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# The Wild Cascades

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THE JOURNAL OF THE NORTH CASCADES CONSERVATION COUNCIL

FEBRUARY, 1993



**DO NOT RECYCLE: SAVE — OR GIVE TO A FRIEND**

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CONSERVATION COUNCIL  
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The North Cascades Conservation Council was formed in 1957 "To protect and preserve the North Cascades' scenic, scientific, recreational, educational, and wilderness values." Continuing this mission, NCCC keeps government officials, environmental organizations, and the general public informed about issues affecting the Greater North Cascades Ecosystem. Action is pursued through legislative, legal, and public participation channels to protect the lands, waters, plants and wildlife.

Over the past third of a century the NCCC has led or participated in campaigns to create the North Cascades National Park Complex, Glacier Peak Wilderness, and other units of the National Wilderness System from the W. O. Douglas Wilderness north to the Alpine Lakes Wilderness, the Henry M. Jackson Wilderness, the Chelan-Sawtooth Wilderness and others. Among its most dramatic victories has been working with British Columbia allies to block the raising of Ross Dam, which would have drowned Big Beaver Valley.

The NCCC is supported by member dues and private donations. These support publication of *The Wild Cascades* and lobbying activities. (NCCC is a non-tax-deductible 501(c)4 organization.) Membership dues for one year are: \$5, low income/student; \$15, regular; \$20, family; \$30, contributing; \$50, patron; \$1000 sustaining. A one-time life membership dues payment is \$500.

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The North Cascades Foundation supports the NCCC's non-political efforts. Donations are tax-deductible as a 501(c)3 organization.

Please make your check(s) out to the organization of your choice. The Foundation can be reached through the NCCC mailing address.

The Wild Cascades  
Editor: Betty Manning

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COVER PHOTO: Looking down on the bogs of Big Beaver Valley from Pumpkin Mt. —Ira Spring



Founded in 1957  
SEATTLE, WASHINGTON

## THE PRESIDENT'S MESSAGE

What motivates NCCC? That is the question being asked by a number of people in Chelan County. Why is NCCC initiating or joining three legal actions involving Chelan County?

The answer is simple. NCCC wants to protect the scenic, wildlife, recreational, cultural and scientific values for which Congress designated Lake Chelan National Recreation Area. NCCC has been a consistent watchdog organization on all issues concerning environmental impacts of actions in the area.

While that answer may seem quite clear to us, some people do not accept it. They look for hidden meaning and ulterior motives in the actions of NCCC. When NCCC supports continued acquisition of lands in the area, others see this as evidence that NCCC wants to acquire all private lands in the area and to drive out residents. When NCCC takes legal action to ensure enforcement of federal, state and county environmental laws and regulations, they interpret that as hostile action. When NCCC asks for detailed assessments of environmental impacts of proposed actions, they interpret this as an attempt to impose higher costs (and no benefit) on developers.

While NCCC legal actions aim at protecting the environment, we recognize that federal, state and especially county actions affecting valley residents and property owners directly and indirectly. Stehekin residents are entitled to full protection of the law and must also be subject to the full extent of the law. The law works both ways in protecting private rights and public interests. NCCC cannot ask for any more than this and we generally do not ask for anything less.

*David Thubert*

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## NEWS UPDATE

The continuation of the Skagit Project story still awaits decision on the license by the Federal Energy Regulatory Commission. Hopefully, the deed will be done by next issue date.

### *Stehekin Affairs*

#### **STEHEKIN TRANSPORTATION**

Bill Paleck has just informed NCCC that there will be an opportunity for additional parties to offer motor tours in the Stehekin Valley during 1993. The previous concession contract restricted the number of operators and this proved to be a major bone of contention with some Stehekin Valley residents. Potential operators must apply for a transportation concession permit and demonstrate compliance with standard National Park Service regulations on registration and licensing of vehicles, insurance, etc.

This promises to be a very interesting experience that should provide useful information on how to develop a transportation system that protects the environment, reduces the amount of traffic, provides adequate service for visitors and residents and is financially viable. The heavily subsidized NPS shuttle service will be cut back in 1993 due to federal budget constraints (see Kevin Herrick article).

#### **NPS V. CHELAN COUNTY**

On December 30, 1992, NCCC moved to intervene in the suit brought by the National Park Service against Chelan County over ownership of the Stehekin Road. From previous issues of *The Wild Cascades*, readers may remember that after more than 20 years of NPS ownership and maintenance of the Stehekin Road, Chelan County claimed to rescind its grant of the road to the National Park Service. Then it proceeded to take large rocks from the right-of-way

near the Company Creek Bridge and deposit them in the Stehekin River at 8-miles where the river washed part of the road away in the 1990 floods. NCCC, represented by Sierra Club Legal Defense Fund, Inc., is intervening in this case to raise several issues not raised by the NPS. Our legal research, for example, indicates that Chelan County may never have had legal ownership of the main part of the road. The February 22, 1897 Forest Reserve Act may have withdrawn all federal lands in the area. This predates the construction of the road. This promises to be an interesting case. The next step is a hearing January 21, 1993 on the temporary injunction barring Chelan County from performing any more work on the road until the ownership question is resolved.

#### **NCCC V. CHELAN COUNTY (SHORELINE PERMIT)**

The NCCC v. Chelan County suit over issuance of a shorelines permit to "repair" the Stehekin Road without adequate consideration of alternatives and environmental impacts advanced before the Shorelines Hearing Board in preliminary hearing January 8, 1993. Chelan County was represented by Dale Foreman and Camile Peterson. NCCC was represented by Stephen Volker of Sierra Club Legal Defense Fund, Inc. and Rodney Brown of Morrison & Forester with President Dave Fluharty observing. At the hearing, both parties attempted to state the legal basis for the dispute. Judge Bob Jensen set dates for development of witness lists, exhibits, and other legal formalities and scheduled the Board review for October 1993. Chelan County attorney Foreman (just elected to the State Legislature) suggested that the outcome of the **NPS v. Chelan County** over the ownership of the road might make the issue moot. Stephen Volker reminded Foreman and the court that even if the road ownership decision denies Chelan County's claim the issuance of the shoreline permit remains a legal problem.

## **SHERER PROPERTY DEVELOPMENT**

Thanks to all NCCC members and others who responded with letters asking that the environmental impacts and shoreline management implications of the proposed Bible Camp development be examined before a permit was issued by Chelan County. You raised important and timely questions but were ignored by the Board of Adjustment.

Board of Adjustment Hearings were scheduled for November but cancelled. Then December 14 was set as the date. NCCC was represented by President Dave Fluharty and Kevin Herick after a long and harrowing drive on snow and ice. Louis Cherak and Brian Leonard represented Washington Environmental Council and Kirk Bromiley represented the Bowles family which owns property immediately adjacent and downstream of the proposed development. Dan Allen represented the National Park Service. Unfortunately, this hearing was cancelled because there was no quorum of the Board of Adjustment members (back across the Pass in a whiteout). January 4th the hearing was finally held (we only made it to Issaquah before turning back due to time, traffic and weather). After hearing and reviewing testimony, the Board voted unanimously to grant the permit for the first phase of the development. Board members criticized opposition to this project by environmental groups and government agencies and questioned our motives!

As stated earlier, NCCC objects to the project on environmental grounds. The legal basis for the NCCC concerns was clearly pointed out to the Board. Thus, NCCC is left with no recourse except to sue Chelan County in Superior Court. At issue will be the adequacy of the Chelan County decision processes for environmental review and shorelines management. A part of a bulkhead has been built out into the Stehekin River which appears to violate state and federal laws. The bulkhead is in an area of Statewide Significance and one which is

designated as a Conservancy Area under the Chelan County Shorelines Management Plan.

## **FUNDRAISING**

In the October 1992 issue of *The Wild Cascades*, NCCC launched a fundraising campaign to pay expenses associated with the Stehekin litigation and to hire a fulltime person to do research, public education, and other needed tasks over the next 18 months. Preliminary results are very encouraging. Thanks to all who have contributed! The most spectacular result so far is the generous donation of \$10,000 to the Sierra Club Legal Defense Fund, Inc. for legal expenses of NCCC and a challenge matching grant of \$20,000 to the North Cascades Foundation. The contributors of these funds wish to remain anonymous.

NCCC members and members of the Stehekin Emergency Committee have also been generous. A listing of all donors would be quite lengthy. Thus, NCCC is making its way to achieving our goal. We will keep you posted on progress. In the meantime, please consider making a donation to either the tax-deductible North Cascades Foundation or to North Cascades Conservation Council.

## **MAKI FOUNDATION GRANT**

With the encouragement of Ann Harvey (who with Susan Georgette wrote the 1980 landmark study of the Stehekin Valley, *Local Influence and the National Interest: Ten Years of NPS Administration in the Stehekin Valley, Washington — A Case Study*), NCCC applied for a grant from the Maki Foundation. The Maki Foundation donated \$4,500 to the North Cascades Foundation for preparation of environmental educational programs.

## **Endangered Species Act**

### **Up for Grabs**

The Endangered Species Act of 1973 (ESA) is on its way to Congress for its 10-year tuneup. Though the 1992 elections

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campgrounds will be opening later and closing earlier in part due to lack of maintenance staff.

From the visitor's standpoint, the most dramatic change in park operations will be in the interpretive division. A new visitor center will open near Newhalem Campground with normal information services and interpretive displays. However, due to lack of staff, presently all nature walk and slide programs at all visitor centers and campgrounds are cancelled for the summer.

And of news to those who hike the upper Stehekin Valley, the NPS shuttle bus service will be reduced again this year from last year's already reduced level of service. At this point only one van a morning and afternoon will complete the round trip to Cottonwood. Contact the NPS for a Stehekin travel update.

What amounts to an exceedingly small reduction of the federal budget obviously has significant impacts on the protection of park resources and level of service available to the public.

## **GOLD RUSH IN THE CASCADES**

The newly formed Washington Coalition for Responsible Mining (WCRM), of which NCCC is a member, has moved into high gear to protect Washington from the coming onslaught of hard metal mayhem. Of immediate concern is the proposed Buckhorn Mountain Mine in Okanogan National Forest. The battle is seen by miners and environmentalists as the case that will determine the future of mining in Washington.

The mining industry operates under the outdated 1872 federal mining law, permitting companies to acquire cheap public lands, giving states responsibility for regulating and cleaning up mines. As the law stands, the mining industry does not need to redress damage to the land. On January 24, the WCRM hired Chris Parsons, an experienced state lobbyist, to work on mining reform during the coming legislative session. The battle Chris is helping us wage will affect the future of mining across the state, including any remaining claims — e.g., Upper Thunder Creek, Horseshoe Basin and La Bohn Gap.

Donations to help pay for lobbying costs can be sent to Chris Carrel, Washington Wilderness Coalition, P.O. Box 45187, Seattle, WA 98145-0187. Checks should be made out to the Washington Coalition for Responsible Mining.

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## **NCCC WELCOMES NEW STAFF MEMBER KEVIN HERRICK**

**Kevin Herrick** was hired recently by the NCCC Board to help ease the workload of NCCC officers. In this historic period, when so much is at stake in the North Cascades, his presence is not only welcome but essential. Here Kevin introduces himself, telling of his discovery of the North Cascades, and the NCCC, through the fortuitous reading of a book.

\* \* \*

*An innocent ride up the Stehekin Valley Road can lead to . . .?* Two summers ago, while making my way through a glorious and satisfying season as the caretaker of the historic Buckner Orchard in Lake Chelan National Recreation Area, I sat down and read a book called *Stehekin — A Valley in Time*. Soon after finishing the book I found out that the author and his wife were in town. I decided that they might be interesting folks to meet. So, following proper Stehekin custom (due to no phones), I rode up the Company Creek road, knocked on the door, and introduced myself.

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Grant McConnell promptly showed me in, handed me a beer and started asking questions while Jane chipped in with appropriate stories. Despite the strong impact the beer had on my body, which had just spent a day sweating in the orchard and then biked me a few miles up the gravel road, I must have uttered a few intelligible sentences, for I was instructed to visit a David Fluharty, President of NCCC, the next time I passed through Seattle.

By the following spring (1992), I found myself in Seattle working as a research intern for NCCC. Harvey Manning and Dave Fluharty had me running about helping them with NCCC's various projects.

It boggles my mind a bit to think that I'm able to help protect the North Cascades. I grew up in a suburb of Columbus, Ohio. I had never been to the North Cascades until I spent part of my high school senior year as a volunteer at Mt. Rainier National Park, returning the next year to Mt. Rainier as a volunteer backcountry ranger. Obviously, something had grabbed my attention.

That experience led to six summers of seasonal work in the North Cascades, as a Park Service Interpreter, giving programs on the natural and cultural history of the North Cascades. I spent the "off season" at Grinnell College in the flatlands of Iowa.

NCCC offers me an opportunity I cannot refuse—the chance to do work I love. Nothing less could have tempted me to so quickly abandon the work and travel life of a seasonal.

I can be contacted at (206) 789-4538. —Kevin Herrick

If you would like to help NCCC defend the North Cascades against mining threats, please contact Kevin Herrick at 206-789-4538.

## **Ross Reservoir — the Hetch Hetchy of the North**

Will Colby, compatriot of John Muir and then-president of the Sierra Club . . ."exploded the idea that the 'sham lake' at Hetch Hetchy would be anything other than 'an open sepulchre' for most months of the year. . . ."\* Ross "Lake" is a misnomer – it is a Hetch Hetchy-type reservoir. The drowning of the Skagit did not become a national issue in the 1920s-1930s because few knew the primeval river valley. Of those who did, our late director, Chuck Hessey, never was able to return. "Too painful." To have some notion of what was drowned by the "sham lake," examine the U.S. Geological Survey maps which show the reservoir surface in blue — but also the meanders and oxbows now far below the surface and bereft of the wildlife which once thrived there.

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\*Michael P. Cohen, *The History of the Sierra Club 1892-1970*. Sierra Club Books, San Francisco, 1988. Pg. 28.

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# WHO OWNS THE EARTH? — The Public Trust Doctrine

Harvey Manning

The answer to that question is, not the wild-eyed private-property extremists of the Watt-Cushman ilk who claim that purchase of a piece of paper has made them fully and totally and absolutely and solely forever the proprietor of any given chunk of land, wetland, riverbank, lakeshore, beach, forest, meadow, prairie, steppe, rockslide, or mountain. Space here is too limited for a subject that goes back to Justinian and the Dead Sea Scrolls. However, those of you who are engaged in actively combatting self-proclaimed and abundantly financed and politically potent "Earth Owners," whether in a city or county of America or in a national preserve, can gain valuable armament from several volumes.

*The Taking Issue: A study of the constitutional limits of governmental authority to regulate the use of privately-owned land without paying compensation to the owners, Stock number #4111-00017, Council on Environmental Quality, U.S. Government Printing Office, Washington, D.C. 20402, 1973.*

This study was written in 1973 for the Council on Environmental Quality under the direction of Russell B. Train, chairman. Published as a response to the Council's concern about the interrelationship between environmental quality and constitutional law, the book presents an overview of current (1973) land-use problems; traces the concept of "taking" from its origins in medieval England down through British and colonial American history to adoption of the "taking clause" in the United States Constitution; follows the invention and embellishment of the "taking" mythology to 1973; and concludes by outlining strategies for dealing with the issue. Two short quotations to pique interest:

". . . the 'myth' of the taking clause (a judicial fiction of the early 1900s, wholly inconsistent with the tradition of the founding fathers) assumes that less can be regulated than the court decisions actually permit . . . many local governments fail to exercise their powers — or if they do, they back down easily when challenged."

"The myth of the taking clause is inhibiting the sort of reasonable regulatory action that is needed to protect the environment while respecting the position of individual landowners. . . "

Much of the content of this book, which in 1973 was condemned as Bolshevism (what does that make Russell B. Train? And President Nixon?) is now generally acknowledged fact. Even many newspaper editorialists accept it. Still, the private property extremists continued to assert rights that are not given them by the Constitution and assert them so belligerently that they cow nearly all government officials, local, state, and federal, into frightened silence.

If "taking" infuriates them, what drives these fanatical greedheads right up the wall and through the roof is the **Public Trust Doctrine (PTD)**.

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You've probably never heard of the PTD. Few citizens have — except those whose ox it's threatening to gore. Government agencies that know of it are too spooked to mention it out loud. However, in 1987 the Washington State Supreme Court, in deciding two cases based on the PTD, affirmed that the PTD has been, is, and will be the law of Washington. In one of these, *Caminiti v. Boyle*, the court declared the state could never abdicate its authority over lands covered by waters and that these must be used in accordance with the PTD even where there is a so-called "private ownership."

How many of you have walked beaches of Puget Sound and come upon signs crying, "No Trespassing. Private Beach"? These are illegal signs. There is no such thing as a fully private beach.

Talk about earthquakes impending! Though the United Property Owners are spending seventeen tons of money to continue incorrectly presuming fee-simple ownership of tidelands and shorelines, and though no local, state, or national agency in Washington has dared to commence enforcing the law, the PTD is going to start happening.

To understand why, look up the 361-page book published in 1990:

**Putting the Public Trust Doctrine to Work: The application of the PTD to the management of lands, waters, and living resources of the coastal states. David C. Slade, The National Public Trust Study, Connecticut Department of Environmental Protection, Coastal Resource Management Division. 1990.**

Also see:

**"The Public Trust Doctrine and Coastal Zone Management in Washington State", by Professor Ralph Johnson (et. al.) of the UW School of Law, published as an article in the July, 1992 issue of the *Washington Law Review*.**

The PTD has only just begun to be implemented in Washington. So far the application has been almost entirely to tidewater, with Benella Caminiti and her Seattle Shorelines Coalition the pioneers.

**What has that to do with the North Cascades?**

**As the law of this state (and due to its quasi-constitutional character, beyond compromising by the timorous legislative and executive branches) the PTD has clear application to lakeshores (Lake Chelan) and riverbanks (Stehekin River). But it also enters into, for example, the use of patented mining claims which are "private property" under terms of the Mining Law but under the PTD, which has overriding quasi-constitutional authority, are not fully private. Those ancient forests rooted in "patented" cliffs cannot be logged without radically affecting the ecosystem, including streams and fisheries, thereby infringing on right of the public.**

When the PTD at last is rammed into the consciousness of the U.S. Forest Service, the National Park Service, the commissioners of Chelan, Skagit, Whatcom, and Okanogan Counties, the state legislature (and governor), and the senators and congressmen, the legitimate interests of private property will continue to be absolutely respected and

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fully protected, but the illegitimate aggressions by the speculators who feed their voracious faces off the public Earth will be halted.

The matter demands education of public officials. Of the press. And of our own folks, so we can know how to educate the others. Please read the referenced works. Hie thee to a library.



PHOTO: Mountains reflected in bog - Big Beaver Valley — Joseph Miller



# *Reexamination of Stehekin Myths*

## *Chapter Two*

[Myths cannot be killed. They lie nearer the hearts and dreams of the believers than reality, which in contest with the myths always will lose. —Lose, that is, in the closed minds of the believers. No one ever will dispel the Stehekin Mythology from the good folk for whom it is Volume Two of the Bible, wherein "every word is true." However, careful students of true history (among whom we would hope to include (1) journalists from Wenatchee and Seattle and (2) members of Congress) should know the fallacies of the Myths. We here present Chapter Two of a systematic examination. Subsequent issues of *The Wild Cascades* will carry additional chapters.]

***Myth: The 1968 North Cascades Act guarantees the eternal existence of the Stehekin Community.***

**Verifiable Fact:** The Act does not mention the Stehekin community. Congress was cognizant of the existence of the Stehekin community, as seen in Senate Report 700, but the Act did not give the county, Washington state, or the federal government the charge or the tools to guarantee Stehekin's existence.

***Myth: Stehekin is a special place and the Stehekin Community has special rights.***

**Verifiable Fact:** Stehekin surely is a special place. The *land*, that is. But the legislation gives the Community (the *people*) no special rights. To live anywhere in the United States is to enjoy a great many glorious freedoms — and to put up with a great many socially necessary limits on those freedoms. A community exists as long as it wants to and in whatever form it wishes, so long as it exercises American freedoms within the framework of American laws.

***Myth: The manifest intent of Congress was for the Stehekin Community to continue its accustomed unlimited use of the natural resources (water, sand, rock, gravel, firewood) on lands belonging to the nation.***

**Verifiable Fact:** The legislation allows "continuation of existing uses and developments as will promote or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, or other values contributing to the public enjoyment". Though the authors of the North Cascades Act probably did not expect valley use to freeze at 1968 levels, very obviously the "existing uses and developments" were not envisioned or intended to be enlarged to support a *near doubling of structures* in the valley from 1968, when the national park complex was created, to 1986, an 18-year period which witnessed an increase in permanent, non-National Park Service residences from 18 to 34 and seasonal non-National Park Service residences from 46 to 72. Woodlot logging and large gravel pits to serve this expansion of residential use (which continues unabated in 1993!)

cannot help but "impair. . .conservation, scenic, scientific, or other values contributing to the public enjoyment."

**Myth: Removing lands from private ownership limits free enterprise, halts growth, and impairs a community's vitality and viability.**

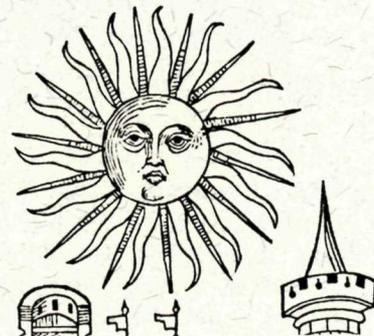
**Verifiable Fact:** Every community exists within limits placed on it by geography, climate, economics, etc. The limits are much stricter in a small valley surrounded by North Cascade wilderness than they are, say, for a town in Nebraska which can expand as it pleases into the cornfields. Some folks might consider that a good reason for North Cascades free-enterprisers to move to Nebraska.

**Myth: People in big cities and in the national government are conspiring to force Stehekin pioneers to move to Nebraska.**

**Verifiable Fact:** Of those folks who advertise themselves as "Stehekin pioneers," only several were in the valley when the park complex was established, and all but one or two of those were small children. Most were anything but pioneer. The Park Service was on hand before they arrived. No bomb was dropped on their "pioneer lifestyle." These newcomers must have known — or should have known — what they were getting into. The North Cascades Conservation Council absolutely is not conspiring against "pioneers", genuine or self-styled. Actually, the N3C has in its membership more honest-to-gosh Stehekin pioneers (people who were in the valley as property-owners or regular visitors before 1968) than does the group which seeks to develop the valley for private profit. The NCCC pioneers will not accept overdevelopment. The regrettable fact is that preserving the valley requires enforcement of laws which have been ignored in the past. Well, so be it.

**Myth: Chelan County rigorously enforces laws.**

**Verifiable Fact:** Next question.



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*NCCC members have long experience with the conflicts between recreation and grazing. Some of the finest alpine meadows and riparian areas on the east slope of the Cascades are periodically chewed to pieces and water courses polluted. Research is starting to document the ecosystem-wide impacts of grazing as well as impacts on rare and endemic vegetation. Appeals, like that of NCCC Board Member Dick Brooks are becoming more frequent. Over the next year, NCCC will develop its strategy for improving the management of grazing allotments in the Cascades. Please send us your experience and advice. — D.F.*

## THE INFESTATION: GRAZING ANIMALS ON PUBLIC LAND

Richard J. Brooks

Ask a Westsider if he has ever visited Horseshoe Basin, Coleman Ridge, Bald Mountain, or Spanish Camp and he probably won't have seen these vast meadow areas of the Pasayten Wilderness. He may have visited Harts Pass when walking the Pacific Crest Trail, and, depending on when he visited, he may or may not have seen the "Infestation". What all these areas have in common is that they are plagued every year, or sometimes alternate years, by grazing cattle or sheep.

There is no denying that domestic sheep have been grazing in the Pasayten Wilderness for over 100 years. I remember finding names and dates carved in the tree clumps on the vast meadow ridge north of Sheep Mountain. The names were mostly of Spanish origin, and dated back to the 1880s. It is no accident that many place names in the eastern Cascades are Spanish and stem from the early sheep industry. Indeed, most of the sheepherders of today are imports from South America or the Pyrenees.

We may be indebted to the early herders and miners for the fact that we have the Pasayten Wilderness. It was they who torched most of the forests in the early part of the century to enhance prospecting and grazing. The forest regrew to stagnated stands 6" in diameter and 50 feet tall, unworthy of any commercial purpose, and hence there was little opposition to putting it into wilderness in 1968.

But if grazing has gone on for over 100 years, why do we care now? Many permits, such as along the Chelan Crest and White Pass, have lapsed. But has the land returned to its former glory? We don't have the data to prove it either way, except at one location. The meadows at Sunrise in Mount Rainier National Park once flourished in flowers and grass waist high. Because of overgrazing during World War I "to support the war effort" the meadows, after 70 years, have never returned to their former glory. We don't know how the Pasayten meadows looked 100 years ago, but we know how they look today. We know that there are about a dozen rare plants in Horseshoe Basin, one found nowhere else in this state. With the continued onslaught of 1000 sheep grazing above 6000 feet every year, how many of these species will remain in another 10 years? What effect are the sheep having on the wetlands, so prevalent in the basin?

The only time I ever saw a grizzly bear in the Cascades was in 1952 at White Pass. Herders had thousands of sheep there, and the bears were killing one or two each night. I wonder if that big cinnamon humpback survived that summer. I doubt it.

CONTINUED ON PAGE 21

BACKGROUND PHOTO: Meadows in Horseshoe Basin - Pasayten Wilderness — Harvey Manning

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## **PARK SERVICE GIVES BIRTH: DELIVERS BIG BEAVER RESEARCH NATURAL AREA (AFTER 20-YEAR GESTATION PERIOD)**

**Joseph W. Miller**



**PHOTO:** Big cedar in Big Beaver Valley — Ira Spring

**Big Beaver Valley** was directly responsible for our beginning work as volunteer researchers for North Cascades National Park 23 years ago this past summer. Many readers of these pages are familiar with the story of how the first superintendent, Roger Contor, called NCCC president Pat Goldsworthy, asking if among his members there were any individuals qualified and willing to perform some scientific research in the park without compensation. He explained that the new park was pretty much a scientific vacuum, geology and glaciology excepted, and the budget provided no funds for finding out what non-commercial resources existed in the prime piece of real estate he had inherited from the Forest Service.

Contor explained that . . . most urgent was an ecosystem survey of Big Beaver Valley. The park needed to know what kinds of plant communities and animals were in the valley before the High Ross flood waters came in. . . Margaret protested that we were neither botanists or zoologists . . . "When you finish up in Big Beaver," he said, "You'll be the world's foremost authorities on it!"

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Pat knew the Millers were planning on retiring the following year, so he gave Contor our names. Margaret was on summer vacation from her job as biology teacher at Sammamish High School in Bellevue, and since we were vitally interested in doing anything possible to help the new park, in the campaign for which we had served so many years as foot soldiers, she agreed to be interviewed in Sedro Woolley. Contor explained that the most urgent research job facing him was an ecosystem survey of Big Beaver Valley. Seattle City Light had just announced its intention to raise Ross Dam 125 feet, flooding its lower 5 or 6 miles, and the park needed to know what kinds of plant communities and animals were in the valley before the flood waters came in. Margaret protested that we were neither botanists or zoologists and didn't know if we were really qualified to do such a comprehensive piece of work. Contor just brushed this aside. "When you finish up in Big Beaver," he said, "You'll be the world's foremost authorities on it!" Since we were available and were cheap, we thus began our 23-year plus relationship with North Cascades, a relationship often filled with great satisfaction and, occasionally, with frustration.

**In June of 1970 we both retired from our respective jobs and reported to Roger Contor for instructions . . . (on) working in the park. At his suggestion we undertook to perform a comparative survey in the four valleys in the park complex known to contain substantial stands of western redcedar. This turned out to entail a great amount of field work. . .in lower Big Beaver, upper Big Beaver. . .Little Beaver, Baker River, and Chilliwack River valleys.**

We spent 15 days of our vacation in Big Beaver that first summer, eventually spending more than 60 days there over the next few years. We emerged in 1969 with rolls of exposed film, notebooks filled with data, plaster casts of animal tracks, stacks of pressed plants, a few score mosquito bites, and stores of memories of magnificent views and exceptional beauty. We were by no means as convinced as Contor that flooding was inevitable. The Park Service had been ordered by Washington, at the direction of Senator Jackson, we understand, to remain neutral in the High Ross Dam controversy. Although we were working in Big Beaver at the direct request of the Park Service, we felt under no similar restraints. We tried to make our reports to the Park Service, of that year's work and during the following years, as objective and unbiased as possible, but in our other writing, testifying and speaking engagements, we spared no efforts in letting the public know what a tragic loss flooding Big Beaver would be.

At the first public hearing by the Seattle City Council, October 3, 1969, on City Light's budget containing funds for engineering studies for High Ross, the council chambers were packed with members of all the local environmental organizations. Almost all who spoke were opposed to raising the dam and emphasized the loss of recreational and scenic values. Some of the engineers on our side questioned the economic soundness of the project, but we lacked any firm scientific basis for opposition on other grounds. The City Council was just not much interested in aesthetics.

Only a few days later we were furnished the tool we needed to lend scientific credibility to our opposition to the dam. Philip A. Briegleb, director of the Pacific Northwest Forest and Range Experiment Station in Portland and one of the "white hats" in the Forest Service, wrote Councilman Tim Hill giving his views on the lower Big Beaver drainage. He pointed out that he was also Chairman of the Forest Service's Natural Area Committee in the Northwest. During the last several years the committee, in cooperation with the other land management agencies and the

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Washington Intercampus Committee on Scientific Reserves, had been making an intensive search for areas to fill out the existing system of natural areas. Location of stands of valley bottom western redcedar suitable for designation as natural areas was high on the committee's list of priorities, since most of these had already been logged. After 4 years' search, only the cedar stands in lower Big Beaver Creek seemed to be adequate. He urged the city of Seattle to carefully consider the scientific and educational values present in these virgin ecosystems before making a decision on raising Ross Dam.

A similar letter was addressed to the City Council by Jerry F. Franklin, liaison officer of the Society of American Foresters' Natural Area Committee. Dr. Franklin, who was then chief ecologist of the PNW Experiment Station based at Oregon State and another of the white hats, came to Seattle in February, 1970 and volunteered to furnish testimony to the council on his knowledge of research natural areas. At an informal hearing attended by only a few members of the public, because of the lack of advance publicity, Dr. Franklin described in detail the necessary attributes of natural areas and their values to man. These last he broke down into four categories: providing an ecological baseline or control, serving as laboratories for field scientists in ecology and natural history, serving as laboratories for applied studies and acting as gene pools for various flora and fauna.

He explained that at least 50-man-days had been spent in the search for a western redcedar research natural area. Requests had been sent out to each national forest in the Northwest, and their staffs had spent considerable time in the search. The Intercampus Committee on Scientific Reserves had also hired researchers. Reports coming back from these agencies and individuals were evaluated, but all suggested areas were found to be too fragmented. Big Beaver Valley was first suggested by Mt. Baker Forest in 1967 but was eliminated because it was proposed for flooding by Seattle City Light. He stated that he had not personally walked in the valley but had viewed it from above the previous summer while making the Picket Traverse from Luna Cirque to Sourdough Mountain. He had examined the forest type maps and aerial photos of the area and based on these and the reports of Mt. Baker personnel who had examined the area, he believed lower Big Beaver might well be unique as a suitable location for a research natural area. He thought it would be appropriate to conduct an extensive search for other possible areas and an exhaustive survey of the valley itself.

No member of the small audience questioned Dr. Franklin's conclusions except local self-styled electrical power authority and High Ross Dam advocate, Larry Pemberthy. For the benefit of readers who weren't following this controversy back in the 60s and 70s, Larry is the character who opposed the establishment of North Cascades National Park and setting aside any more wilderness areas in the state. He thought an open-pit copper mine on Miners Ridge would be a great tourist asset to the state and that roads down Bridge Creek to Stehekin and along Ross Reservoir to Canada would be just dandy. Anyway, this date he stated that he was representing Professor Sharpe of the University of Washington School of Forest Resources, another pro-dam advocate who could not attend. (We suspect the good professor hesitated to confront an ecologist of such formidable reputation as Jerry Franklin!) Larry stated that he personally knew of whole valleys of western redcedar in other drainages in the North Cascades and that if the dam were raised, the rest of the valley would still be just fine for a research natural area, according to studies by Dr. Sharpe.

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With his statement, Dr. Franklin immediately became our much admired guru. We told him of our preliminary work for the Park Service in Big Beaver, and he made suggestions as to studies we could carry out, agreeing to read critically any of our reports. In June of 1970 we both retired from our respective jobs and reported to Roger Contor for instructions on how to spend the summer working in the park. At his suggestion we undertook to perform a comparative survey in the four valleys in the park complex known to contain substantial stands of western redcedar. This turned out to entail a great amount of field work and man and woman hours. We selected 16 stands of redcedar at least one-quarter mile across in lower Big Beaver, upper Big Beaver (above the projected level of flooding), Little Beaver, Baker River, and Chilliwack River Valleys. In each stand we sampled 10 sites 50 paces apart on a compass bearing, recording and measuring 40 trees, 40 shrubs and all the forbs in 10 1-meter square plots. The notebooks were voluminous. On each of two of our trips we had the assistance of a student from Margaret's classes, one of whom ate more grub than he could carry in. The other was so enthralled by the fieldwork that she majored in environmental science and went on to become one of the white hats in the Alaska Department of Fish and Game.

Back home at summer's end, we were faced with the task of reducing all this data to some comprehensible form. This was before the days of PC's or even hand-held calculators, and we had the fun of figuring the basal areas of 640 trees from the tape measurements of their circumferences. Tedious! Finally by December we had boiled all these figures down to a 50-page report entitled, "Phytosociological Reconnaissance of Western Redcedar Stands in Four Valleys of the North Cascades National Park Complex." To our knowledge, after an extensive literature search, this was the first phytosociological (plant community) study ever done of western redcedar, and it contained enough mathematics, graphs and figures to satisfy even the pickiest forest ecologist. It seemed to prove, at least to our satisfaction, that lower Big Beaver was indeed the best location for a cedar research natural area.

**. . . Lower Big Beaver was indeed the best location for a cedar research natural area.**

We won't go here into the years of legal battles on High Ross during which various university professors and highly paid lawyers hired by City Light attempted to denigrate our report or point out our lack of qualifications for doing it. Jerry Franklin, at least, earned our undying gratitude by defending it as scientifically valid. Anyway, in the end it really didn't make any difference, as the Federal Power Commission, forerunner of the Federal Energy Regulatory Commission, regarded a potential research natural area as pretty small potatoes compared with a nice, juicy hydro project. Everyone now knows that our efforts were just buying time for our Canadian brothers and sisters to whip up enough indignation to give the final quietus to "ole" Hi' Ross.

With a potential agreement in the works between Seattle and British Columbia, it looked as though Big Beaver was safe, and other concerns occupied our efforts. The PNW Experiment Station had not forgotten, however, and in the summer of 1982 Sarah Greene of Jerry Franklin's office at Corvallis asked Margaret and me to go into Big Beaver with her so she could verify for herself its suitability for a RNA. She was pleased with what she saw, especially with the mosaic of cedar stands, bogs and other wetlands and said she would write the park expressing satisfaction with the valley for this purpose.

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In the early spring of 1984 I had a phone call from Research Biologist Robert Wasem in which he said he planned to submit a proposal for a Big Beaver RNA and wanted our ideas on boundaries. Bob had been with the park almost as long as we had, and most of our studies had been under his direction. I sent him a photocopy of the portion of the Whatcom County Forest Type Map covering Big Beaver Valley and suggested that the boundaries of the RNA begin about a mile upstream from the reservoir and extend to the 2000-foot contour on each wall of the valley. This would cover nearly all the cedar stands. I was most pleased when Bob told me his proposal was even more generous, beginning just upstream from the gaging station at the valley's mouth and extending to the 2200-foot contour. See map, back cover.

At the time I was serving as president of the Washington Native Plant Society, and in that capacity I wrote Superintendent Keith Miller a long letter giving the history of the Big Beaver RNA proposal and urging its approval. Mr. Miller replied that he was sending it back to Mr. Wasem to await ratification by the Senate of the U.S.-Canadian treaty on the Ross Dam issue. Ratification followed shortly, one of the portions of the agreement setting up the Skagit Environmental Endowment Fund and Commission (SEEC). In 1985 the SEEC Commission offered the Native Plant Society an opportunity to make a grant proposal.

The Society had a Plant Inventory and Survey Committee that had over the years funded botanists in delineating the various plant communities of the state. During my tenure as president, I had been somewhat successful in getting grants for studying areas proposed for wilderness status. This seemed like a golden opportunity to get City Light to pay for a really thorough plant study of Big Beaver Valley, and I asked the Commission for a grant of \$5000. We engaged two competent young botanists, Ron Vanbianchi and Steve Wagstaff to conduct the study and write it up for publication, and Margaret and I had the pleasure of working with them on one of their field trips into the valley in the summer of 1986. Their completed work, "A Floristic Study of Big Beaver Valley," was published as Volume Three of the *Douglasia Occasional Papers* by the Native Plant Society in 1988. This beautifully done work comprised the definitive baseline study of Big Beaver and established once and for all its suitability as a research natural area. What NCCC wouldn't have given back in the early 1970s for a comprehensive piece of work like this! Unfortunately, there was no Skagit Environmental Endowment Commission to put up the funds and no Native Plant Society to find botanists and print up their studies in those days. Anyway, copies were sent off to the Park Service with the assumption that the RNA was a dead certainty.

The Nature Conservancy contacted me in the winter of 1988 and asked if I knew what was holding up the establishment by the Park Service of the RNA. I gave them all the history I had, and they said they would talk to Regional Director, Charles Odegaard's office about it. The next spring I heard from Sarah Green, now Research Natural Area scientist of the PNW Region and one of the founders and officers of the Natural Areas Association. Ms. Greene said the Interagency Research Natural Area Committee had at least five RNA proposals in Washington and Oregon that were being held up by the NPS Seattle office. She had written and called some Park Service brass hat in Washington who was supposed to set policy on RNAs with no response and suggested that, if I were inspired, I might write to NPS Director, James Ridenour. I thereupon wrote Ridenour, accompanying my letter with a copy of the Native Plant Society's Big Beaver study.

The only answer I received back was a copy of my letter from the Seattle Regional Office of the National Park Service, with a note at the bottom that they were "working on the proposal." Time went by, and in the spring of 1992 NCCC president Dave Fluharty called and asked if I had any knowledge of the status of the Big Beaver proposal. I erupted with some appropriate profanity about the dilatory tactics of the Seattle regional office, and Dave said he would call them. "Oh!" his contact said. "We approved that back in June, 1990." WELL!!!! A call to Sedro Woolley eventually brought forth copies of Ridenour's letter of approval to Region and Region's memo to North Cascades, together with then-Superintendent John Earnst's apologetic note that the papers must have passed through his office while he was occupied with other matters, possibly Stehekin.

One must remember that Bob Wasem had left to a well-earned retirement, there had been two superintendents since I wrote to Keith Miller about the Big Beaver RNA. All the long history of the controversy had been buried deep in the files, if it even still existed. Big Beaver Research Natural Area, a consummation once devoutly to be desired, had arrived, not with a fanfare of trumpets, but had snuck in the backdoor. I guess Harvey Manning is correct in saying that you have to hit the mule in the forehead with a two-by-four to get its attention. Trouble is, this mule sometimes has such a bad institutional memory that our arms give out before its forehead does.

Washington Native Plant Society  
"Preserve and Enjoy Washington's Flora!"

15405 SE 9th  
Bellevue, WA 98007  
May 18, 1989

Mr. James Ridenour, Director  
The National Park Service  
Washington, DC 20013-7127

Dear Mr. Ridenour:

I am enclosing for your information a report published by the Washington Native Plant Society on the floristics of one of the choicer bits of real estate under your agency's jurisdiction--Big Beaver Valley in the North Cascades National Park Complex. This survey was initiated and financed by the Society to call to the attention of the Public and the National Park Service the suitability of the valley for designation as a Research Natural Area.

I also enclose a clipping from the Society's quarterly publication, Douglasia, Summer, 1984, describing efforts by North Cascades National Park to propose a Research Natural Area for the valley. Subsequent to this publication, the U. S. Senate ratified the U. S.-Canada treaty on the Skagit River projects, and the Superintendent of North Cascades submitted the RNA designation proposal to the Pacific Northwest Regional Director. There it now sits.

I am also informed by the Interagency Research Natural Area Committee that the Pacific Northwest Regional Director has held up action on at least five RNA proposals in Washington and Oregon during the past several years. I understand that the NPS has recently issued a report, Guidelines for Establishing and Managing Special Designation Areas in the National Park Service that includes possible policy on Research Natural Areas. Because its lack of dedication to scientific research is one of the serious deficiencies of the NPS, I should appreciate your comments on the status of this report and on the apparent stalemate on establishing RNA's in the Pacific Northwest Region.

Sincerely,

*Joseph W. Miller*

Joseph W. Miller  
Past-president  
Washington Native Plant Society

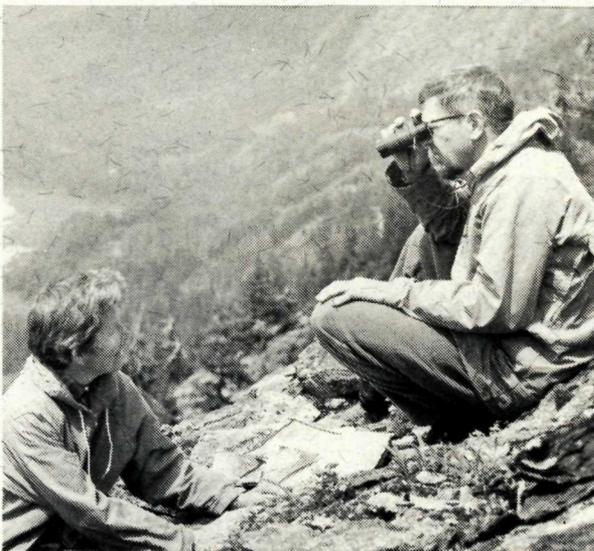


PHOTO: Joe and Margaret Miller on Pumpkin Mountain overlooking Big Beaver — Ira Spring

NOTES:

Background material from *Douglasia*, publication of the Washington Native Plant Society, Summer, 1984.

"Early this spring your president had a telephone conversation with C. Robert Wasem, Research Biologist for North Cascades National Park. Mr. Wasem planned to submit to his superintendent a proposal for a Western Redcedar Research Natural Area in Big Beaver Valley and wanted my ideas on boundaries. Fourteen years ago, when the High Ross Dam fight was at its fiercest, the environmental community would have voted as "Conservationist of the Year (Decade?)" any Park Service employee making such a proposal.

It was still mighty good news, and I dug into my records for data to support an RNA proposal. One thing I found was a copy of the Forest Type Map of Whatcom County prepared by the Pacific Northwest Forest and Range Experiment Station. We had used this map to indicate the extent of cedar stands in North Cascades National Park and how much would be lost by the construction of the High Ross Dam.

I sent Mr. Wasem a photocopy of the portion of the map covering Big Beaver Valley together with a suggestion that the boundaries of the RNA begin about a mile upstream from Ross Lake and extend to the 2000-foot contour on each wall of the valley. I was most pleased, when Mr. Wasem told me of his final proposal, that the boundaries were even more generous, beginning just upstream from the gaging station at the valley's mouth and extending to the 2200-foot contour. These boundaries will include all the major cedar stands in the valley and all the ponds and wetlands that are essential components of this forest type. The following exchange of letters with the superintendent gives the present status of the Big Beaver Valley RNA. It looks good!"

Literature Cited

Dyrness, C.T., J.F. Franklin, C. Maser, S.A. Cook, J.D. Hall and G. Faxon, Research Natural Area Needs in the Pacific Northwest. USDA For. Serv. Gen. Tech. Rep. PNW-38, Pacific Northwest For. & Range Exp. Stn., Portland, OR. 231 p.1975.



United States Department of the Interior

NATIONAL PARK SERVICE  
North Cascades National Park  
800 State Street  
Sedro Woolley, Washington 98284-1799

IN REPLY REFER TO:  
N22

April 13, 1984

Mr. Joseph W. Miller  
President  
Washington Native Plant Society  
15405 S.E. 9th  
Bellevue, Washington 98007

Dear Joe:

Thanks for your letter concerning the Big Beaver Valley. I have reviewed the proposal submitted by Bob Wasem and have returned it to him to hold until we actually have a treaty in hand.

The area is well protected and will continue to be until all the political ramifications have been resolved. At that time, I will actively pursue the designation. We will also be proposing that it be included within any wilderness boundary which may be established for the area.

I think with you and Margaret backing this proposal, and with Sarah Greene involved, we should have little problem in establishing the RNA. We have waited patiently, and the end is in sight, but we still have one more hurdle, Senate ratification. Hopefully, this will be very soon.

Sincerely,

Keith E. Miller  
Superintendent

Washington Native Plant Society  
"Preserve and Enjoy Washington's Flora!"  
15405 S.E. 9th, Bellevue, Washington 98007  
April 11, 1984

Mr. Keith Miller  
Superintendent  
North Cascades National Park  
Sedro Woolley, Washington 98284

Dear Keith:

I understand from recent conversations with Research Biologist Robert Wasem that he has submitted a recommendation for a Research Natural Area in Big Beaver Valley to your office. On behalf of the Washington Native Plant Society, I should like to take this opportunity to endorse, most strongly, the boundaries drafted by Mr. Wasem. Our Society, the principal aim of which is the preservation of Washington's native flora, regards Research Natural Areas on Federal lands as providing the most secure protection possible for plant communities.

The concept of a Big Beaver Valley RNA was first expressed by Dr. Jerry F. Franklin in 1969, at a time when Seattle City Light first announced its plans to build High Ross Dam and flood the valley. With Dr. Franklin's guidance and encouragement, Margaret and I pursued extensive studies in Big Beaver and three other valleys in the North Cascades in 1970 and concluded that the former was the best candidate for an old-growth western redcedar RNA, SAF timber type No. 228 (Miller and Miller, 1970).

Throughout the lengthy hearings on the High Ross Dam issue, concerned forest scientists and plant ecologists continued to cite the need for a western redcedar Research Natural Area and the suitability of Big Beaver Valley for this purpose. The definitive document on Research Natural Area needs in the Pacific Northwest indicated that there was still no representation of old-growth western redcedar forest, Society of American Foresters Province, Washington Cascades (Dyrness et al. 1975). Big Beaver Valley was cited in this work as representing not only this type but a river valley bottom mosaic of mature conifer forest, semi-aquatic and aquatic communities. It was given the highest priority of urgency for acquisition.

In the summer of 1982, Margaret and I visited Big Beaver Valley in the company of Sarah Greene of Dr. Franklin's office of the Pacific Northwest Forest and Range Experiment Station. The purpose of Ms. Greene's visit was to verify for herself the suitability of the valley for RNA designation, and I believe she subsequently wrote you expressing satisfaction with the valley for this purpose, since the High Ross Dam issue was permanently settled.

I can foresee no conflicts between recreational use or management objectives for Big Beaver Valley and its use as a field laboratory for research and educational purposes. The official designation of a Big Beaver Valley RNA would be the fulfillment of a cherished goal of numerous members of the scientific community in the Pacific Northwest. I should appreciate your keeping the Washington Native Plant Society informed of the outcome of this proposal.

Most sincerely,

  
Joseph W. Miller  
President

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**CONTINUED FROM PAGE 13**

Ten years after the last cattle had been in Whistler Basin, the plops had still not decomposed. Turn one over, and nothing is growing underneath. In stormy weather, cattle huddle in the scarce trees and stomp out everything. Coleman Ridge was a delight 4 years ago. The next year, the cattle had severely desecrated it. We photographed cattle and deer in the same meadow above Spanish Camp competing for the same grass.



**PHOTO:** Sheep on Pacific Crest Trail - Harts Pass 1992 — Mary Lou Krause

This past summer we reveled in the fields of paintbrush and lupine in Horseshoe Basin. On our return from a side trip north into Canada, the flowers were gone. In 8 days in July the flower display of that great place became history. No one following us last summer would see it. (It is no consolation that in Canada the impact from cattle is far worse.) Even the botanists had to hurriedly finish their research work before the livestock onslaught overwhelmed their test plots. On our last morning in camp in Horseshoe Basin we were suddenly surrounded by hundreds of sheep. Instantly, our water supply had been polluted. We were leaving, but what about the next hikers using the camp and water supply?

While the physical scene is ugly, the economics of grazing public land is even worse for the public. Because the grazing fees are so low (38 cents a month for a sheep and \$1.92 a month for a cow) the Forest Service loses money on grazing allotments. So the argument goes "Well, we may be making a mess of our mountains, but at least we are losing money". In 1991, grazing fees and in-kind labor from animal grazers supplied less than half the cost of the range budget for Okanogan National Forest. Especially infuriating is the fact that the government doesn't require an Environmental Impact Statement for grazing to continue. They say the Wilderness Bill allows grazing. But it doesn't require it. So if grazing is causing

damage in violation of environmental laws, why does it continue? If an EIS was required, many grazing allotments would die in the light of the disclosure. But that would give the Forest Service or BLM another problem. The grazing permits are allocated to the lowland property that harbors the animals through the winter. When the property is sold, the permit goes with it. Obviously, private land with a permit to graze public land at bargain rates has a higher value than its neighbors, at least for the original seller. There has been no success raising grazing fees to a proper level because of the political power of the grazing lobby. The Forest Service and BLM don't want the agony of performing an EIS. So life goes on and one rancher profits, and two imported sheep herders get a few months' wages, and the public is left holding the bag.

So what is the solution? It is time for the public to stop nursing its loss. If the grazing laws are at odds with environmental laws, it is time to buy up the grazing permits using public funds, if the courts agree that the permits have a life of their own. On nonsensitive lands it is time to let the public in on its heritage, with higher grazing fees that shows a net income above costs, comparable to the return on private lands. In the meantime, we should require an EIS so we can proceed with our eyes open. Like buying out development rights to preserve farm land, let's appraise the value of the permit to a piece of land and buy them out. We can start with the most sensitive lands and work through them with a deadline of, say, 10 years to complete the task. There is an old saying that "getting started is half the job". It is time to start.

Thursday, October 1, 1992 . The Seattle Times A 11

### Work for the North Cascades

If you are interested in volunteering some of your time to help protect the North Cascades, NCCC would be happy to put you to work. From research to proof reading, from getting out there and poking about in the backcountry to going to public meetings on mining our backcountry, NCCC has a job for you.

*The Wild Cascades* gives you some idea of the issues NCCC is working on. If you are interested in becoming more involved and wish to discuss your potential in the wild and exciting work of NCCC, please call or write:

Kevin Herrick  
320 N.W. 53rd St.  
Seattle, WA 98107  
(206) 789-4538

### DEPT. OF FEDERAL GIVEAWAYS

## Low grazing fees prove there IS a free munch

**T**HANKS to one of those little political compromises, the American taxpayer and the environment have taken another hit on Capitol Hill.

At issue are federal grazing fees, the rent paid by western ranchers so their cattle can graze on some 270 million acres of federally owned range lands. For years, a few thousand ranchers have been paying a flat rate of \$1.92 per cow, per month — less than one-quarter the average fee of \$9 paid for comparable private grazing lands. At those rates, the government spends about \$50 million more to manage the program than it gets back in fees.

Recently, an odd coalition of budget-cutters and environmentalists has been lobbying to increase the fees. Cut-rate grazing, they argue, is a taxpayer subsidy for some ranchers, creating unfair competition for the vast majority of ranchers (including most in Washington state) who pay market rates for private pastures.

And low fees encourage over-grazing of federal lands, causing widespread erosion and degradation of feeding grounds for wildlife.

Ranchers have organized their own lobby, applying pressure on the White House and Congress to maintain the status quo. The result is an ongoing conflict that divides Congress along regional lines.

President Bush, who castigates Congress for pork-barrel politics, has buried his nose in the same trough and opposes any increase in fees. This year, the House approved a modest increase to \$2.40 per cow. The Senate opposed it, with the help of both Washington senators.

Last week, the ranchers won. The Senate dropped a controversial mining reform proposal in exchange for the House backing off on grazing fees.

The losers are the taxpayers and the environment. Increased grazing fees wouldn't fix the \$400 billion deficit, nor salvage western range lands. But charging realistic rent for a public resource would establish a rational context in which economic and environmental problems could be addressed. Failure to raise the fees is yet another case study of why Bush and the Congress remain paralyzed by the federal deficit.

## Study downplays NW complaints about aircraft roars in wilderness

By Greg Johnston  
P-I Reporter

Local hikers, horse riders and Forest Service officials are expressing surprise over a national study that found most visitors to wilderness areas are not bothered when jet fighters and other aircraft roar overhead.

"The findings are rather surprising," said Dale Potter, assistant recreation chief for the Mount Baker-Snoqualmie National Forest. "They vary with the complaints we get year after year."

The study, conducted by the Forest Service's national recreation staff, was ordered by Congress as the result of complaints about aircraft noise in Grand Canyon National Park.

It found that "few adverse impacts to wilderness users were found resulting from aircraft overflights of Forest Service-managed wilderness. The worst case found was a fairly small percentage of wilderness visitors who experienced varying degrees of noise-induced annoyance."

It also found that while low-level military overflights were the most bothersome, they posed relatively little danger to horse riders.

Area hikers and backcountry horse riders, however, say the sound of freedom ringing in their ears is inappropriate in a wilderness setting and spooks horses.

Loren McGovern, executive director of the Backcountry Horsemen of Washington, said such flights have caused at least two serious accidents in recent years.

"In one situation, a husband and wife were on top of the (Pacific) Crest trail, I think over by Crystal Mountain, and a National Guard jet went over, real

### Outdoors

low," he said. "The horses spooked and both went over backwards. I know there have been several other incidents."

Jan Milligan, executive director of the Washington Trails Association, also hears complaints.

"The vast majority of our members are appalled by the noise and disturbance of low-level flyovers, especially over wilderness," she said.

Potter said that in 1991 rangers in the Glacier Peak Wilderness in the north Cascade Mountains reported over 400 incidents of military overflights.

"There is a steady flow of complaints, both by letter and from people stopping in at our ranger stations," Potter said.

In their annual report to Congress, Mount Baker-Snoqualmie officials wrote that military flights over the Glacier Peak Wilderness "create hazardous conditions for wilderness users, particularly those on horseback. The planes fly at tree top level and are within 100 feet of the ground when crossing ridges and passes."

Bill Makel, coordinator of the Forest Service's study, acknowledged that overflights may pose problems in some areas. Even though the Glacier Peak Wilderness was included in the study, he said the problems were minimal on a national scale.

"They're not a major problem nationally," he said. "The most annoying aircraft were low-level military flights and helicopters, but these are not regularly encountered in most wildernesses."

He said the study found very few reports of accidents over the

last 10 years.

"There were instances of serious injury due to horses being spooked," he said. "But relative to other accidents in the wilderness this did not seem to be a major safety problem."

Some believe this region could be particularly susceptible to the overflight problem because of its multiple and heavily used wilderness areas relatively near Whidbey Island Naval Air Station, McChord Air Force Base and the military's Yakima Firing Center.

The study included no recommendations. Makel said the National Park Service is conducting a separate study that will include recommendations for the parks.

"On the Forest Service-managed wildernesses that do have a problem, I think the first thing we would be looking at would be to try and work locally to solve it," Makel said.

That may prove difficult.

Howard Thomas, a civilian spokesman for the Navy at Whidbey Island, said the air station's A-6 Intruder pilots fly regular training routes over wilderness areas at 450 mph and 300 feet above ground. Bombing runs require low-level approaches that avoid radar detection, and the wilderness areas provide ideal topography and uncongested airspace.

"We certainly have a concern for the environment," he said. "But the low-level training routes were established more than 30 years ago, and when those areas were designated wilderness, the routes were grandfathered in" the legislation.

Because of increasing air traffic elsewhere and a growing population, "if you now try to go and create a new low-level route, it would be a real struggle," he said.

## OVERFLIGHT: Or, How the Researchers Missed the Point Dave Fluharty

Greg Johnston's article in the *Seattle P-I* reported the results of a USFS consultant's study about overflight (see above). After reading the full report, I understand how the \$1.5-million-dollar study came to its conclusions. However, I am sad to say that the researchers missed the point, at least for the Cascades. It seems that unless people were physically injured, animals "spooked," or cultural resources damaged as a result of low-level flights, the concerns register as minor or mere "annoyance". Those of us who have experienced military overflight in the Cascades don't find our impressions reflected in the report.

Those of us who have experienced military overflight in the Cascades don't find our impressions reflected in the report.

There are methodological flaws with the study (too small sample sizes, little ground truthing of exposure versus survey response of respondents, location, and duration of acoustical tests, etc.) and creative spins put on interpretation of data — all of which seem designed to define away the problem. Lack of systematic recording of visitor

overflight in the Cascades don't find our impressions reflected in the report.

**Those of us who have experienced military overflight in the Cascades don't find our impressions reflected in the report.**

There are methodological flaws with the study (too small sample sizes, little ground truthing of exposure versus survey response of respondents, location, and duration of acoustical tests, etc.) and creative spins put on interpretation of data — all of which seem designed to define away the problem. Lack of systematic recording of visitor complaints by the U.S. Forest Service, for example, (thus, no evidence of complaints) is considered by the team as showing low level of public concern. If this is true why is it that when Cascade mountain recreationists get together, almost everyone has some recent story to tell about low-level overflight?

Fortunately, USFS representatives in the Pacific Northwest are expressing surprise at the outcome of the study. It obviously does not represent the situation here even though a few acoustical measurements were made someplace in the Glacier Peak Wilderness and telephone interviews were conducted with about 100 users. Furthermore, an overflight in Glacier Peak Wilderness is an indication that the same plane has overflowed anywhere from 3 to 7 other wilderness areas in the Cascades enroute. An hour-long training flight can affect the wilderness experiences of virtually all the wilderness users in the Cascades! There is no appreciation of this cumulative impact in the report.

Congress mandated the study because there were significant complaints about low-level flights in national parks and wilderness areas. Congress was not worried about the commercial routes that cross the Cascades at 4000-5000 feet above the tops of the peaks.

Congress was concerned about military aircraft flying 100-500 feet above the ground and at 350-450 mph, recreational craft flying below 2000 feet above terrain, and helicopters buzzing skinny dippers at Blanca Lake in the Henry M. Jackson Wilderness. Instead of trying to identify the problem, this study seeks to explain it away by surveying areas where the problems "are" less acute than in the Cascades and then, extrapolating the results to the whole U.S. wilderness system.

I made it out hiking five times last summer and each time was overflowed or "underflowed". (The latter case being Huey helicopters flying west to east over Reflection Lakes at Mt. Rainier National Park at an elevation less than 1000 feet above terrain and about 2000 feet below me on the Skyline Trail.) It is my impression that in the late 1960s and 1970s the National Park Service had an agreement with the Fort Lewis and McChord Field folks to fly south of the Tatoosh Range except for rescue or special administrative purposes. What has happened to that logical accommodation?

What needs to be done? First, the federal land management agencies with support from us, must contact the military flyers to obtain compliance with the existing routes and, second, change flight routing away from parks and wilderness areas. Where some flights are necessary, attempt to schedule these in a manner that makes them more predictable. (E.g., if the "Sound of Freedom" training flights could come at a regular time, recreational users could have some warning.) Concentrate the impact of military overflights to a limited time period — not random flights all day and night. In addition, helicopter and small plane use should be ordered to maintain sufficient altitude (e.g., 2000 feet above terrain) and a continuous flight path (no circling). Many private pilots already

observe such practices because they are prudent. Many do not.

One statement from the study of overflight is patently false with respect to the Cascades: that wilderness designation came after the establishment of low-level training routes 30 years ago, and therefore, such flights are "grandfathered-in. **Not so.** Precursors to wilderness areas were established in the Cascades starting in 1931 with Goat Rocks Primitive Area, in 1935, North Cascades Primitive Area, in 1940, Glacier Peak Limited Area, and in 1946, Cougar Lakes, Alpine Lakes, Monte Cristo Peak, Packwood, and St. Helens Limited Areas. However, a map of the training routes shows that many of these routes overfly the previously designated areas and a number of them converge directly over the summit of Glacier Peak. There is no overflight clause in their designating authorities. No environmental compliance has been done for the Cascades wildernesses. It is not apparent that the military takes Cascades wilderness into account in its operations.

**One statement from the study of overflight is patently false with respect to the Cascades: that wilderness designation came after the establishment of low-level training routes 30 years ago, and therefore, such flights are "grandfathered-in. *Not so.***

The prospects of achieving the desired result of no low-level overflights may be long in coming, however, some positive results have been obtained. North Cascades National Park succeeded in obtaining the assistance of Whidbey Island Naval Air Station in stopping low-level joy-rides up Lake Chelan through instantaneous reporting of violations of the military training routes.

Most of us lack such communication facilities (cellular phone users to the rescue?) and the military tends to stonewall on later reports ("What was

the plane ID number?" "No planes flew in that area on that day," etc.). Still, we must start documenting our experiences with low-level overflights. Make your list, including date, time, and location. Send the original to your representative in Congress and copies to NCCC, national forest or park where incident occurred, and to the Whidbey Island NAS Duty Officer (206-257-2681).

**...we must start documenting our experiences with low-level overflights.**

The NAS next-day schedule of flights is available by calling 206-257-2877, and same-day schedule is 206-257-4310, according to Steve Smith, Whidbey Island NAS Air Operations.

**The NAS next-day schedule of flights is available by calling 206-257-2877, and same-day schedule is 206-257-4310.**

You can obtain a copy of the report summary by contacting Mr. Bill Makel, National Coordinator for Wilderness Aircraft Overflight Sound Study, U.S. Forest Service, San Dimas Technology & Development Center, 444 East Bonita Avenue, San Dimas, CA 91773. Telephone 714-599-1267.

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## OVERFLIGHT HORROR STORIES

*(Not recorded in that survey)*

Remembered by  
Harvey Manning

*EDITOR: Please send us your overflight story, so that we can print it for the historical record.*

Once the then-president of NCCC, Pat Goldsworthy, was passing (unroped) above an open crevasse on the Suiattle Glacier on Glacier Peak when a jet came

over. His companions saw Pat freeze in his tracks. They feared he would slip from his steps and slide helplessly into the hole.

The then-editor of *The Wild Cascades* was traversing (unroped and alone) a ledge on Nelson Ridge above Carmelita Basin when he was rendered catatonic by a jet skimming the ridge scarcely more than inches above his head. When he came to his senses, he was — miraculously — on his knees, his feet hanging over a cliff that would have been sufficiently fatal.

Few travelers of the North Cascades, the Alpine Lakes Wilderness, the William O. Douglas Wilderness, Olympic National Park, the Olympic Wilderness beach have not suffered similar traumas. The question arises, who *did* the Forest Service talk to? In the aftermath of the Nelson Ridge incident, the Wenatchee National Forest wrote a strong letter to the U.S. Air Force expressing its concern for the safety of its own fire patrol aircraft.

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## MILITARY IS VIOLATING WILDLIFE REGULATIONS, GROUPS' SUIT CONTENDS

—Eric Pryne *Seattle Times*, Friday, Oct. 23, 1992, B5.

A half-dozen environmental groups have filed suit in federal court here to make the military stop using a rock off the Washington Coast for target practice.

The suit names as Defendants the Navy, the Interior Department and the U.S. Fish and Wildlife Service, the branch of Interior that manages the refuge.

Sea Lion Rock, about 2-1/2 mile offshore from the Quinault Indian Reservation, is part of the Copalis National Wildlife Refuge, set aside for seabirds, seals and sea lions 85 years ago.

In 1989 Copalis Refuge manager Wildred Hesselbert issued a formal determination that the bombing was incompatible with the refuge's intent, and sought to terminate the

Navy's bombing permit. Harbor seals and Steller sea lions listed as threatened under the "Endangered Species Act," rest on Sea Lion Rock. Two larger islands nearby, Split Rock and Willoughy Rock, are breeding sites for common murrets and cormorants but their numbers have dropped dramatically since the early 1980s. Cause-and-effect relationship between the military bombing and those declines isn't established, but noise from the low-flying, high-speed jets flushes the birds from their nests, and biologists have found bomb fragments on the islands — evidence pilots sometimes miss their targets.

Groups involved in the lawsuit are Defenders of Wildlife, the Natural Resources Defense Council, the Wilderness Society and the Washington Environmental Council.

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## FAA RETREATS ON ALLOWING GRAND CANYON COPTER FLIGHTS *Seattle Times* Friday, January 1, 1993 p A12

The Federal Aviation Administration, bowing to strong pressure from environmentalists, has dropped plans to allow helicopter flights between the south and north rims of Arizona's Grand Canyon National Park.

An FAA official also said his agency will stop air-tour planes from flying into flight-free zones created under the 1987 Grand Canyon Overflight Act. . . . Each year, more than 40 companies from five states fly more than 800,000 people — most of them from outside the United States — on sightseeing trips over the canyon.

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Monday, December 21, 1992 *The Seattle Times* A 9

## Japan ordered to pay for noise from U.S. jets

TOKYO — A Japanese court today ordered the government to pay \$900,000 to people who live near a military base that U.S. jet fighters use for night-landing practice.

Judge Jukichi Sakuma of the Yokohama District Court ordered the Japanese government to compensate 133 of the 156 residents who claimed noise caused by the landings made them lose sleep and disrupted their lives.

The court, however, did not order such practices be stopped and ruled that the U.S. jets' activity in Japan is allowed by a mutual-security treaty and is not within court jurisdiction.

## Editorials

## A U.S.-Canada park

**N**ext Thursday, U.S. and Canadian environmentalists will meet in Leavenworth under the auspices of the National Parks and Conservation Association to discuss plans for an international park in the North Cascades along the British Columbia-Washington border.

It's an idea well worth pursuing.

Most of the area suitable for a park has already been set aside on the U.S. side of the border within the North Cascades National Park, about 1.2 million acres. The difficulty remains in British Columbia, where high-elevation clearcutting has denuded vast stretches and threatens more ecological havoc. In B.C., only 320,000 acres of the Cascades remains pristine enough for consideration as park land.

"We have a wilderness massa-

cre zone (in B.C.) that extends the whole length of the border, all the way to Montana," said Joe Foy of the Western Canada Wilderness Committee in Vancouver. Linking parks would preserve their natural corridors for vanishing wildlife to become re-established.

"British Columbia cannot sustain spotted owls without Washington's help. Washington cannot sustain grizzly bears and wolves without British Columbia's help. The lynx in Washington will never be sustainable unless it is a peninsula to a larger population of cats in Canada," said Mitch Friedman of the Greater Ecosystem Alliance in Bellingham.

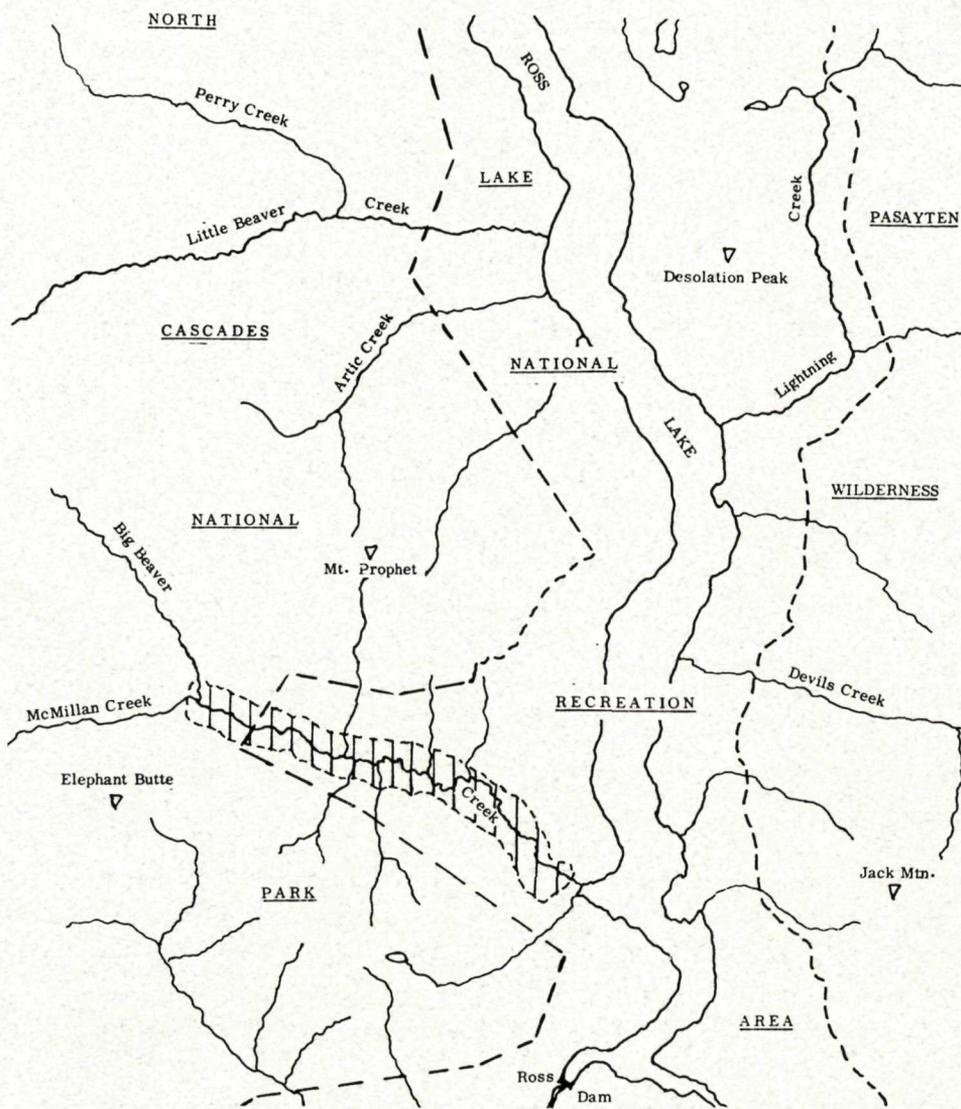
A precedent for such an enlightened joint undertaking exists in the Waterton-Glacier International Peace Park in Alberta.

## THE TRANSBOUNDARY PARK

**NORTH CASCADES CONSERVATION COUNCIL** is one of a number of Canadian and United States environmental organizations taking the lead on exploration of ways to protect the land, waters, flora and fauna of the North Cascades ecosystem. For years the ecological illogic of the border between Canada and the United States has limited the opportunities for public agencies in both countries to work together managing these areas.

On December 10, 1992, groups met together to discuss common concerns and interests relating to preservation and management in the transboundary region. In the short term, there are encouraging signs that British Columbia is considering upgrading the Cascades and Skagit Recreation Areas to Class A Park Status — similar to E.C. Manning Park. However, such positive moves are likely to prove only a holding action unless the broader management questions of areas surrounding the preserved areas are addressed.

Wolves and grizzly bears are known to migrate across the border. Already some efforts are being made to share information and management approaches for management of wildlife. Better mechanisms need to be worked out to ensure cooperation on a wider front. To this end, the environmental organizations in attendance agreed to work together to study what needs to be done, to devise a strategy for achieving these objectives and finally, to help to implement the changes in management approach in the respective countries. The next step will be to meet with relevant national, state, province and international bodies: Skagit Environmental Endowment Commission, the Boundary Commission, and others interested in managing the North Cascades (referring, in this sense, the northern end of the Cascade range in Washington and British Columbia.)



MAP: Big Beaver Research  
Natural Area  
— Patrick D. Goldsworthy

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