities surveyed very much enjoy the [National Wilderness Preservation System] and 76 percent do not believe that the restrictions on mechanized use stated in the Wilderness Act diminish their ability to enjoy wilderness. People with disabilities appear to visit the NWPS in the same ways and for the same reasons that people without disabilities do."

Under the Wild Skykomish Wilderness proposal, wheelchair users would still be able to enjoy the local scenery firsthand. Three barrier free trails, those that are more easily used by wheelchairs, lie within the general vicinity of the proposal, including the Troublesome Creek Trail which rests just within the boundaries (0.5 mi.) right along the North Fork Sky Road. Though more suitable for the stronger wheelchair user because of steeper stretches and narrow trail width, it's a very scenic trail through old growth forests, along a rushing creek, with two large trail bridges across the creek. It offers several good viewpoints of huge trees, the creek, and the nearby mountains being proposed for Wilderness designation. Additional barrier-free trails are available throughout the Skykomish Ranger district.

\* \* \* \* \*

SNOHOMISH COUNTY,  
Snohomish, WA, June 2, 2003.

Hon. LARRY CRAIG,  
*Chairman, Subcommittee on Public Lands and Forests, Senate Energy and Natural Resources Committee, Washington DC.*

DEAR SENATOR CRAIG: We are writing to express our deep concern regarding the Wild Sky Wilderness Act of 2003, which is before the senate in S. 391, and before the house in H.R. 822.

We view this bill as posing serious adverse impacts to Snohomish County, Washington.

This bill would lock up some 900,000 acres of present National Forest land in Snohomish County as part of the "Wild Sky Wilderness." The proposal would prohibit grazing, commercial gathering of forest products, logging, mining, and other commercial uses of the subject land, and would cause a decrease in recreational tourism. This threatens a local economy already in the doldrums.

All of this is happening without any effective public process, without any demonstration of need for more wilderness, and without any analysis of social, environmental, or economic impacts.

Some specifics.

#### 1. *Tourism*

The bill's proponents promote it under the promise of "protecting" the land for recreational use, and claim that the bill will boost tourism. This claim is highly deceptive. The bill's mechanism for "protecting" the land is to close over 30 miles of roads, remove a bridge, and prohibit all forms of motorized or mechanized travel; including emergency vehicles, snowmobiles and bicycles. Just how do we boost tourism by restricting access? The true effect of the bill will be to create a private preserve for the recreational elite and out of reach far the average Snohomish County family. This will "protect" the land from tourism, not for tourism.

Indeed, the September 2001 report "National Visitor Use Monitoring Results" by the USDA Forest Service Region 6 (Mt. Baker-Snoqualmie National Forest)<sup>1</sup> shows that Wilderness visits decline to 7 or 8 percent of the regular National Forest Visits, and that the majority (70%) of Wilderness visitors are white males age 21-30 comparable to 1:7.6 percent in regular National Forests.

We cannot believe that federal policy would call for creating private playgrounds for the elite.

The same Forest Service report also shows that the Wilderness visitor spends only \$27.00 within 50 miles, in comparison with over \$80.00 spent by the regular National Forest visitor (these figures do not include gas and oil expenditures). Why

<sup>1</sup> <http://www.fs.fed.us/recreation/programs/nvum/reports/year1/R6—MBS—final.htm>.

such a remarkable difference? Possibly because the elite visitor is responsible only for himself, whereas the National Forest visitor arrives with family in tow. But whatever the explanation, the clear fact is that "Wild Sky" threatens to damage, not boost, the local tourism industry.

## 2. *Economic development*

The Snohomish County economy is presently sluggish. Economic development here is a necessity. As a county council, we are engaged in efforts to stimulate the local economy. Placing an additional vast tract of lowland natural resources off limits for timber, minerals, etc. is highly counter-productive to these efforts.

In addition, Snohomish County would lose its future share of any federal timber harvest on the 100,000 acres, which in the past has brought over \$950,000 per year in revenues to county government, and another \$950,000 (+) to local schools.

## 3. *Forest Fire*

Summer approaches, and with it comes the fire season. What will be the effect of Wild Sky's road and bridge closures on fire fighting? Obviously, it can only have a negative effect. Uprooting the forest transportation infrastructure would seriously hinder if not prohibit fighting forest fires, with a resultant threat to public safety and the water supply. In our state we have already experienced tremendous loss of property and life to forest fire, and we are very steeply concerned about the continuing threat of forest fire.

## 4. *Public Process*

Wild Sky proponents claim broad and deep public support for the bill. We must question the veracity of that claim. We are unaware of any evidence of serious consultation of the people of Snohomish County on this proposal. Certainly none of us, members of the Snohomish County Council, have been in anyway consulted.

Moreover, reviewing of a published list of "Wild Sky" supporters reveals a surprising scarcity of Snohomish County legislators, mayors, cities, local citizens and members of our County Council. Proponents appear to have done little to inform officials of the surrounding cities of the nature of this proposal and the economic impact on their communities.

The Snohomish County Farm Bureau recently issued a press release that asked in part:

"What Is Wild Sky's impact on forest fire control, water management and storage, and public access? What is the economic impact of road closures and lost timber harvest? What is the true cost and who pays for it?"

These very legitimate and common-sense questions have been virtually ignored by the bill's proponents.

But these questions, and others, need and deserve to be answered.

Accordingly, we ask that you look very carefully at this bill in light of our concerns, and we ask that you forbear taking action until Snohomish County citizens have been consulted in the matter. We suggest this may be accomplished by convening a Congressional public hearing in Snohomish County.

Respectfully yours,

GARY NELSON,  
JOHN KOSTER,  
JEFF SAX.

WASHINGTON CONTRACT LOGGERS ASSOCIATION,  
*Olympia, WA, June 3, 2003.*

Hon. LARRY CRAIG,  
*Chairman, Subcommittee on Public Lands and Forests, Senate Energy and Natural Resources Committee, Dirksen Office Building, Washington, DC.*

DEAR SENATOR CRAIG: My name is George Kirkmire and I am Executive Assistant for the Washington Contract Loggers Association (WCLA). The WCLA is a statewide trade association representing over 800 predominantly small, family owned businesses involved in the harvesting of timber located on both private and public lands. I am writing you to express a number of concerns that WCLA has with the 'Wild Sky Wilderness Act of 2003' which is presently before the senate in the form of S. 391 and before the house in H.R. 822.

First and foremost, the 'Wild Sky Wilderness Act of 2003' would add approximately 106,000 acres to the Mt. Baker-Snoqualmie National Forest, which already has over 700,000 acres designated as wilderness out of a total of 2 million acres. Additionally, there is 600,000 acres of the forest, which is designated as 'Late Suc-

cessional Reserve' (LSR) as outlined under the Northwest Forest Plan. The LSR's, which might as well be considered as de facto wilderness areas due to severe resource management prohibitions, when combined with current acreage reserved for wilderness totals nearly 1.3 million acres!

This indicates that 65% of the Mt. Baker-Snoqualmie National Forest is currently in an unmanageable state with regards to resource production or protection. If one adds the 106,000 acres of wilderness that the 'Wild Sky Wilderness Act of 2003' proposes, the figure jumps up to 70%. Frankly, enough is enough.

To add insult to injury, however, 16,000 acres of the proposal contains 'Matrix' designated lands that, under the Northwest Forest Plan, does allow for limited timber production. Given that the Mt. Baker-Snoqualmie National Forest has only 45,000 acres within the 'Matrix' designation available for timber management (60,000 acres less riparian reserves), or 2.5% of the forests' total acreage, WCLA is strongly opposed to any further withdrawals.

The Mt. Baker-Snoqualmie National Forest currently has a difficult time putting up less than 10 mmbdft per year for sale within Western Washington, which is a far cry from the 250 mmbdft that it averaged during the '70's and '80's. Despite this, though, the forest still has over 631,000 acres of old growth inventoried.

Another problem with 'Wild Sky' is the fact that much of proposed acreage doesn't meet the traditional 'untrammeled by man' definition of wilderness. There are over 40 miles of existing road and numerous bridges; at least one that cost \$500,000.00 when it was originally built. Further, much of the area has an extensive mining and logging history that goes back nearly to the turn of the last century. To create a wilderness with these characteristics sets a precedent, especially here in the West, which might lead to anything being considered as wilderness as long as a circle is drawn around it and it is congressionally designated.

Roads and bridges are hardly characteristics that one thinks about when wilderness is mentioned and, indeed would eventually have to be removed or 'decommissioned' at some point in order to meet the true definition of wilderness. The Mt. Baker-Snoqualmie National Forest has a tremendous un-funded backlog of road maintenance projects that grows exponentially every year. Road decommissioning estimates in the proposed wilderness area have run into the millions of dollars and to believe that money for this would be made available over and above funding for more qualified projects is a 'pipe dream'.

From the beginning, we were under the impression that 'Wild Sky' was going to be an open and collaborative process between affected and interested parties composed of primarily urban environmentalists, citizens of Snohomish County and natural resource users. There was supposed to be 'open houses' and 'community meetings' held within the area to inform the public as to the scope of the project and to allow the public, in turn, to comment. Unfortunately, none of these meetings have ever taking place. In fact, it was nearly two years after word leaked out about a possible new wilderness area that a map was even made available, and even then the boundaries were still uncertain.

We blame much of the secrecy regarding 'Wild Sky' on Senator Murray's aide and point person on 'Wild Sky', Karen Waters. Ms. Waters is/was a member of the Board of Directors of the Washington Wilderness Coalition, which groups stated purpose for existence is to create and advocate for more, in fact 3 million acres more, of wilderness area throughout Washington State. We believe that Ms. Waters' membership in such a group has affected immensely the fairness and objectivity of this particular proposal.

Since 'Wild Sky' is a proposal emanating primarily from the environmental community, only the environmental community has ever been consulted. To our knowledge, no one from the timber industry, including sawmill owners and logging company owners located within Snohomish County or near the proposed wilderness area, have ever been included in any decision regarding 'Wild Sky'.

In closing, Senator, it is WCLA's contention that there is already enough land classified as 'wilderness' on the Mt. Baker-Snoqualmie National Forest. To lock up such a large percentage of the total land base into a single designation is bad idea, likely to lead to a natural disaster at some point in the future. People are under the misguided assumption that forests are a stagnant entity, likely to carry on quite well without any interference from or by than. The truth is that forests are dynamic and ever changing. One way or the other, these forests will be managed, naturally or otherwise. Lets hope that they are managed to the benefit of man and not to his detriment.

Thank you for considering our comments on the 'Wild Sky Wilderness Act of 2003'.

Yours very truly,

GEORGE C. KIRKMIRE,  
*Executive Assistant.*

*June 3, 2003.*

Senator PETE DOMENICI,  
*Chairman, Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I support the efforts of Senator Craig in S. 1003 to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

In 1979, Senator Church and I heard extensive testimony from the citizens of Idaho and others concerning the establishment of the River of No Return Wilderness. At issue before the Congress were the Idaho and Salmon River Breaks Primitive Areas. These areas and the surrounding lands that were recommended for wilderness protection, make up a vast area of more than two million acres. The area is very challenging terrain cut by the Salmon River into canyons and river corridors with very difficult access.

Idahoans had developed a number of historical methods of access prior to Congress addressing the future management of this vast area. It is very important to local citizens and outfitters to have a way to explore and enjoy Idaho's multitude of hunting, fishing and recreation opportunities. As we heard in the hearings before the Subcommittee on Parks, Recreation, and Renewable Resources there was significant support for designation of a large segment of central Idaho as wilderness, but equally important that the public be allowed continued access.

To strike this balance we placed the following language at the beginning of the Central Idaho Wilderness Act:

Sec. 2. (a) The Congress finds that—

(1) certain wildlands in central Idaho lying within the watershed of the Salmon River—the famous “River of No Return”—constitute the largest block of primitive and undeveloped land in the conterminous United States and are of immense national significance;

(2) these wildlands and a segment of the Salmon River should be incorporated within the National Wilderness Preservation System and the Wild and Scenic River System in order to provide statutory protection for the lands and waters and the wilderness-dependent wildlife and the resident and anadromous fish which thrive within the undisturbed ecosystem; and

(3) such protection can be provided without conflicting with established uses.

Contained in the bill was a balance between management under the Wild and Scenic Rivers Act and the Wilderness Act. The congressional record includes extensive discussion of the reason for the dual designation. Under the Wilderness Act, existing uses such as airstrips, powerboat use and camps with permanent structures on the Main Salmon would not be allowed. We included specific language in the Act that directed the Forest Service to manage the Main Salmon corridor as Wild and Scenic in order to allow continued access via powerboats and the camps with permanent structures.

Senator Church and I specifically questioned Assistant Secretary of Agriculture Rupert Cutler and Region Four representative Frank Elder about this balance. Their answers on the record and later in statements to the committee reports tie back directly to the “such protection can be provided without conflicting with established uses” language on the face of the bill.

The committee report states “While both the River of No Return Wilderness and the Gospel-Hump Wilderness overlap portions of the Wild and I Scenic River corridor, the Committee reiterates that only the rules and regulations promulgated pursuant to the 1968 Wild and Scenic Rivers Act will apply in the river corridor. Thus certain activities not generally permitted in wilderness areas, such as the hunting camps on the river, the use of motorized tools to gather firewood, and small hydroelectric generators can continue within the wild and scenic river corridor on the river.”

At the hearings, I specifically asked Assistant Secretary of Agriculture Rupert Cutler about the dual designation. I asked, “Did I understand your most recent proposal did not deal with the earlier questions with respect to the management of the river corridors—particularly the Middle Fork and the main Salmon? Middle Fork is a Wild and Scenic River and it is your suggestion that it become wilderness and

go into the more restrictive management of wilderness? But that the Salmon River itself would not become wilderness but would become part of the wild and scenic rivers?

Mr. Cutler, "That is correct, in order to continue the mode of transportation on the main Salmon River. The question of continued use of camps on the main stem also would be provided for by excluding the main stem corridor from the wilderness area."

Here and at several other places in testimony, the "camps" that were discussed are those at Smith Gulch, Arctic Creek and Stubb Creek as referenced in S. 1003.

At present, these facilities are under Forest Service order to be removed in 2004. S. 1003 must be acted on promptly in order to provide for the continuation of this important historical access to the Salmon River by the public. It was clearly our intent in 1980 that this use, which is facilitated by the permanent structures at each site, shall continue for present and future generations.

Sincerely,

JAMES A. MCCLURE.

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STATEMENT OF WILLIAM A. WOLF, PRESIDENT, WILDERNESS WATCH, MISSOULA, MT

Mr. Chairman, and members of the Committee, I am providing this testimony on behalf of Wilderness Watch, a national citizen organization dedicated to the protection and proper stewardship of America's designated Wildernesses and Wild & Scenic Rivers. I have been assured by Committee staff that this statement will become part of the official hearing testimony. We appreciate that consideration. My statement includes several attachments, including a chronology of this issue and a personal affidavit that speaks to the history of these permits and resorts.\*

I am a co-founder of Wilderness Watch and currently serve as its president. I also bring a unique perspective to these deliberations as a former employee of the United States Forest Service, who has been involved for more than 30 years in the issue before the Committee. I served as a fulltime employee of the US Forest Service for nearly 32 years. This included service on 4 national forests, in 2 regional offices and in the national headquarters in Washington, DC. During that time I served a number of roles and had a variety of duties, some of which involved administration of special use permits including outfitter and guide permits. I served in the National Headquarters from 1964 through 1969 where my primary responsibility was providing national leadership for Forest Service implementation of the Wilderness Act and the Wild & Scenic Rivers Act. For 12 years (1969 through 1981) I served in the Northern Region headquarters as Director of Wilderness, Recreation and Lands. I was responsible for providing direction to national forests for administration of special land uses (including outfitters & guide permits), Primitive Areas, Wildernesses and Wild & Scenic Rivers. I was very closely involved in management of the Salmon River and the surrounding lands during those years. I provided staff leadership and advice to the Regional Forester and Chief as various proposals for Wilderness designation were considered by Congress. In that capacity I met with Senator Church while he was working on the Central Idaho Wilderness bill and had a number of conversations with members of his staff and many others as the legislation was developed.

Mr. Chairman, Senate bill S. 1003 seeks to overturn a federal district court decision which correctly found that the Illegal construction and operation of 3 resort camps on the Wild and Scenic Salmon River violated, the Wild and Scenic Rivers Act and the Central Idaho Wilderness Act. S. 1003 will reverse many decades of administrative and congressional protection for the Salmon River country. It will grant special rights to 3 outfitters on the Salmon River that are not afforded to any other of the thousands of outfitters operating on our public lands' wildernesses and wild rivers. It will reward individuals who have flaunted our nation's laws and who routinely violated the terms of their special use permits. S. 1003 will condone the abysmal record of administration of this area by the Salmon National Forest, while serving as a slap in the face to other outfitters who have played by the rules and to those dedicated Forest Service employees who for decades administered those rules as they were intended. It will rob all Americans, young and old, able-bodied and disabled, of the opportunity to experience this wild river corridor in its most primitive and pristine condition.

The fact of the matter is that the type of developments that S. 1003 attempts to permit on the Wild Salmon River have been illegal for 70 years. In the 1930's, the area affected by S. 1003 became part of the Salmon River Breaks and Idaho Primi-

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\*The attachments have been retained in subcommittee files.

tive Areas. The regulations applicable to the Primitive Areas provided that “there shall be no roads or other provision for motorized transportation, no commercial timber cutting and no occupancy under special use permits for hotels, stores, resorts, summer homes, organizational camps, hunting and fishing lodges or similar uses.” These regulations governed this area until 1980, when the lands in question were designated as part of the River of No Return Wilderness and as part of the Wild and Scenic Salmon River. From the 1930s, up through the time of the Central Idaho Wilderness Act (CIWA) of 1980, and until today the only type of outfitter camps legally permitted on the Salmon River were those of a temporary nature. As U.S. federal judge Sidney R. Thomas stated in *Wider Watch v. U.S. Forest Service*, “When the CIWA was enacted, permanent structures were prohibited in the Idaho and Salmon Breaks Primitive Area as a matter of law and regulation.”

Despite this prohibition on permanent structures and lacking any authority to do so, several outfitters over the years constructed rustic lodges and cabins at their hunting camps. In 1970, mindful of the legal prohibitions against such developments, the U.S. Forest Service regional foresters for the northern and intermountain regions signed a letter ordering that all camps be modified to be temporary by December 31, 1971. I have attached to my statement a copy of an affidavit from former Regional Forester Verne Hamre that confirms this. Of the 8 outfitters who had constructed the illegal camps, 5 complied with the order and burned or removed the illegal structures. Three continued to flaunt the law and did not remove their illegal camps, and it is they or their successors who S. 1003 will reward. Those who complied were assured by Forest Service officials that all outfitters would be treated the same. S. 1003 makes a liar of the U.S. Government on this account. By the way, it wasn't until 1988, eight years after CIWA passed, that one of the three remaining camps (a ramshackle affair consisting of an old metal barge pulled up on shore with some wood frame add-on rooms) was removed, but theft was “replaced” three miles downstream by a modern lodge with several outlying cabins.

As I mentioned earlier, I met with Senator Church during the legislative effort to pass the Central Idaho Wilderness Act and can assure you he knew that the rules then in place only allowed for temporary camps in primitive areas, wilderness areas and in wild river corridors. He was, in my opinion, a smart legislator who knew what he was doing. Where he wanted exceptions he was clear about it. He made a point of writing special provisions in CIWA to allow jetboat use to continue and to allow several airplane landing strips to remain. As one who worked to pass the Wild and Scenic Rivers Act, he knew that the standard for wild rivers is that the shorelines must remain essentially primitive and as vestiges of primitive America. Had he wanted permanent camps complete with lodges and cabins in a Wilderness or a Wild River corridor, he certainly would have said so in the law. That was not his intent and, as the courts have found, it was not the intent of Congress. S. 1003's attempt to allow for permanent resorts on the Wild Salmon River does not “clarify” the CIWA, it overturns it. Moreover, it sets an entirely new and dangerously low standard for managing wild rivers.

It has been claimed that these resorts are essential for older people or people with disabilities to experience this area. That simply doesn't square with the fact that older people and those with disabilities visit wildernesses and wild river all over America without the use or need for accommodations of this sort. I, for one, am legally blind and approaching 80 years of age. I have visited this area many times, the last float trip was four years ago. And I didn't need the services of these lodges to experience the wilderness—indeed, they detracted from it. For those who want a more developed recreation opportunity they can be accommodated at the Forest Service-permitted Salmon River Resort adjacent to the Wilderness and just upstream Wild River corridor, or at any one of several private lodges further downstream on private lands. But their experience needn't be at the expense of the wild river. If S. 1003 passes, the losers will be the vast majority of visitors who are seeking a wild river experience, and the great number of Americans who take pleasure in simply knowing that wild places exist and will be preserved.

Apart from the damage S. 1003 will do to the Wild Salmon River, it would be a terrible irony on at least two other counts. First, it would grant special rights to 3 individuals to operate resorts that were illegally built on public lands—rights that exceed those afforded to other outfitters who operate legitimately on public lands in the Wilderness and Wild Rivers systems. Those who have play by the rules are harmed when those who cheat are rewarded. Second, these are hardly model operations. They are some of the most dubious I have ever encountered. One of the outfitters has had its permit placed in probationary status for being convicted for violations of State fish and game regulations. Another has been cited for “continuous resource damage” associated with a “substantial spill from your generator” and for being “continually late on payment of fees, non-responsive regarding returning



phone calls with requested information, and verbally abusive to Forest Service Officers at Corn Creek (the river launch site) and office personnel." I would be happy to provide the committee with documentation of these facts if any member chooses to better understand the types of operations and operators that S. 1003 seeks to reward.

It is also worth noting that two of three resorts had a change in ownership in recent years. Those resorts were acquired during the time that the legal status of the resorts was being challenged in federal court. Each of the outfitters' permits contain clauses that unequivocally state that should the resorts be found to be illegal they would have to be removed. The outfitters entered into their business deals with eyes wide open, no doubt the risky legal tenor of these resorts was reflected in the selling price.

Mr. Chairman, the right thing to do is to shelve S. 1003 and let the Forest Service implement the law as it is written. In September 2000, a federal judge ruled that the lodges on these three sites were illegally constructed and ordered the Forest Service to fashion a plan to remove them, being mindful of the concerns of the outfitter-permittees. Following the court's direction and at the urging of the affected outfitters, the Forest Service granted the permittees until December 31, 2005 to comply with the law. That is more than 5 years-time since the court decision, and more than double the amount of time afforded other outfitters who have had to remove illegal structures from the Salmon River. Moreover, the Forest Service has agreed to allow the outfitters to continue to operate at these same camps with temporary structures as allowed by law. Thus, they are not being put out of business, but instead will be allowed to operate and provide services to the public in a fashion that is consistent with the tenets of the Wild and Scenic Rivers Act and the Central Idaho Wilderness Act.

Thank you for your consideration.

Note: Attachments have been retained in subcommittee files.

Attachment #1: Chronology of Salmon River protection and illegal resorts

Attachment #2: Affidavit of William A. Worf

Attachment #3: Affidavit of Vernon O. Hamre

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STATEMENT OF TERRY WEINER, CONSERVATION COORDINATOR,  
DESERT PROTECTIVE COUNCIL, SAN DIEGO, CA

On behalf of the Desert Protective Council (DPC), I want to thank you for your ongoing work as Chair of the Senate Subcommittee on Public Lands and Forests.

The DPC is a 49 year old non-profit membership organization whose mission is to safeguard for wise and reverent use by this and succeeding generations those deserts of unique scenic, scientific, historical, and recreational value, and to educate children and adults to a better understanding of the deserts. One of our areas of focus is Imperial County, California.

I write to you today to request that you table your scheduled June 4, 2003 discussion of H.R. 417—The Cibolla National Wildlife Refuge Correction Act. The DPC has only very recently become aware of this proposal to withdraw 140 acres of public land from the Cibolla National Wildlife Refuge along the Colorado River in Imperial County California, on the basis that these acres, part of which are known as Walter's Camp, were erroneously included in the Refuge when Public Land Order 3442 created the Cibolla National Wildlife Refuge in 1964. The DPC has also been made aware, through historical files at BLM Yuma, that although Public Land Order 3442 of 1964 may have erroneously included Walter's Camp, the area in question is at most 18 acres, not 140 acres as stated in H.R. 417. A 1982 map and legal description confirms that Walter's Camp consists of "18 acres, more or less". It is interesting to note that Walter's Camp originally began as trespass on public lands. One of our questions is: why, when the Wildlife Refuge was initially established, would the illegally permitted land be granted exclusion from the Refuge in the first place? More importantly, at what point did 18 acres expand to 140 acres? The Desert Protective Council respectfully requests that this question be answered before your committee proceeds further with a decision to remove 140 acres of wildlife habitat from protection. Despite testimony referred to in remarks made by Congressman Duncan Hunter in January 2003, the lands in question are good desert scrub habitat. Federally listed endangered species such as the Yuma Clapper Rail and the Southwest Willow Flycatcher nest in this area. The Lower Colorado River ecosystem is a threatened one. The entire stretch of this part of the river, on both the west and the east sides has been and continues to be a very popular recreation area. There are abundant for many kinds of recreation. Many boat ramps, campgrounds and dammed up lakes for camping, fishing, motorized boats and jet skis dot the Riv-

er's edges. Good, healthy habitat for the desert plants and animals is becoming scarcer.

The citizens of the U.S. are counting on you to protect the Cibolla Wildlife Refuge for us and for future generations. Please address DPC's questions and the questions of the local citizens of Imperial County before taking a vote in your committee related to this Wildlife Refuge alteration.

I look forward to an opportunity to discuss other issues with you, related to the withdrawal of lands from the Wildlife Refuge and to the impacts of an expanded Walter's Camp on the future health of the desert and river habitat of the lower Colorado River.

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STATEMENT OF LARRY CHARLES, CHAIRMAN OF THE BOARD AND PRESIDENT,  
NEWTOK NATIVE CORPORATION, NEWTOK, AK

Mr. Chairman, members of the Subcommittee, I am Larry Charles, the President of Newtok Native Corporation, headquartered in Newtok, Alaska, where I live. We thank Senator Lisa Murkowski for introducing S. 924 that directs Newtok and the Fish and Wildlife Service to exchange land. We are grateful for her efforts to help save our village and our way of life. We thank the Senators on this committee for hearing our bill.

BACKGROUND

Newtok is located in the Yukon-Kuskokwim Delta of western Alaska. The people of this region are Yupik and have lived along the Bering Sea coast for 2000 years. Living in the lands and waters of this great delta means that we live on land that shifts over time as the water currents change and deposit new soil. The present village has been occupied since 1949 after the villagers moved from another site that flooded.

There are fewer than 300 residents of Newtok. The village is unincorporated and has no taxing authority. While some villagers are employed at the school, the clinic, by the Native corporation and as commercial fishermen, most villagers pursue a subsistence living. Fifty percent of the villagers live below the poverty level. Most villagers are shareholders in the Newtok Native Corporation. The Alaska Native Claims Settlement Act of 1971 authorized our corporation. Through that law, we have selected and have been conveyed lands in the vicinity of our village to provide good hunting areas for the villagers. Surrounding our village and all of our lands, the federal government owns the land and manages it as the Yukon Delta National Wildlife Refuge.

This exchange legislation is necessary because our village will wash away within the next decade. Each year since the early 1950's, the shifting course of the nearby Ninglick River moves closer to the village. The erosion has been particularly rapid in the last decade. The changing course of the river also affects nearby delta wetlands and creeks causing subsidence in the village at this time. Houses are sinking. To save our village and our way of life, we must move Newtok to higher ground nearby and rebuild.

We have employed engineers and soil scientists who tell us that the most appropriate site for a new village is across the river on Nelson Island. There the land is higher, there are gravel deposits for a road and an airstrip, and the river channel will allow boats and barges to tie up. However, the village site and nearby gravel sources are currently owned by the federal government and managed by the Fish and Wildlife Service.

HISTORY OF THE LEGISLATION

In 2002, Senator Frank Murkowski was introduced S. 2016 directing an equal value land exchange with the Fish and Wildlife Service. This legislation was introduced after five years of unsuccessful negotiations between Newtok and the Fish and Wildlife Service on an administrative exchange. Under that bill as introduced, Newtok would receive a small amount of land at the new village site. In exchange, the Fish and Wildlife Service would receive lands of high wildlife and waterfowl value from Newtok in an area called Aknerkochik. The Fish and Wildlife Service originally wanted Newtok to take much more land and give up many more of its prime hunting lands. Following the Committee's hearing on that legislation, representatives of the Department of the Interior met with the professional staff of the Committee and developed a new, compromise proposal.

The compromise proposal passed by the Committee and the full Senate in 2002 but was not taken up by the House. It is now incorporated in the text of S. 924

introduced by Senator Lisa Murkowski. S. 924 expands the original exchange proposal to add key lands identified by the Fish and Wildlife Service beyond those in the original bill. For Newtok, that would include areas identified as likely places for gravel removal. For the Fish and Wildlife Service, it would now provide for the public ownership of Baird Island, the prime nesting area for brant, as well as the Aknerkochik area that was contained in the original proposal. With the adjustments to the exchange area made by the Committee, acreage to be exchanged by each party is nearly identical. Any difference in the value of the exchanged lands would be so insignificant as to be less than the cost of the appraisal. Therefore, both the Fish and Wildlife Service and Newtok would accept a directed exchange, without further appraisal. This will save both parties time and money.

For Newtok, saving time is essential. Gaining title to the land is only the first step of our effort to save our village and our way of life. We will also need help from appropriate federal and state agencies to plan the new village, move the structures, and ensure that the present village site is restored to a near natural condition. All of these difficult undertakings must be scheduled so that we can avoid a disaster of the river flooding the existing village site before the new site can be occupied. We support this legislation because it is fair. We believe that only Congress can help us achieve an exchange before our village is lost.

#### CONCLUSION

We support the S. 924. It is a fair compromise made by the Committee in 2002 that will help us take title to a new village site in a timely manner and at reasonable cost. While we're disappointed that the House of Representatives was unable to pass this legislation in the last Congress, we are especially grateful for Senator Lisa Murkowski for her introduction of the bill this year and for her continued efforts to help our people.

Thank you for letting us testify in favor of S. 924 even though we could not travel to Washington to speak to you in person. We hope you will be able to help us by passing a fair bill for a fair exchange, one that allows us to move our village to safer ground and to continue to live as we have for many years to come.

#### STATEMENT OF GARY NILES, PRESIDENT, TAMARACK LAGOON CORPORATION

Mr. Chairman and Members of the Subcommittee, I am Gary Niles, President of Tamarack Lagoon Corporation (TLC), a non-profit organization comprised of 10 local homeowners owning the adjoining 600 acres (Section 7) of private land immediately south of the Walter's Camp Campground and Cibola National Wildlife Refuge. TLC purchased this land from the Southern Pacific Railroad in 1987 and has no plans for future development nor any interest whatsoever, financial or otherwise, in the campground concession at Walters Camp or elsewhere.

US Geological Survey (USGS) confirms that the area known as "Walters Camp" originally referred to existing homes on the Colorado River. Their 1965 map (Picacho NW Quadrangle) shows specific homes, roads and driveways, however there is no reference to a campground. This map and the most recent Bureau of Land Management (BLM) map of 1998 confirm the southern boundary of the Cibola National Wildlife Refuge (defined by Public Land Order 3442 in 1964) to be the east-west section line between Section 6 and Section 7 (copy of map attached).

Some confusion exists because a USGS map dated 1986 (Trigo Mountains) shows the refuge boundary approximately 1/4 mile north of the Section 6-7 line. The boundary line on this map was drawn in error, without the congressional approval required for such a change. This is why more recent maps show its correct (original) location. H.R. 417 proposes to correct the 1986 error by moving the boundary back to the north (to its incorrect location!) thereby transferring 140 acres of national refuge land to BLM so that it can resume "management" of the campground.

Bureau of Land Management (BLM) historical files reveal that a campground in the vicinity of Walters Camp "... began as a trespass on federal land and was originally permitted on a year-to-year basis by the Lower Colorado River Land Use Office in June 1962". It is not surprising that this campground was overlooked when the wildlife refuge was created in 1964. It is surprising that year-to-year camping permits were allowed to continue in the wildlife refuge until 1973 at which time BLM erroneously issued a five-year commercial lease. This lease created the "BLM/private sector cooperative management area" campground concession (now known as Walter's Camp Incorporated) 9 years after the wildlife refuge was established.

In 1980 BLM again erroneously approved a 20-year contract for the campground concession. Despite numerous maps clearly placing the campground in the wildlife refuge, BLM continued to "manage" this concession and collect lease fee revenue.

BLM lease documents include a map and legal description (1982) for the campground of an area "18 acres, more or less". Note that BLM has never managed the 140 acres described in H.R. 417—U.S. Fish and Wildlife Service and BLM officials now propose transferring 140 acres not because it is required for use by the Walter's Camp Inc. campground but rather out of convenience of drawing a map line and to rationalize an old error.

The majority of the 51 homeowners in the Walters Camp area are opposed to the H.R. 417 land transfer because of the precedent set by BLM's Hidden Shores concession 40 miles south on the Colorado River. Hidden Shores now boasts approximately 900 RV trailer sites, compared to 60 at Walter's Camp Inc. This represents a significant source of revenue to BLM (the average fee for a single trailer site at Hidden Shores now exceeds \$300 per month).

Transferring wildlife refuge land to BLM in the Walters Camp area would create an area for future development of over 1,000 RV trailers immediately adjacent to the wildlife refuge. BLM explains that such an expansion would require an "environmental assessment" and "public input". Our recent experience with major subdivisions in this area has been that environmental concerns are "mitigated" by donating "open space" property elsewhere (which is very easy for BLM) and that "public input" is heard but not respected.

The land transfer proposed by H.R. 417 opens the door for the commercialization of public land originally designated as wildlife refuge. The potential for an RV development, which economically limits public access rather than creating it, represents a danger to the wildlife refuge in this remote area. The public would be far better served by preserving the refuge as originally created and allowing USFWS to manage the existing campground concession.

Mr. Chairman, this concludes my statement. Your consideration of this information is greatly appreciated.

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STATEMENT OF J. RAY LEDBETTER, SEATTLE, WA

I am a volunteer for the Washington Department of Wildlife and have been backpacking trout fry into the alpine takes of Washington for the past 34 years. I am intimately familiar with the proposed area known as Wild Sky. The centerpiece, the triangular area bounded by the Beckler River, & the North & South Forks of the Skykomish has 17 lakes. I have been to every one of them and have routinely stocked 12 with trout fry. I am fairly certain that not many people know this area better than I.

I believe that Senator Murray, & Congressman Larsen, have no idea of the extent of human influence within this centerpiece. The Wilderness Act cites areas to be considered for Wilderness designation as "untrammelled" and "showing no evidence of man". The Wild Sky that I know shows much use and plenty of man's artifacts.

The Index Mining Co. built concrete dams on both Sunset & Simms Lakes. Both of these lakes drain to Trout Creek and each dam had a pipeline running down the creek to their mining operation at Trout Creek. The dams are still there as are the pipelines. My 1985 Forest Service map shows a road that runs up Trout Creek with 2 structures approximately 2 miles above the Trout Creek Mines. This is where the 2 pipelines joined into one larger line and about 2 miles into the proposed Wilderness. The side hills to the east of the old mine site have been logged to the ridge top. There is one access road, and several spurs, which terminate at nearly 4000 ft. of elevation. Just off the bottom of the main access road lies the wreckage of a Koenig 666, a 60 ton excavator that slid off the road to a position where it could never be recovered. This artifact is also within the proposed boundary of Wild Sky.

Howard Creek, which is the next drainage east of Trout Creek, was also an old mining site. There were 3 buildings, a trail that led part way, and an access road on the lower end. On up the creek there are 2 mining edits, one below Howard Lake and another above the lake. The buildings have collapsed but they are still there. Again, this site has been included in the Wild Sky proposal.

Bitter & Boss Creeks, the drainage to the west of Trout Creek was logged approximately 10 years ago. The logging company regraded the access road and people were still driving the road last year. The logged arena, and about 5 miles of road, are all within the proposed Wild Sky Wilderness.

To the north of Sunset Lake is Eagle Lake. Eagle lies at the head of Eagle Creek roughly 30 minutes from roads end. Originally there were 2 structures on Eagle Lake, a cabin right on the lakeshore and an outhouse right behind it. The outhouse has been taken down and filled with soil but the oozing bubbly gases clearly mark where it was. There are approximately 20 campsites at the outlet of the lake with many social trails connecting them. Additionally, if you were to walk around the

rest of the lake you would find more campsites and firepits. Clearly, this lake does not meet the wilderness standards that congress decreed in the Wilderness Act of 1964 but it is within the proposed Wild Sky Wilderness.

It is clear to me that the Murray/Larsen supporters have one thing in mind and that is to stop logging. Well, in 1972 loggers took 400 million board feet of timber from this National Forest. In 2000, it was less than 10 million board feet. That is more than a 99% reduction and it is very clear to me that logging has already been stopped. It only seems fair that Congress should take into consideration the North-west Timber Plan, which the previous administration agreed to, and leave those areas set aside for logging alone. Our society does have a need for timber.

One of my primary concerns, about wilderness designation, is what happens after Congress authorizes the designation. In 1976, when the Alpine Lakes Wilderness Act was passed, float planes were allowed to use lakes they historically landed on. 5 years later that permission was withdrawn because it wasn't written into the enabling legislation. The act also has ambiguous language concerning fish stocking. Many environmental groups feel fish stocking, in lakes that did not naturally have fish, goes against the ethics of the Wilderness Act. I believe that Congress really intended the wilderness experience to include fishing. But, without fish stocking, there wouldn't be much opportunity for fish in alpine lakes.

The wild part of Wild Sky is really just a small area. I love it dearly and I believe it will be much better off without a wilderness designation.

