FOREST NEWS

The Newsletter of Forest Service Employees For Environmental Ethics

Fall 2016

Fee or Free?

Court battles are reshaping the landscape of recreation fees. Reexamining our pay-to-play system.

Inside

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Forest Service Employees for Environmental Ethics is a 501(c)(3) nonprofit organization. Our mission is to protect National Forests and to reform the U.S. Forest Service by advocating environmental ethics, educating citizens and defending whistleblowers.

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Recreation Fees Come of Age

The Oneonta Gorge in Oregon's Columbia River Gorge National Scenic Area is nothing less than breathtaking. Google a picture and you will see towering rock walls blanketed by emerald-green moss. At the end, a waterfall plunges into a bowl of crystalline water.

But head to the Oneonta Gorge on a hot summer day and you will find your view includes crowds of hundreds wading through the gorge's icy waters and scrambling over logjams. Visitation to popular national forest sites is a growing, contentious and sometimes problematic trend.

Twenty years ago, Congress authorized the first use of recreation fees on national forests. In the two decades since, it has become one of the most polarizing issues concerning these public lands.

The number of visitors flocking to national forests continues to rise while the budget to maintain trails, roads, campgrounds and the plethora of visitor amenities shrinks. Recreation fees are seen by some as a way to bridge the gap. Supporters argue that those who utilize the resource should pitch in to maintain it.

But vocal opposition continues to challenge these assertions. Fee opponents argue that these are public lands that belong to all Americans, each of us paying our share through taxes. They express concern that fees create a barrier to entry for lower-income citizens. And in a handful of cases, opponents have won legal battles limiting the Forest Service's recreation fee program.

In this issue of Forest News, *we examine where we are after two decades of recreation fees, and ask: where will we go from here?*

Sincerely,

Andy Stahl
Executive Director

Inside

Featured Forest

Chugach National Forest, Alaska

The Tongass gets all the attention. It is, after all, the largest national forest in the United States and one of the most spectacular slices of wilderness on the planet.

Alaska's only other national forest, the Chugach, offers scenery every bit as stunning—the glacier-draped peaks, the steep-sided fiords, the misty forests descending down steep mountainsides to meet the sea.

While thirty percent of the forest is covered in ice, the rest is home to an array of wildlife—black and brown bears, moose and wolves, salmon and whales.

Located just an hour's drive from Anchorage, the Chugach is something of an urban forest. The Chugach's 5.4 million acres encompass Prince William Sound, much of the Kenai Peninsula and the Copper River Delta, a mecca for anglers and birdwatchers. Each year, half a million visitors explore the forest.

The Nellie Juan-College Fiord Wilderness Study Area, created in 1980, makes up more than a third of the Chugach. But Congress has never acted to designate any of it as an official wilderness area. That makes the Chugach a bit of an oddball—a national forest lacking even a single acre under the protection of the 1964 Wilderness Act.

Much of the Chugach remains wild nonetheless, even if its "wilderness" lacks a capital "W." **FN**

In Depth

Wrangling Recreation

By Matt Rasmussen, FSEEE Policy Analyst and Forest News *Editor*

It's a routine as familiar as roasting marshmallows around a campfire: When you visit a national park, you pull up to a rustic toll booth and pay an entrance fee. But should the public have to pay to play on national forests and other public lands?

Twenty years after Congress launched a controversial program allowing the Forest Service to collect fees, that question remains debatable.

Congress approved the Recreation Fee Demonstration Program, or "Fee Demo," in 1996. The legislation, tacked onto a broader spending bill, gave the Forest Service and other federal land managers wide authority to collect fees for visiting public lands.

In the years since, Congress and the courts have significantly trimmed the Forest Service's ability to collect fees from hikers, picnickers, sightseers and the increasing millions who venture onto public lands every year.

But at hundreds of sites across the country, the Forest Service and other federal agencies continue to require permits and fees to visit public lands. Those fees are at the center of a polarizing debate involving bedrock questions surrounding the purpose of national forests and other federally managed lands.

On one side are those who believe public lands are just that—public. The entire system, unique on the planet, rests on the principle that these lands belong to all of us, collectively. We all pay taxes to maintain and safeguard them and we should all have the right to access them without having to pay the kinds of fees expected at zoos or movie theaters or theme parks.

"In my lifetime I've witnessed a corporate takeover of our public lands," says Tom Halpin, a resident of Twisp, Washington,

who successfully challenged the Forest Service after being fined for parking at a trailhead without a permit. "The Forest Service is serving their private-sector masters."

On the other side are those who believe the only practical avenue for maintaining the infrastructure that the public expects—the parking areas, the restrooms, the picnic tables, the garbage bins—is to require those who use such amenities to pay a modest fee for doing so.

In the Pacific Northwest, recreation fees generate more than $4 million annually, according to Jocelyn Biro, who oversees the program for the Forest Service in the region.

"If we didn't have that help, we wouldn't be able to provide all those services," Biro says. "We often struggle with just operating and maintaining the facilities we have."

Two long-term trends intensify the debate.

The first is the dramatic increase in the Forest Service's firefighting costs; suppressing wildfires (or at least trying to) now claims more than half the agency's budget. Since 2000, the number of non-fire personnel working at the agency has declined by about a third.

The second is the inexorable increase in the public's demand for recreational experiences on federal lands. National Forests attract nearly 150 million recreation visits each year, making the Forest Service the largest provider of outdoor recreation in the world.

Neither trend seems likely to change anytime soon, which begs the question: In the future, how will the Forest Service pay to maintain trails, toilets, trash bins and all the other amenities that people have come to expect on national forests?

Fee Demo was born in the Clinton administration, at a time when it was politically popular for elected officials—Republicans and Democrats alike—to call for government "to operate more like a business."

Supporters claimed that by giving the Forest Service a monetary incentive to boost its recreation offerings, the program would encourage the agency to break its decades-long embrace of Big Timber.

Not everyone was convinced. A few early opponents warned that at a time when litigation had all but halted the agency's timber program, the Forest Service was courting a new industry—Big Recreation—that carried its own set of threats.

They claimed (and many still do) that tying Forest Service budgets to fee revenue would prompt agency managers to make decisions designed to attract paying "customers" rather than working to manage the public estate soundly and sustainably.

Pushback began at the grassroots level. Outdoor enthusiasts asked why they suddenly needed to buy a permit to visit a favorite overlook or access a hiking trail. The anti-fee voices grew louder and more united during the eight years that Fee Demo was the law of the land.

In 2004, the year Fee Demo ended, Robert Funkhouser wrote an essay that his supporters describe as a "political manifesto." Funkhouser, who died three years later, was president of the Colorado-based Western Slope No-Fee Coalition.

"On its face, it certainly appears reasonable that we help federal land managers do their jobs," he wrote. "But the issue is much more complicated than that. The public land that Americans have entrusted to federal agencies to manage is being developed, packaged, and sold back to us as a product. Gone is the concept of public ownership of public lands."

Congress replaced Fee Demo with the Federal Lands Recreation Enhancement Act, or FLREA. That legislation forbade the Forest Service from charging entrance fees to national forests. And it said the Forest Service and other agencies could charge fees only in areas containing each of six amenities: a developed parking area, a permanent toilet, a permanent trash can or bin, an interpretive sign, picnic tables and regular security service.

Despite its specificity, FLREA did not end the fee controversy.

The Forest Service reacted to the new law by creating a new land designation—"High Impact Recreation Areas," or HIRAs. If all six amenities were located within a HIRA boundary, the agency reasoned, then fees could be charged.

A series of legal skirmishes ensued.

In 2010, Halpin, the Washington state hiker, parked his car at the Billy Goat Trailhead and set out on a six-night camping trip in the Okanogan-Wenatchee National Forest. When he returned, he found a Violation Notice on his windshield with a $75 fine.

"On its face, it certainly appears reasonable that we help federal land managers do their jobs. But the issue is much more complicated than that. The public land that Americans have entrusted to federal agencies to manage is being developed, packaged, and sold back to us as a product. Gone is the concept of public ownership of public lands."

- Robert Funkhouser, Western Slopes No-Fee Coalition

Halpin filed a civil lawsuit. A few months later, he received a letter from the U.S. Department of Justice saying "it was discovered" that one of the amenities necessary to charge a fee—a picnic table—was not present at the trailhead, and the citation was being dismissed.

The Forest Service reacted by installing picnic tables and continuing to charge fees. Critics of fees say the Forest Service often installs unneeded amenities at sites just so they can levy fees.

Earlier this summer, the Forest Service settled a case in which four hikers in Southern California challenged the legality of fees required at national forests in the area. That program required people to purchase an Adventure Pass before parking at several areas on the Los Padres, Angeles, Cleveland and San Bernardino national forests.

Under the terms of the settlement, the Forest Service will no longer require hikers who don't use the improvements to

purchase an Adventure Pass, which costs $5 per day or $30 per year.

The forests will continue to collect fees at areas that offer all six amenities required by FLREA.

"Most locals who recreate a lot on the forest don't have a problem with the Adventure Pass," says Los Padres National Forest spokesman Andrew Madsen. "The revenue that's generated is very critical in continuing to maintain those sites."

Anti-fee activists vow to continue to fight to ensure that the Forest Service only charges fees within FLREA's narrow parameters. More legal challenges seem likely.

"I can confidently say that there are still places where the Forest Service is charging fees that are illegal," says Kitty Benzar, president of the Western Slope No-Fee Coalition.

According to Forest Service statistics, recreation on national forests contributes more than $10 billion each year to the nation's gross domestic product, dwarfing any other use of national forests, including timber.

Joe Meade, the agency's director of recreation programs, says that over the course of his career he's seen the agency transform from one dominated by the timber program in the 1970s and 1980s to one that is more attuned to the importance of recreation.

But funding has not followed that transition from timber to recreation. As fire suppression gobbles an ever-larger slice of the Forest Service budget, Meade says the agency must find creative ways to serve the ever-increasing numbers who visit national forests each year.

That includes allocating resources as efficiently as possible, Meade says. And it includes turning over some duties that were once undertaken by Forest Service employees to private companies. For-profit concessionaires now run more than half the campgrounds on national forests across the country.

And, Meade says, it includes charging fees at trailheads and other sites that offer the amenities spelled out in FLREA. Fees—including those charged under FLREA—generate nearly $50 million each year, according to Forest Service statistics.

"More than 95 percent of our national forest system continues to be available free of charge," Meade says. "People always have a choice to go to a dispersed recreation area or a less developed site or facility for free."

But critics of Forest Service recreation fees see a slippery slope. Under the Obama administration, agency officials have launched efforts to reach out to groups of Americans who rarely visit national forests. That includes minorities living in urban areas, as well as those with limited incomes.

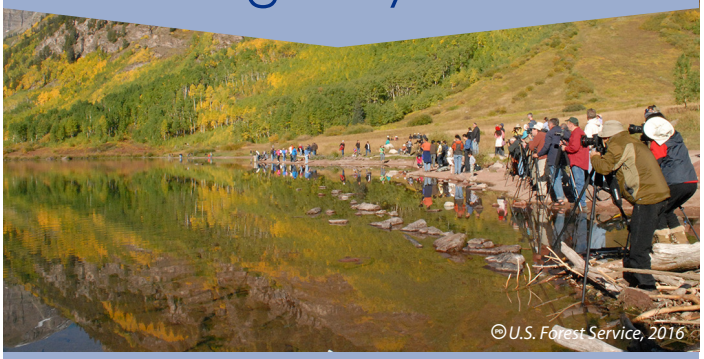
Often, the national forest destinations most accessible to people living in large cities are ones that are most developed and charge fees that poorer families may not be able to afford.

Others worry that partnering with private interests to manage campgrounds and other amenities on national forests can be viewed as one more step toward privatizing public lands—an effort championed by many conservatives in the West.

Matt Kenna, an attorney who represented the hikers in the California case, says he just wants the Forest Service to follow the law.

"If there's a developed bathroom or a visitor center, things like that, I don't think too many people mind that the government can charge for those," Kenna says. "But if people want to hike the XYZ Trail, and not use the amenities at the trailhead, there has to be a way for them to do it and not be charged a fee." **FN**

As Demand Soars, The Agency Reacts



At Colorado's Maroon Bells Scenic Area (pictured above), photographers and nature-lovers arrive en masse at the crack of dawn to capture the spectacle of golden aspen trees nestled between a pewter lake and snow-clad peaks. If you want to visit the area between 8 a.m. and 5 p.m., you have to buy a bus ticket.

In Washington state, hikers and backpackers navigate a sophisticated lottery system hoping to secure a permit to visit the scenic Enchantment Lakes basin. The number of applications has soared from 1,770 in 2009 to 19,646 this year; fewer than one in five are successful.

In Arizona, Forest Service rangers monitor a narrow gravel road to ensure that no more than 50 vehicles at a time enter the Lockett Meadow area, known for its spectacular fall colors.

At these and other areas across the country, Forest Service officials are resorting to quota systems and volunteers to protect fragile natural areas from increasing numbers eager to visit the crown jewels of the national forest system.

At the White River National Forest, the Forest Service works with a local public transportation authority to provide bus service to the Maroon Bells parking area. The number of riders in June and July rose from 62,592 last year to 81,245 this year. As many as 13 buses operate each day on weekends, which Forest Service officials say is the maximum number the area's infrastructure can accommodate.

"The parking lot is filling up before 8 a.m. on weekends and even during the week," says Martha Moran, recreation program manager for the Aspen-Sopris Ranger District. "We are highly encouraging people to plan ahead … and take the bus."

During the height of the season, the Forest Service assigns as many as six rangers to patrol the area. The agency works with volunteers from the nonprofit Forest Conservancy to help manage the crowds.

That reliance on volunteers—as well as for-profit concessionaires—is only expected to grow as the Forest Service struggles to manage its most popular recreation destinations in an era of dwindling budgets for programs other than fire suppression. Last year, more than 100,000 volunteers contributed 4.3 million hours to the Forest Service, says Joe Meade, the agency's recreation director.

"We look at it as a partnership with our citizen owners," Meade says. "We have to use a variety of tools to help bridge those gaps." **FN**

Wolves Returning to the Pacific Northwest

For the third year in a row, Oregon's pioneering OR-7 is a new dad. State wildlife biologists confirmed this summer that OR-7's pack, which has forged a home range in the rugged mountains of southwest Oregon, includes at least two new pups. Oregon Fish and Wildlife Service officials released photos captured by remote cameras of two wolf pups in the Rogue River-Siskiyou National Forest.

State officials also confirmed that OR-7's brother, OR-3, has sired a litter in Lake County, to the east of the range of OR-7's Rogue Pack. Biologists lost contact with OR-3 almost five years ago, after he wandered from the Imnaha Pack in northeastern Oregon. They assumed he had died until he reappeared on an image captured by a trail camera last summer in southwest Oregon.

OR-7's pack was the first to establish a range in western Oregon in at least 60 years. Historically, wolves lived throughout most of the state. They were wiped out through government-sponsored programs supported by ranchers who considered wolves a threat to their livelihoods.

Last year, Oregon officials removed wolves from the state's endangered species list, a move conservationists are challenging in court. State wildlife officials believe there were 110 wolves in the state as of last year, including 11 breeding pairs.

National Forests Help Midwest Birds Flourish

A Forest Service study that spanned two decades and involved hundreds of volunteer researchers found that bird populations on four national forests near the Great Lakes are relatively stable. The study notes the importance of the creation of national forests in the region a century ago, which provided refuges for bird species threatened by widespread habitat destruction.

"(T)hese findings suggest that large areas of public forest play an important role in the maintenance of forest breeding bird populations in a region harboring forest bird communities among the most diverse in the United States and Canada," the study says.

Three national forests in Minnesota and Wisconsin were surveyed—the Chequamegon-Nicolet, the Chippewa and the Superior. Researchers gathered the data from 1995 through 2011, documenting the presence of 187 species of birds in the national forests. The study found that populations of most of those species are stable or increasing.

However, researchers found that populations of some species are declining in the region as the climate warms and those birds abandon the southern parts of their ranges.

Rare Plant Halts Drilling in Idaho

Plans to conduct exploratory drilling for an open-pit mine in Idaho are on hold after a federal judge ruled this summer that the Forest Service failed to consider the impact drilling could have on a rare plant. U.S. District Judge Edward Lodge ordered a halt to the drilling until the Forest Service gathers more data on the Sacajawea's bitterroot, a perennial flowering plant found in the mountains of central Idaho.

Last year, officials with the Boise National Forest approved a request from the Canadian-based American CuMo Mining Corp. to drill more than 250 holes on the national forest. The company believes the area contains the largest deposit of molybdenum in the world that hasn't yet been mined.

Conservationists filed a lawsuit in January saying the Forest Service failed to consider the impact on the bitterroot from a 2014 wildfire. Lodge agreed.

"Because the baseline data for (Sacajawea's bitterroot) following the 2014 Grimes Fire is unknown," he wrote, "the Forest Service has not adequately considered the project's impact on the species, nor can it without the necessary data."

Company officials estimate the deposit, which also includes copper and silver, would be worth as much as $60 billion at today's prices. They say the mine could provide as many as 1,000 jobs.

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Agencies Fail to Document Illegal Grazing

The frequency and extent of illegal livestock grazing on federal land is largely unknown, government investigators determined this summer, because land managers have no comprehensive system of tracking violations.

A report issued by the Government Accountability Office also shows that recent high-profile standoffs with anti-government activists has hindered land managers' efforts to regulate grazing on federal lands.

In one case in Oregon, the report says, Forest Service employees were planning to revoke a rancher's permit but decided not to after armed activists led by Ammon and Ryan Bundy occupied the Malheur National Wildlife Refuge headquarters.

The GAO report says that managers from both agencies are reluctant to crack down on violators.

GAO investigators interviewed Forest Service and BLM staffers who told them "that lack of support from higher-level managers for strong enforcement action does not incentivize field staff to act on unauthorized grazing and, in some cases, lowers staff morale."

Both agencies prefer to resolve incidents of illegal grazing informally, the report shows, by calling ranchers or paying a personal visit. More often than not, that resolves the issue, investigators found.

But the report's authors criticized both agencies for failing to record such incidents.

"Until the agencies require that all incidents of unauthorized grazing be recorded," the report says, "including those incidents resolved informally, BLM and the Forest Service will not have a complete record of unauthorized grazing incidents for tracking patterns of any potential repeat offenders."

The report further states that current regulations do not give either agency the latitude to use those informal means to resolve illegal grazing. It recommends that both agencies rewrite their regulations to allow such tactics in cases where the rancher is not grazing livestock without a permit or in willful violation of a valid permit.

However, all such incidents should be recorded, the GAO says, in a comprehensive database.

The report takes the Forest Service to task for levying penalties for illegal grazing that are far below the cost of forage available for purchase on private lands.

"As a result, some (agency employees) told us that there are permittees who view the penalties for unauthorized grazing as a cost of doing business because paying the penalties is cheaper than seeking forage elsewhere," the report says.

The investigation cites an interview with Forest Service staffers at one location who "told us that they are reluctant to send a bill for penalties for unauthorized grazing because it shows how low the penalty is and may encourage additional unauthorized grazing."

From 2010 through 2014, the report says, the BLM collected about $426,000 for illegal grazing and the Forest Service collected about $24,000.

By all accounts, most public-land ranchers hold valid permits from the BLM and the Forest Service and follow the terms of those permits. However, the investigation found that field-level employees worry that the number of ranchers who refuse to recognize the agencies' authority to manage ranching on public lands will grow.

The report found that the combination of dwindling BLM and Forest Service budgets, competing agency priorities and high turnover make effective monitoring of grazing difficult for public land managers.

On average, the report says, each BLM range staff member is responsible for about 85,000 acres while each Forest Service range staff member is responsible for about 255,000 acres.

Illegal grazing takes a significant toll on the health of public lands, the GAO investigators said.

"During our field visits, we observed locations where unauthorized grazing had resulted in severely damaged natural springs, overgrazed meadows, and trampled streambeds," they wrote.

In written responses to the GAO report, Forest Service Chief Tom Tidwell and Deputy Assistant Interior Secretary James Lyons largely agreed with the investigation's findings and recommendations.

OPPOSITION GROWS TO OIL & GAS DRILLING ON OHIO FOREST

A quartet of conservation groups is seeking a ban on new oil and gas leasing on Ohio's Wayne National Forest.

In a 78-page letter sent earlier this year, the groups said that the Bureau of Land Management, which controls minerals beneath the national forest, should prepare a full environmental impact statement before deciding whether to allow drilling on the national forest.

The letter, sent by the Ohio Environmental Council, the Center for Biological Diversity, the Sierra Club and Friends of the Earth, cites worsening climate change as a primary reason to ban oil and gas drilling on the national forest.

"Opening up new areas to oil and gas exploration and unlocking new sources of greenhouse gas pollution would only fuel greater warming," the letter says.

This spring, BLM officials released a draft environmental assessment that found that allowing oil and gas leasing on about 40,000 acres on the Wayne National Forest will have no significant impact.

The document says the BLM wants to allow the leasing "to support the development of oil and natural gas resources that are essential to meeting the nation's future needs for energy."

According to the BLM, the agency has received more than 50 formal "Expressions of Interest" from energy companies hoping to drill for fossil fuels on the forest.

Conservationists and local activists vowed to fight any proposal to drill for oil and gas on the national forest. They had asked BLM officials to extend a comment period for the draft environmental assessment. The BLM declined to do so.

"I've spent eight hours trying to decipher the BLM's so-called environmental assessment and so far find it to be gobbledegook," said Heather Cantino of the Athens County Fracking Action Network.

After a final environmental assessment is released, those who commented on the draft assessment will have 30 days to file formal protests.

JUDGE HALTS GOLD EXPLORATION IN WILDERNESS

A federal judge has rejected a Forest Service decision to allow a mining company to explore for gold and silver in Idaho's Frank Church-River of No Return Wilderness.

Last year, Payette National Forest Supervisor Keith Lannom determined that American Independence Mines and Minerals Co. could explore for the precious metals in the wilderness area under the terms of the 1872 Mining Act.

U.S. District Judge B. Lynn Winmill, however, found that the decision ran afoul of other laws, including the 1964 Wilderness Act and the National Environmental Policy Act of 1970.

"The conflict between these laws is obvious—mining will never be compatible with wilderness," Winmill wrote in his decision. "Yet Congress has decreed that they must coexist at times."

The Wilderness Act allows for mining in wilderness areas on claims made before the act was passed. Claims to the Idaho mine, called the Golden Hand, date back to the 19th century. The mine has not been worked since at least 1941.

Winmill did not reject the mine outright. Rather, he remanded it back to the Forest Service, saying the agency failed to fully consider ways to minimize the environmental impact of the exploration work.

Lannom's decision last year would have allowed the mining company to use trucks, bulldozers and other heavy equipment within the wilderness area. It also called for reconstructing four miles of road that have been converted to a trail, allowing workers to access the Golden Hand site by vehicle.

The judge found that the Forest Service should have considered the option of having workers access the mine by foot.

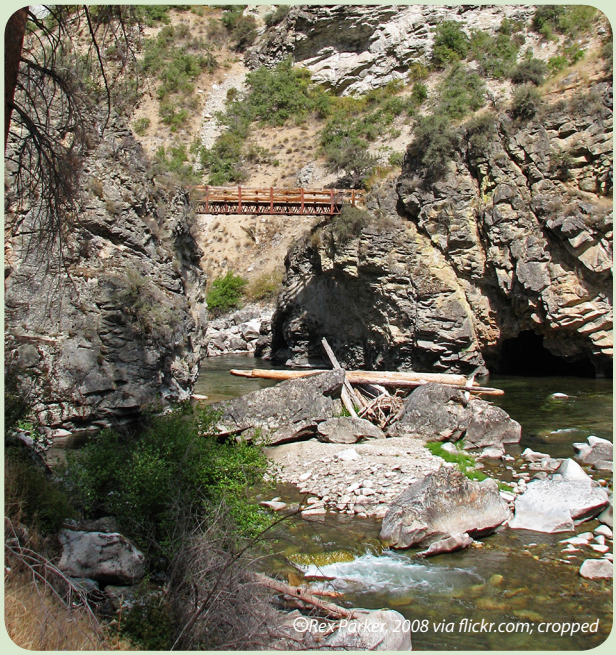
Winmill also determined that Forest Service officials relied on information obtained during a confidential meeting held with the mining company, in violation of NEPA.

Conservationists praised the judge's decision, but warned that the fight against the mine is not over.

"The Forest Service needs to be far more concerned about the Wilderness when it completes the court-ordered reanalysis of this terribly destructive mining plan," said George Nickas, executive director of Wilderness Watch, one of the groups that challenged the Forest Service's decision.

Under the terms of last year's decision, the mining company would have been allowed to conduct 571 motorized trips into the wilderness area each year and to build 11 drill pads.

The Frank Church-River of No Return Wilderness is the largest contiguous wilderness area outside of Alaska. **FN**



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Inside FSEEE

FSEEE FILES FIRE LAWSUIT

In September 2015, Forest Service officials approved a logging project that carved a 30-mile-long, 300-foot-wide swath through Washington's North Cascade mountains, purportedly to protect two small communities from a distant wildfire that would soon go out on its own.

This August, FSEEE filed a lawsuit alleging that the agency broke federal laws when it did so.

Public records show that managers with the Okanogan-Wenatchee National Forest decided to log the so-called "community protection line" over the strong objections of their own wildlife biologists. Those biologists argued at the time that the project amounted to a thinly veiled logging project that would exact a severe environmental toll. They also complained to their bosses that the massive fireline would have no impact on the lightning-sparked Wolverine Fire, which had stalled more than six miles away and would soon go out altogether due to widely forecasted rain and snow.

FSEEE's lawsuit also seeks a court order overturning an administrative rule that allows Forest Service managers to sanction major projects without conducting any environmental review by declaring a wildfire "emergency."

FSEEE's complaint alleges that the Forest Service violated NEPA, the National Environmental Policy Act, in approving the logging project with no formal environmental review and no opportunity for the public to comment.

As part of the project, loggers cleared more than 100 acres of habitat deemed critical for the northern spotted owl, which is listed as threatened under the Endangered Species Act.

"While logging the (community protection line), the Forest Service removed vegetation, compacted and disturbed soil, built huge piles of logging slash, and degraded the visual scenery along … forest roads used by recreationists," the lawsuit said.

FSEEE also alleges that in logging the line, the Forest Service increased the fire risk in the region.

"This increased fire risk results from the flammable invasive weed species that (the) logging and resulting soil disturbance have encouraged and the logging slash that was left on the ground," according to the lawsuit.

FSEEE's lawsuit includes a 15-page declaration by Richard Haydon, an FSEEE member who lives on six acres just a few miles from the community protection line. Haydon, who is retired, worked for 31 years for the Forest Service, mainly in wilderness and recreation management. During his Forest Service career, Haydon also worked as a firefighter and as a resource advisor and technical specialist for fire crews.

In building the line, Haydon asserts, the Forest Service increased the risk that his property will burn in a wildfire. This is due to the advance of invasive weeds, the extensive logging slash left behind, and the probability that the more open forest will allow winds to fan wildfire flames. Haydon also alleges that the logging harms his ability to enjoy recreational pursuits in the area, including hiking, mountain biking and fishing. And, he said, loggers cut down large, old trees that had survived many previous fires.

"There was absolutely no strategic fire fighting reason for felling such large trees," Haydon said, "and their loss in an area where they had been intentionally spared during multiple past fire fighting and logging operations is inexcusable and unjustifiable."

FSEEE's lawsuit seeks a court order requiring the Forest Service to mitigate the increased fire risk caused by the line's construction by clearing the left-behind slash and combatting the spread of invasive weeds. It also calls for the Forest Service to repair environmental damage caused by the logging.

FSEEE Executive Director Andy Stahl said the Forest Service should undertake a comprehensive environmental review of high-impact firefighting tactics.

"Every year, the Forest Service knows it will log forests, bulldoze firelines and light backburns in the name of firefighting," Stahl said. "The Forest Service must ensure that these projects are undertaken only when absolutely necessary, and in ways that take as light a toll on public lands and waterways as possible." **FN**

Wilderness: Where Bikes Don't Belong

The language in the 1964 Wilderness Act seems clear enough. In designated wilderness areas, "there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport."

But in the latest effort in a long campaign to nibble away at the act, a movement is afoot to open wilderness areas to mountain bikes. Members of a group called the Sustainable Trails Coalition argue that if mountain bikes had been around in 1964, the authors of the Wilderness Act would have been fine with allowing them in wilderness areas.

Nonsense. The same argument could be made of any number of gizmos that became popular in the past half century. The authors of the Wilderness Act knew full well what they were doing—they were protecting the nation's last, wildest places from excessive human intrusions, present and future.

That language is clear: No form of mechanical transport in wilderness areas. That means no bicycles, mountain or otherwise.

"It's not as if mountain bikers don't have anywhere else to pursue their passion. There are more than 600 million acres of federally managed land in the United States, much of which is open to mountain biking. Designated wilderness areas cover 109 million acres."

It's not as if mountain bikers don't have anywhere else to pursue their passion. There are more than 600 million acres of federally managed land in the United States, much of it open to mountain biking. Designated wilderness areas cover 109 million acres. There are also many areas managed by state and local governments that are open to mountain biking.

Yet Utah's two Republican senators—Mike Lee and Orrin Hatch—have sponsored the "Human-Powered Travel in Wilderness Areas Act." The bill would give federal land managers two years to decide whether mountain bikes should be allowed in each of the nation's 765 wilderness areas. Areas not formally closed to mountain bikes during that window would be deemed open.

The identity of the bill's sponsors should be reason enough to raise the concerns of conservationists. Lee and Hatch both voice support for efforts to transfer federal land management responsibilities to state and local officials.

There are practical reasons to keep mountain bikes out of wilderness areas. Mountain bikes can tear up trails and fragile soils (although, it must be said, so can horses and hikers). There are conflicts with other users, including hikers and horseback riders. They can spook wildlife.

But there's a more fundamental reason why Congress should put the kibosh on the proposed legislation.

Two years ago, we marked the 50th anniversary of the Wilderness Act. "A wilderness," the authors of the act wrote, "in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The whole idea of the legislation was to set aside a small slice of a continent dominated by humans and let nature take its course. That ideal is one of the most laudable ever conceived by a nation. But it has proven difficult to abide. Do horses belong in wilderness areas? Should cattle be allowed to graze there? Is it proper for state wildlife officials to fly helicopters into wilderness areas?

All of these activities already take place in congressionally designated wilderness areas. Allowing mountain bikes in wilderness areas surely would make this particular slope that much more slippery.

A wilderness, as conceived by those lawmakers more than half a century ago, is a place of solitude and peacefulness, a place offering refuge to all things nonhuman, a place of quiet reflection for our own harried selves. The prospect of mountain bikers bombing down trails atop wheeled, metallic machines (motorized or not) is antithetical to that vision. **FN**

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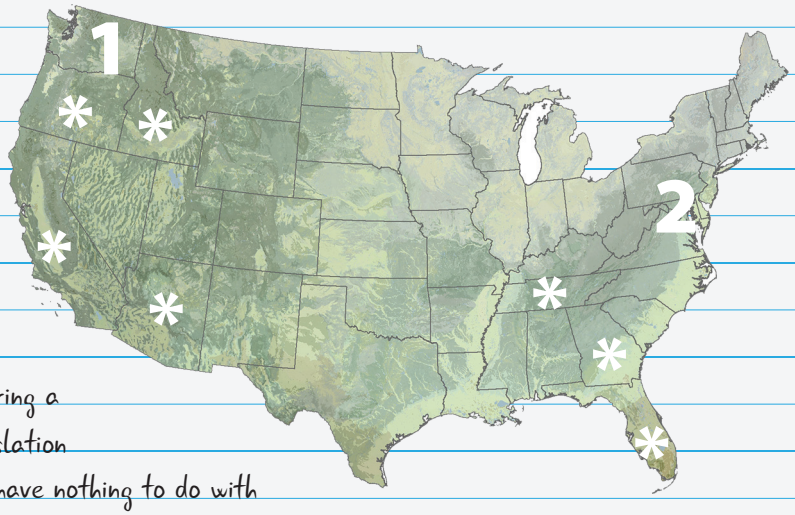
Field Notes



1. FSEEE FILES FIRE LAWSUIT

The suit seeks to overturn regulation allowing the Forest Service to bypass environmental review for major projects by declaring a wildfire emergency. (Read more on page 10.)

2. ENERGY BILL UP IN THE AIR

Congress has been unable to reach consensus on broad-reaching energy policy, though passage during a lame-duck session remains a possibility. The legislation includes environmentally harmful provisions that have nothing to do with energy policy. Those include measures that would circumvent laws designed to protect wildlife and that would clear the way for anything-goes target shooting on public lands.

* FIRE SEASON WINDS DOWN WITH A WHIMPER

With the move to cool, wet fall weather across the west, this year's wildfire season is not expected to make any of the record books. Twenty percent fewer acres have burned in 2016 than the year-to-date average for the past decade. (* indicates states with an active large fire as of September 30, 2016. All states indicated had one active large fire except California, which had five.)