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# The Wild Cascades

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THE JOURNAL OF THE NORTH CASCADES CONSERVATION COUNCIL

JUNE 1994



“I encourage NPS employees to express their views as citizens.  
Nobody will get their (careers) banged for speaking their mind.”

—NPS Director Kennedy

**The Wild Cascades - June 1994**

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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.

### • Membership •

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: \$10 - low income/student; \$20 - regular; \$25 - family; \$50.00 - Contributing; \$100 - 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.

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## The Wild Cascades

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Typeset and Printing by EcoGraphics

*The Wild Cascades* is published three times a year (February, June, and October).

NCCC members receive this journal. Address letters, comments, send articles to

*The Wild Cascades* Editor, North Cascades Conservation Council,  
1516 Melrose, Seattle, WA 98122

 *The Wild Cascades* is printed on recycled paper with soy-based ink.

**COVER: The Napeequa Valley**  
— Dick Brooks photo



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SEATTLE, WASHINGTON

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## The President's Report

June 1994

### Our New President, Marc Bardsley



Marc Bardsley—Kevin Herrick photo

Dave Fluharty has stepped down as president of the North Cascades Conservation Council after 10 years of impressive service to the environmental movement. His intention is to remain active in the NCCC, especially in those areas in which he has been our primary activist. We all owe Dave a lot of thanks for the hours of work and the long meetings he has endured.

I am sincerely honored and to some degree in awe of the fact that the Board of Directors has asked me to be a successor to Dave and to Pat Goldsworthy before him. These guys are definitely heavy

hitters. I ask for your moral support in carrying on the traditions of the NCCC. The issues have not gone away, new ones are surfacing continually and despite the successes we have achieved over the year, we must all chip in with time, money, or whatever we have available to protect the North Cascades.

In the future, I hope to communicate with you in this column and in person about where we should be going and how we intend to get there. The calls for "teamwork" are sometimes overused but I sincerely believe that working together is the only way we can accomplish what needs to be done in the North Cascades. Your opinions, advice, ideas, financial support and membership are needed now as much as ever. If you see a void that needs to be filled, please contact the NCCC. Our Special Projects Coordinator, Kevin Herrick, is the person to call at 206-343-2312 or you can call me direct, 206-668-2997. Thank you for being here.

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# Looking Back into the Future

Dave Fluharty



Dave Fluharty

After serving about 10 years as President of North Cascades Conservation Council, it is an honor to pass the “brush fire broom” to long-term Board member Marc Bardsley. These years have seen a resurgence of NCCC activism and have been a great learning experience for me. In handing on the responsibility to lead NCCC, I am not suffering from burnout. I’m trying to avoid that other deadly problem of environmental activism—the old oak syndrome. Very little grows under an old oak. I am eager to see how quickly NCCC responds to meet the emerging conservation needs once the shade is broken and the ground tilled.

The last decade has been an interesting time. The first issue I tackled was the National Park Service cutting the gorgeous old oaks on its compound in Marblemount (hence my own concerns above). Ok, maybe this was not the most ecologically significant issue on which to cut my teeth but it was a real eye-

opener. How could the NPS not respect the dignity of these trees? I found out a lot about the NPS from that experience. Still, it took the second fight over the unauthorized riprapping of several hundred feet of Stehekin River public shoreline by a private developer to really convince me that the NPS was not the protector of the natural environment that I thought it was. The NPS was not even aware that the riprapping was underway (10-ton dump trucks rumbling by at regular intervals were not enough to catch its attention). All of this work was done without any county, state or federal permits. Trees were felled on NPS land and tons of rocks were dumped. What happened when NCCC blew the whistle? A small fine, a slap on the wrist and a requirement that the area be revegetated. Go there and see for yourselves what a mess it still is. And NCCC let the NPS get away with this travesty!

Fast forward to the last few years. This time, when a private property owner decided to single-handedly redirect the Stehekin River, NCCC was on hand to goad county, state and federal entities into doing the right thing. The offending bulkhead will be removed.

In between, NCCC has kept plugging away at the nitty-gritty issues that make or break conservation. We put our weight behind the Washington Wilderness Act (1984) that added key (but not all) parcels of national forest lands to protected area status. We pushed the Washington Parks Wilderness Act (1988) that designated large portions of the North Cascades National Park Complex, Olympic National Park, and Mt. Rainier National Park as wilderness. We spent nearly a decade working on the Mt. Baker/Snoqualmie, Wenatchee and Okanogan National Forests forest plans. We reminded the US Forest Service that it had a responsibility to manage for all species of plant and animals, including people who recreate on public forest lands. We asked the USFS to consider the relationship between the management of national forest lands and the management of national park land (as specified in the North Cascades National Park Act (1968). When this did not happen, we sued! Of course our suit got tangled in the bigger issues of lack of consideration of Ancient Forests in the forest plans. But the issues remain. The Clinton Forest Plan does a lot for certain issues but is derelict with others.

And that is not all. After years of giving the NPS the benefit of the doubt on management plan after management plan that did not protect the Lake Chelan National Recreation Area, NCCC challenged the NPS and won. The NPS for the first time was forced to fully study and identify the environmental impacts, including cumulative impacts, of its own management policies for the Stehekin

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Valley. The General Management Plan (including seven revised resource management plans and an EIS) is to be released in late summer. Watch for it and help NCCC make sure that it is responsive to the management needs of the LCNRA for the coming years.

NCCC's longest standing battle has been over the relicensing of hydroelectric facilities in the Skagit River Project. Our efforts in the 1970s blocked the construction of High Ross Dam. Our efforts and those of other intervenors in the late 1980s and early 1990s resulted in a model mitigation package for the existing environmental impacts of the Skagit Project. Over the next 30 years, approximately \$100 million in direct and indirect costs will be borne by Seattle City Light to mitigate the continuing loss of environment benefits due to the Skagit Project.

**... NCCC challenged the NPS and won. The NPS for the first time was forced to fully study and identify environmental impacts. . .of its own . . . policies for the Stehekin Valley. The General Management Plan . . . is to be released in late summer. Watch for it. . .**

That's pretty good for a small organization of dedicated volunteers. And these are only the high points. What about the daily efforts to secure funding for and encourage the NPS and USFS to purchase lands to prevent development in the North Cascades, to protect trails, to fend off mechanized traffic on trails, to prevent mineral development on fragile lands, etc.?

NCCC cannot spend much time in looking back when we have so much on our future agenda.

NCCC is the lead organization on the LCNRA planing processes. NCCC is one of the lead organizations in developing plans for an International Park and Special Management Area in the North Cascades. NCCC is gearing up to push long-overdue rationalization of grazing allotments policy in high elevation wilderness areas. You name it, we're doing it—if it has something to do with protecting the North Cascades.

**You name it, we're doing it—if it has something to do with protecting the North Cascades.**

NCCC has a reputation for its foresight on wild land protection issues. Demographic projections for the area around the North Cascades show massive influxes of people and a different ethnic mix in the population. NCCC has an important responsibility to continue to push protection of wilderness lands and to reach out to a more diverse set of interests than have traditionally been involved with these protection efforts. We need everyone's help to block the abuse of our public lands.

NCCC commitment to publication of Harvey Manning's superb conservation history of the North Cascades is the first round in an effort to make sure history does not repeat itself (except, of course, for successful Wilderness campaigns). NCCC Board Member Carolyn McConnell has already devoted her astute editorial talent and enthusiasm to a new version of that tome. As near-centenarian Hazel Wolf resumes her NCCC Board membership, I am sure she will lead us toward links with future more diverse users and lovers of wildlands.

NCCC continues to need old and new-comers to help carry on the campaign for the North Cascades. When I was elected President of NCCC, Pat Goldsworthy gave me enormous amounts of time and inspiration. Everything that has been accomplished during my tenure has come through work of Board Members, our pro-bono lawyers and recently, our Special Projects Coordinator Kevin Herrick. NCCC has tremendous strengths—tapped and untapped—in its members. How many organizations have professional writers and journal editors, self-taught botanists, engineers, computer whizzes who can run a membership data base and calculate state tax payments, and all of us others who are willing to take on anybody "when it just ain't right." I join Pat in wanting to pass on experience to new NCCC officers and to old and new members who want to plug into this live-wire organization.

Step right up!

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## NEWS UPDATE

### **Alpine Lakes Wilderness visitor use regulations in effect**

The USFS has set limits for day and overnight use in the Alpine Lakes Wilderness. Permits are required for all travelers in the Wilderness. For specific areas and use guidelines, please contact the USFS ranger stations in Mt. Baker-Snoqualmie National Forest and Wenatchee National Forest.

### **Bearbaiting still okay in Washington state— Not to mention hunting with hounds**

The Washington State Fish and Wildlife Department Commission on Hunting has come out with weak guidelines on bearbaiting in the state. The decision to allow bearbaiting, in which hunters set out food to draw bears while they lie in wait shows the prevalent mindset of 'wannabe' Dan'l Boones in this state. One of only 11 states in the nation that permits such archaic abuse, the "sport" will be allowed to continue. Hunting with hounds also will continue. At the federal level, the U.S. Forest Service is considering handing over jurisdiction covering hunting regulations to individual states. Deadline for letter-writing was June 13, 1994, directed to U.S. Forest Service, Washington, D.C. Nevertheless, it is important to continue to write letters protesting this proposal to give states control over hunting on federal lands. Consider the case of Alaska.

### **Stehekin concessions— A new era**

Jack Raines, owner of the Lake Chelan Boat Company, won the new concessions contract for the Stehekin area. The contract allows greater flexibility in how services are provided. The National Park Service hopes that the new contract will reduce conflicts between the concessionaire and residents wishing to provide visitor services.

Under the new contract, the NPS and Raines are required to invest a great deal in refurbishing the lodge, restaurant and store. Raines intends to provide year around services that may include cross-country skiing opportunities.

### **Eastside forests get a good look**

Hoping to get out ahead of the game, the Clinton administration has launched an assessment of BLM and Forest Service management practices. By taking a proactive tact, the Forest Service keeps petitions filed by environmental organizations from turning into lawsuits.

The assessment will examine a wide range of scientific, economic, and social issues involved in forest, range, and fisheries management. In the fall of 1994, an EIS will be completed for the eastside forests in Oregon and Washington. Environmental groups are not optimistic about the outcome but are gearing up to work with the process as it unfolds.

### **Hysteria comes to the North Cascades**

Purveyors of Wise AbUse ideology can't seem to decide who represents the greater evil, environmentalists or the government. In rallies around eastern and western Washington this spring, the government was derided for loving slugs more than people and environmentalists were accused of being responsible for about every wrong in the world.

Orators mixed anecdotes and misinformation to whip up feelings of fear and anger as they told people that their property rights were on the verge of being taken away. Clyde Ballard, a Chelan area state representative, went so far as to tell a group of 300 in Entiat that they must become "militant" or lose their property rights. (EDITOR'S NOTE: See Mitch Friedman article (pg. 22) and Peter Hurley article (pg 14) for more on Wise AbUsers.

### **No critical habitat in Stehekin?**

Data from the Washington State Department of Ecology and the Park Service failed to convince a citizens advisory committee that riparian areas and wetlands in Stehekin deserve protection.

The committee made up of Stehekinites Don Pitts, Mike Sherer, Curt Courtney, Ron Scutt, Liz Byerly and David Kurth, appointed by Chelan County Commissioner John Wall, wrote a draft document which advises the county that new county comprehensive plans should not include critical area protection for

## North Cascades glaciers photographs needed for glaciology research

Mauri S. Peltó, of North Cascades Glacier Climate Project, would appreciate North Cascades photographers hiking the backcountry in the 1940s, 1950s, 1960s, and 1970s who have pictures of North Cascades glaciers, send copies to him for use in comparative studies of glaciers' retreats and advances.

He also is interested in organizing a permanent exhibit, preferably to be based in the NCNP, of glacier cycles in the North Cascades.

Please send your photographs with pertinent facts or to request more information, to: Mauri S. Peltó, North Cascades Glacier Climate Project, Nichols College, Dudley, MA 01571.

riparian zones and wetlands until further studies are completed. The committee's plan also failed to address the most important growth issue in the valley—housing density. For example, a committee recommendation would allow small lots to count adjacent NPS land to create enough space for legal septic systems. The committee also recommended "engineering solutions," i.e., bulkheads, rip rap, and channelization, be applied to control the presently free and untamed Stehekin River, in spite of the fact that the DOE and the Corps of Engineers have repeatedly stated, in policy and deed, that such actions are neither cost effective nor beneficial to the environment.

Kevin Herrick, NCCC's staff person, shared information on critical areas with the committee. He expressed concern about sections of the document that support adoption of Catron County-type regulations and measures to control the river. (Editor: See Catron County article, pg. 21.)

## Babbitt and NPS Director Kennedy warn of threats to parks

According to the Park Service's senior management pair, shrinking budgets, development, the wise (ab)use movement, and demand (for parks) outstripping supply (facilities and habitat) threaten to destroy our national parks. Speaking at the National Parks and Conservation Association's recent conference in San Francisco, Babbitt and Kennedy called on conservationists to act creatively and aggressively to defend national parks and natural areas.

Noting that in 20 years, the sum of minorities in the U.S. will be the majority, Kennedy implored park advocates to reach across the social spectrum to raise support for parks. Babbitt turned to ecological issues and spoke forcefully to the need to protect whole ecosystems, pointing out that, "the generation that worked on alpine ecosystems walked by all this biodiversity down below."

## Loopholes in new state mining law

Governor Lowry signed a law on April 1 that attempts to provide regulations for large scale cyanide leach mining in Washington. Unfortunately, the law falls short of the stringent regulations needed to protect the state's water and other natural resources from the 21st century gold rush headed our way.

Members of the Washington Coalition for Responsible Mining (WCRM), including NCCC, worked throughout the session to strengthen the bill. Unfortunately, an all-out effort by mining industry lobbyists and their well heeled lawyers led to the passage of an industry-supported law which offers little in the way of real protection for the state's resources.

"The bill has too many loopholes and leaves too much up to interpretation," said WCRM's legal advisor, David Mann of the law firm of Bricklin and Gendler. Of concern are the law's weak standards for regulation of waste tailings disposal and reclamation of mine sites. The law also fails to include a fee structure to ensure mining companies pay for full cost of regulation. Taxpayers will be left to pay high clean-up costs when companies are done pulverizing the land.

Washington had the opportunity to learn from the experience of other states with a long history of cyanide mining. Large-scale cyanide-leach mining is new to Washington. The process enables mining companies to recover low grade ore deposits by pulverizing tons of rock and then soaking it in a cyanide solution. A recent disaster at Summitville, Colorado, caused by contamination has poisoned a 17 mile stretch of the Alamosa River, and cleanup costs paid by taxpayers are expected to reach \$60 million. WCRM wanted a law that would protect Washington from this type of disaster. Unfortunately, the new law leaves the state open to the threat of a Summitville of our own.

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Members of the Okanogan Highlands Alliance (OHA), a citizen's groups working for strict regulation of the proposed Buckhorn Mountain cyanide-leach mine, are also concerned about the new law. According to Kay McDonald, a member of OHA, "As people living the shadow of Buckhorn Mountain, the potential dangers of cyanide leach mining are more than abstract concepts to us. We get our water from aquifers that could be contaminated. The law lacks teeth we need to guarantee protection of our streams and drinking water."

Environmental groups concerned about loopholes delivered an evaluation of the law to Governor Lowry, asking for his support for future efforts toward stronger regulation. Lowry has in the past been a proponent of stringent regulation of cyanide mining.

NCCC, OHA, and the Washington Wilderness Coalition (WWC) and other groups plan to watchdog application of the new law. "We can't allow the new law to create an illusion of security," said WWC's director Cathie Currie. "We have to make sure that our lawmakers don't close the books on mining law reform until we have real protection for our citizens and natural resources."

Washington's first large-scale cyanide-leach mining, proposed for Buckhorn Mountain near Chesaw, is still in the permitting process. There are signs that this mine may be the first of many. Last year mining companies explored or tested about 90 sites according to the Washington Department of Natural Resources. — Report prepared by NCCC, WWC and OHA.

### **Federal mining reform bill— H.R. 322, at critical juncture**

The Mineral Exploration and Development Act, the national mining reform bill is at the House-Senate conference level. A rewriting of the antiquated 1872 federal mining law is long overdue, with changes intended to prevent the giveaway of mineral rights on public lands. Originating in the House, H.R. 322 contains many important mining reforms including the imposition of 8% royalty on all hard-rock minerals with half the proceeds dedicated to cleaning up environmentally hazardous mine sites, the elimination of the notorious "patenting" provision of the 1872 law which gave mine claimants title to public lands for as little as \$2.50 per acre and new requirements that miners meet tough reclamation and environmental standards including the posting of bonds sufficient to pay for reclaiming damaged land. Write Senators Murray and Gorton, urging them to support the provisions of H.R. 322.

### **North Bend area- Snoqualmie-Mt. Baker National Forest**

The problems of vandalism and lawlessness in the Middle Fork Snoqualmie continue to worsen. The recent closure of Weyerhaeuser Snoqualmie Tree Farm roads to motorized vehicles, while opening new opportunities for hiking and particularly mountain biking, is expected to make things worse on National Forest roads.

Repeated pleas to the U.S. Forest Service to consider gating of the Middle Fork road at Dingford Creek have fallen on deaf ears. This would create more backcountry and allow for consolidation of the most popular trailheads, which could be overseen by a trailhead "host" during the heavy use season to reduce vandalism.

The North Bend Ranger District, long one of the most backward looking outposts of the USFS, continues in its bunker mentality, with business as usual—that is, doing nothing to solve these problems.

It appears that conservationists and recreationists will have to mount a long-term public campaign to take this valley back for the people and drag the Forest Service, kicking and screaming, into the 1990s.

### **Skykomish area**

Things are looking somewhat brighter on the Skykomish district, where Forest Service personnel seem to at least recognize the need for properly managing the urban hordes descending on the Forest. A recent trail proposal, Eagle Crest, which would have criss-crossed the Eagle Rock roadless and trailless area with new trails, was shelved after much public opposition in favor of a much more environmentally benign plan to reopen old trails and build new trail sections in the Beckler Peak-Alpine Baldy area. This should offer a new and much needed alternative to overused Alpine Lakes Wilderness trails while refraining from invading one of the last "blank spots" on the map, leaving Eagle Rock primarily for the four-leggeds.

—Rick McGuire, NCCC Director,  
Skykomish-Snoqualmie Area Advocate

*Continued on page 13*



Middle Fork Snoqualmie Clearcut — *Dave Fluharty photo*

## A Kinder, Gentler Way to Log It All

In recent years the number of applications made in Washington for logging on state and private land has surged from a mid-1980s number of 4,000-6,000 per year to 16,000-17,000 in 1993 (DNR Annual Report, 1994). The Spring issue of *Focus* (4:1 May 1994), published by Forest Concerns of the Upper Skagit, lists the 56 Forest Practice Applications (logging permits) in the Skagit River watershed sent to the Department of Natural Resources in the first quarter of 1994. In Illabot Creek drainage alone, for example, there are three applications proposing clearcuts of 178 acres, 137 acres and 143 acres respectively. Take a drive on the Rockport-Cascade Road to the confluence of Illabot Creek and the Skagit. Or drive the Middle Fork of the Snoqualmie (Granite Creek Road). I think you'll be appalled.

*If this is the new forestry, how does it differ from the old?*

Not all applications specify clearcutting—some propose partial cuts (of 25%-87%) on areas as large as 1,280 acres! In the Skagit last year 224 acres of forested land were converted to homesites after logging. The cumulative impact of all these logging applications year after year, is increasingly evident on the landscape. Are we repeating the mistakes that we made before? When we didn't know better?!

The Skagit watershed is only one example. Look at the fringes of any rural landscape and foothills in montane Washington from the Columbia River to the border with Canada, both eastside and westside. New approaches to forestry certainly do not show. Clearcuts are starting all over again—and they look as big and nasty as they ever were.

*Where is the "kinder, gentler forestry" of timber industry, TV, and newspaper ads?*

If we are going to put streamside corridors back together again and use our knowledge of how to maintain habitats by making selective cuts, dispersing patchworks of cuts, leaving wildlife, trees, and other signatures of a new approach to forestry, we had better start now while the high price of logs can pay for doing the job right. *And we had better be able to observe the difference.*

*The Wild Cascades* readers are asked to send pictures and brief write-ups of their observations of "good" and "bad" examples of lowland forest logging.

—Dave Fluharty,  
NCCC Director-Advocate,  
Logging Control

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## IT'S NEVER OVER UNTIL THE FAT LADY SINGS

We called the June, 1992 preliminary the "brickwrapper edition," the plan being to crank out 100 copies, wrap them around 100 bricks, and hurl them through 100 plate-glass windows from Seattle to Sedro Woolley to Wenatchee to Stehekin to Washington City. That was done, and the screams of outrage were so gratifying that the North Cascades Conservation Council is preparing a revised edition, with maps, and drawing up a hit list of more windows badly in need of a brick. And those crying out for a second brick. The following excerpt from the prologue ("Beyond the Golden Triangle") states the purpose of the bricks and their wrappers. Notice to those windows which even while shattering remained silent: We know where you live and can see right through you.

### *Conservation and Conflict, The U.S. Forest Service and the National Park Service In the North Cascades*

Harvey Manning

. . . there *were* prophets and harbingers. Henry Custer in 1859 and Edmund Coleman in 1866–68 eloquently described their explorations in the North Cascades and as veterans of the Alps spoke from the authority of an international perspective. Their immediate successors in the wilderness seldom waxed poetic except in the presence of shining (fool's) gold or fools with money to invest in mining stocks. In the 1890s a few of the hardier urban tourists began hiking prospector-built trails and dispatching prose poems to local newspapers and national magazines and journals. These decades of now-and-then, here-and-there praise contributed naught, or next to it, to completion in the 1960s of Washington's Golden Triangle of National Parks.

Completion? That's a good bit too strong. Indeed, the motivation of this history is precisely the *lack* of completion. In 1967, testifying before the United States Senate Committee on Interior Affairs, a director of the North Cascades Conservation Council, who a quarter-century later was to undertake this history, said:

If the Congress were to preserve in national parks and wilderness areas the maximum amount of land that has been asked to date by any single proposal or by a combination of all proposals, the people of the year 2000 would say, "It is not enough. You should have saved us more." In 2000 they will say of the North Cascades Conservation Council, "You were too timid. You compromised too much. You should have been more far-sighted, more daring." . . . I hereby place on record my personal apologies to the year 2000. In our defense we will then only be able to say, "We did not ask protection for all the land we knew needed and deserved protection. We did, for a fact, compromise in the name of political practicality. We tried to save you as much as we thought possible."

That was 1967. Now, in the last decades of the century, the North Cascades Conservation Council is calling upon Americans to come together to finish the job started in the 1950s. This book opens the call by providing a narrative of the veritable and verifiable facts.

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A reader may ask, "Why a *book* ? Haven't these facts been published, over and over again, in newspapers and magazines? Aren't they familiar to thousands upon thousands of Americans in the vicinity and across the nation? Don't government officials — of the cities, the counties, the state, the federal Department of the Interior, the Congress — have them in a firm grasp? The National Park Service has been on the ground a quarter-century — surely a succession of rangers has kept a day-by-day account of significant actions and basic data — an account which is mandatory reading in the training of new arrivals? Cannot a citizen simply query a ranger and get ready answers?"

The answer is no, no, no, no and no.

The tenure of a public servant averages three or four years. Those on hand at the start of the campaign for a North Cascades National Park are long gone. Those now on the scene missed the first two or three decades. Only the North Cascades Conservation Council was there at the beginning and is still there.

Journalists work under the pressure of deadlines which rarely give them leisure to probe beneath the surface. A journalist so innocent as to do so in the North Cascades would be scolded by his editor for raking muck; the Sunday supplements and travel sections don't want dirt, they want tidy little idylls of the colorful "Sons and Daughters of the Pioneers" who live on the wilderness edge. Readers in cities of the North Cascades hinterland and from sea to sea are charmed by the idylls; the mythology they embody is accepted as gospel, its veracity assumed to be confirmed by its durability. Government officials at every level from Chelan County to Washington City (known to Easterners as D.C.) swallow the Myth whole, most from ignorance, some for darker reasons. As for the National Park Service, the best of the rangers (there have been superb ones) eventually have glimmerings that the official record is incomplete or worse, but since they typically occupy posts in the North Cascades a mere several years before transfer, they carry their newfound wisdom a thousand or two miles away. The less-than-the-best rangers (there have been a few too many) scrupulously avoid glimmerings.

Our history is not written from the heights of Olympian dispassion. We make no secret that we are down in the field of battle and have a point of view, and we give due warning that there exists a strenuously opposed point of view. Of the two, suffice it to say that our bias is up front, out in the open. It is always the national, public interest in preservation of the remaining vestiges of the wild.

Another thing our history is not is the self-pleasuring of the hermit antiquarian. We mean to *teach* and the students we seek above all others are the National Park Service and the U.S. Forest Service. We are confident that in their ranks are many of "the best" who when supplied the verified, verifiable facts will — from their first day in the North Cascades — recognize the Myth for what it is. We would also hope to teach officials of the cities, counties, state, the Departments of the Interior and Agriculture, Congress, the general public, and, wherever possible, journalists.

Academic historians will find our work invaluable as a source, though they will deplore the absence of an apparatus. Not as an apology but an explanation, we are writing from such a close range in time and space, that we feel no need for elaborate documentation. (We have provided a bibliography, however.) The people of the North Cascades Conservation Council were on the scene from, and before, the start, they mostly wrought the North Cascades Act of 1968, and what they themselves did not do they personally witnessed.

The fundamental theme of this book (and of several others recently published) is that the National Park Service and the U.S. Forest Service have been unsatisfactory custodians of national-interest lands. As cockiness has contributed to the strength of the U.S. Forest Service, meekness has been the Park Service's abiding weakness, causing it to pander to pork-barrel politicians and Chambers of Commerce. If the existing agencies cannot be drastically improved it may be necessary to scrap them and start over.

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Our focus on a specific area of the nation may tend to obscure matters of importance to America as a whole. Historians, academic and journalistic, have failed to digest or even nibble at the following huge chunks of red meat:

1. The 1968 North Cascades Act established the first new super-park since Olympic in 1938 and Kings Canyon in 1940. After the lapse of twenty-eight years, this was the dramatic creation that preserved the National Park Service from the fate then impending, of becoming as significant to protection of the American earth as the Beefeaters are to defending the Tower of London from foreign armies. Without 1968, there could not have been a 1980 Alaska Lands Act and there would be, as century's end nears, little reason *not* to dissolve the National Park Service.

2. The 1968 Act gave the Stehekin Valley due, if belated, recognition as "the Yosemite of the North," recognition which still escapes the vision of too many government officials from Chelan County to Washington City.

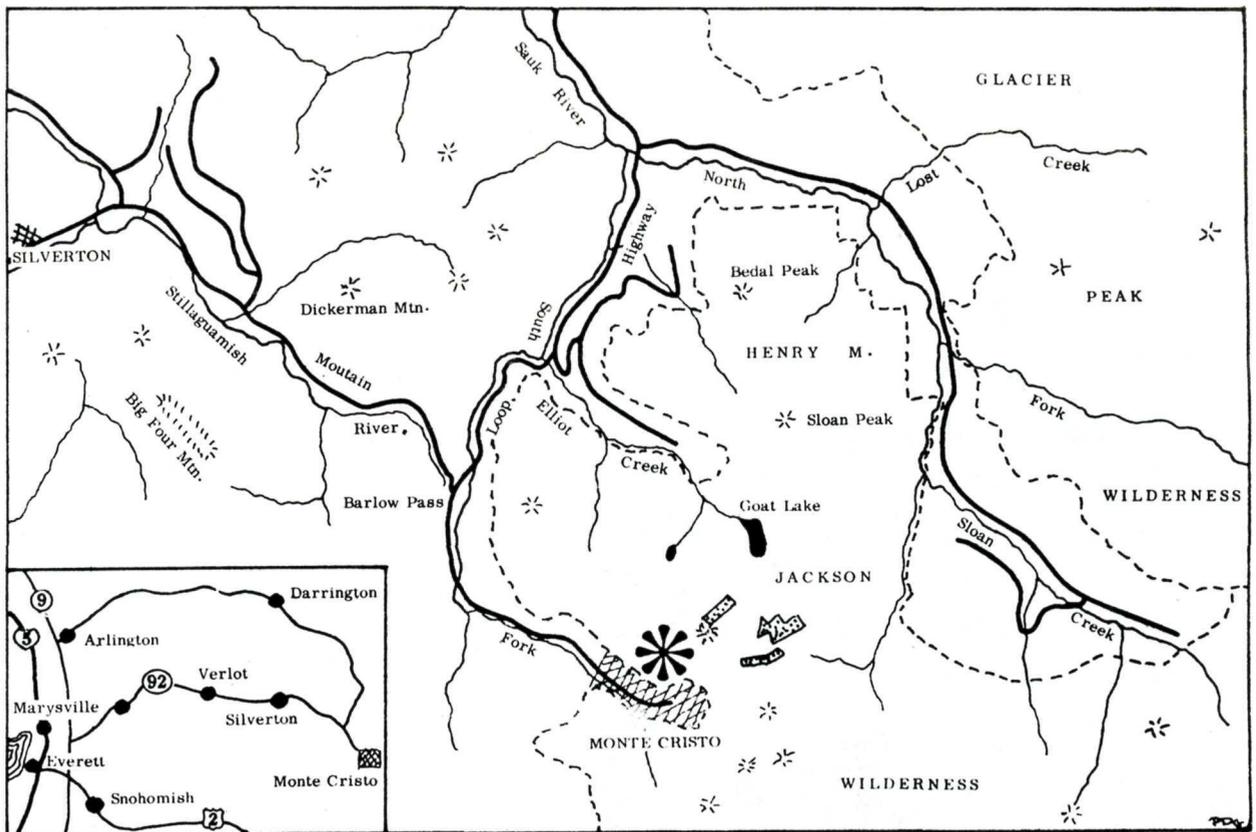
3. The argument put forth by the North Cascades Conservation Council (N3C) since 1968 and elaborated in the 1980s by the Sierra Club Legal Defense Fund (SCLDF) was at long last, in 1991, accepted by the National Park Service: *The Park Service has the same powers in a National Recreation Area as in a National Park* (See Parts 9 and 10 and Appendix 3.) This is the most important stiffening of agency spine since the administration of Franklin D. Roosevelt.

4. The suit filed by the SCLDF on behalf of the N3C has reverberated throughout the National Park System. Henceforth to undertake significant planning action without subjecting it to a rigorous environmental review may entail serious career risks. In the past, to demand that review was the risky path. Early retirement has been the alternative of rangers who no longer could endure the shame of submitting to decisions of superiors which besmirched the honor of the Park Service and Forest Service; in future it may become the forced alternative of the superiors.

5. When the North Cascades Conservation Council objected in 1968 to the raising of Ross Dam on the Skagit River by Seattle City Light, no opposition of the sort ever had been given more than a dismissive sneer by the Federal Power Commission (FPC). However, in 1991 a chastened Seattle City Light joined the N3C and other intervenors in submitting to the Federal Energy Regulatory Commission (successor to the FPC) a proposal for mitigating the effects of the power project on the Skagit River as a condition of being granted a thirty-year renewal of its license to exploit the public waters. No such accord between power interests and the public interest ever had been placed before the federals. The precedent will affect all other such decisions — across the nation — from now on.

6. The defeat of High Ross Dam was accomplished by a close alliance of two nations. The American spearhead group, the N3C, could not have won alone, but it expertly exploited administrative and legal recourses to buy time. Lacking this time, ROSS (Run Out Skagit Spoilers), the British Columbia spearhead, could not have mobilized its decisive forces.

7. These years of intimate cooperation promise a bright future for the Greater North Cascades Ecosystem which encompasses the range on both sides of the international boundary. The defenders of the North Cascades are not localists or regionalists nor even nationalists but *internationalists*. Geographical circumstances have given the North Cascades a historical importance for the peoples of two nations, from sea to sea. The intent of this book is to inform the two nations what has been done here — and thanks to what has been done here, the opportunities which have been preserved and enhanced for the nations, from sea to sea.



Map: Pat Goldsworthy

## More Monte Cristo Land to be Spared

MONTE CRISTO —A Portland-based conservation group has acquired 154 privately held acres inside the Henry M. Jackson Wilderness Area near the gold-rush ghost town of Monte Cristo, Snohomish County, eliminating any chance of logging or mining there.

The River Network will donate the land to the U.S. Forest Service, said Phillip Wallin, the network's executive director.

The purchase is the second by a conservation organization this spring in the Monte Cristo area.

In April, the Trust for Public Land bought 250 acres that had been the subject of numerous development proposals over the past quarter-century. That land is expected to be sold to the Forest Service later this year.

The River Network paid Mark Wagner of Auburn \$180,000 for 10 mining claims south of the Monte Cristo townsite, totaling 154 acres. Wallin said the group provided \$60,000 itself, with the Henry M. Jackson Foundation of Seattle contributing another \$60,000.

Northwest foundations will be asked to contribute the remainder.

Wagner had considered logging the land. Wilderness areas are off-limits to most development, but private holdings within them aren't subject to the same restrictions.

—*Seattle Post-Intelligencer*  
May, 1994

*Continued from page 8*

### Skagit hydropower Relicensing Update

The Federal Energy Regulatory Commission (FERC) issued its Environmental Assessment of the Skagit Project Relicense for Ross, Diablo and Gorge Dams of Seattle City Light. FERC accepted the Settlement Agreement negotiated almost in toto. This moves NCCC one step closer to resolution of a major conflict. Will FERC finally issue the license? Stay tuned.

### Newhalem Creek Small hydro Relicense

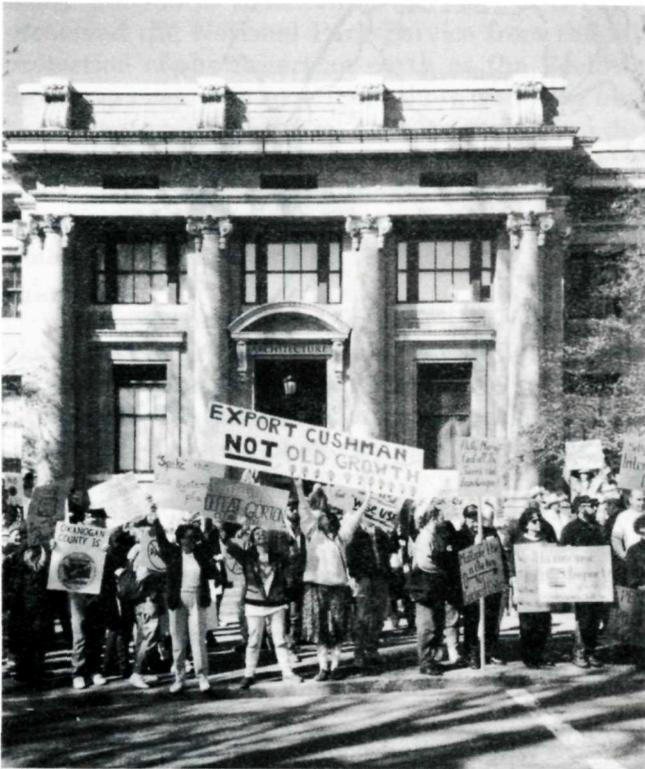
Scoping hearings were held in Mt. Vernon and Seattle in early June. NCCC has joined with American Rivers to ensure that wildlife, fisheries, and recreational values are properly analyzed and mitigated.

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# Your Values and Your Wallet Under Attack:

## The PRA and Wise Use Movement in Washington

Peter Hurley



Pickets at International Park Conference  
- Kevin Herrick photo

It was a beautiful sunny March morning when I arrived at the University of Washington campus. I was in a good mood, looking forward to the conference on the proposed North Cascades International Park, an exciting idea for unified protection and management of public lands of the North Cascades in both Canada and the United States.

But as I approached Architecture Hall, I was greeted by a clearly unhappy mob. With the exception of the "Dump Slade Gorton/Wise Use Pawn" sign, I saw little I could agree with. "No More Land Grabs," "Government Off My Land" and other signs were carried by the demonstrators.

Soon a man appeared. His speech was standard Wise Use: propelled by an ideology of government as being a threat to jobs and land, environmental extremists being the root of the problem, many of the assembled ranchers, truckdrivers, loggers, millworkers, and adjacent landowners seemed convinced they were the next endangered species.

### The Threat:

The Wise Use Movement is powerful, and well-funded. According to an August 1991 *Seattle Post-Intelligencer* interview with Ron Arnold, another Wise Use leader based in Bellevue, WA., "Our goal is to wipe out the environmental movement."

The Wise Use Movement\* has overturned a landmark wetlands protection ordinance in Snohomish County, Washington, and a critical areas protection ordinance in Whatcom County, Washington. It has defeated progressive county elected officials in Jefferson, Island, San Juan, Whatcom, and Snohomish counties. It has used intimidation and harassment to try to silence its critics. It has turned Washington's Growth Management Act into a field day for developers, using the Comprehensive Plan Review requirement to expand urban boundaries, weaken rural, agricultural, and forestland protections, and increase, not decrease, sprawl. The legislature, by turning GMA over to local governments without establishing minimum state standards, unintentionally has empowered development interests, who can afford lobbyists working 29 counties and 150 cities simultaneously.

Most threatening, however, it has convinced the media that it is the true representative of the "real people" and has thus seized the public policy agenda.

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\*EDITOR: For more information about the Wise Use Movement, read *Greenpeace Guide to the Anti-environmental organizations*, Greenpeace, 1993. \$5.00.

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At a time when the timber crisis, the salmon crisis, and too-rapid growth should convince the most skeptical that overuse of nature doesn't work, the Wise Use Movement would have us think of either/or: "jobs vs. owls," "environmental extremists," "regulatory reform," "rural backlash," and "takings."

There are three very serious threats to Washington's taxpayers and environment sponsored by Property Rights/Wise Use and the business community: the Takings Initiative, Regulatory Reform Initiative, and the Regulatory Reform Task Force.

### **Takings Initiative (I-626)**

Proponents of a "Takings" initiative are gathering signatures to put the matter before the voters this fall. In short, the "Takings" initiative would require taxpayers to pay owners of "real property" (broadly defined to include land, buildings, businesses, and even workers) any time any government regulation affected their earning potential. Passage would essentially kill any future worker or environmental protections, because of prohibitive expense. Some have described "Takings" as "paying people not to pollute" or an attempt to level a "greed tax" on taxpayers to pay for the greed of a few.

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### **Regulatory Reform Initiative (I-634)**

A second initiative sponsored by the Right is "Regulatory Reform." This proposal could be called "the timber industry bail-out act" for all the new paperwork which would be required before any protections could be enacted. "Regulatory reform" is an attempt to bury agencies in so much analysis and red tape that virtually no new worker or environmental protections are likely.

Both initiatives, if passed, would significantly increase taxes to pay for the additional compensation and paperwork, while exacerbating sprawl and further environmental degradation. *[Please call me at WEC, 622-8103, if you wish to help fight these initiatives.]*

### **Regulatory Reform Task Force**

The third major short-term threat to Washington's taxpayers and environment comes from the legislature and the Regulatory Reform Task Force. Whether the initiatives pass or fail, the business community is trying to line up a majority of legislators to support their version of "regulatory reform." The 1994 legislature passed a Frankenstein of a "reform" bill, the worst of which was fortunately vetoed by Governor Lowry. But Lowry and legislative leaders promised to take the issue up again in 1995.

Business, led by Washington's 800-pound gorilla, Boeing, is pushing to replace most of the state's environmental laws (State Environmental Policy Act, Hydraulics Permit Act, Forest Practices Act, Shorelines Management Act) with a "single land use code balanced between economic and environmental values."

The pro-initiative campaigns are well-organized and well-financed. So are the regulatory reform advocates. These proposals are the greatest short-term threats to Washington's natural environment, workers, and taxpayers.

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## Wise Use-Property Rights Tactics

Wise Use has done an excellent job coopting the tactics pioneered by the civil rights, women's, and environmental movements. It holds regular meetings, mails newsletters, organizes the grassroots, packs hearing rooms, and runs letter-writing campaigns, all the bread-and-butter stuff of nonprofit organizations, perfectly legal and ethical—the American Way.

The Movement is also using other legal tactics effectively. It has effectively used the referendum and initiative recourses to block or overturn environmental protections. In Whatcom County, CLUE and the Keystone Group (property rights groups) successfully ran a referendum in 1993 to replace the county's critical areas protections with much lower standards.

In Snohomish County a referendum was used to block, then overturn a wetlands protection ordinance in 1990. The Snohomish County PRA, funded by the real estate and development interests, gathered 12,000 signatures to put the measure on the ballot.

The Snohomish County Property Rights Alliance also used the referendum to challenge the county's 1993 Growth Management Act county-wide policies. The PRA gathered 16,000 signatures to put the issue on the ballot. However, the County Council took the matter to Superior Court which ruled that state-mandated policies could not be referended. The PRA appealed to the Supreme Court, meanwhile keeping the matter on the front pages through last fall's elections. The Supreme Court eventually upheld the Superior Court ruling, but the damage was done. Two pro-environmental county council members were defeated by property rights candidates.

Two unsuccessful attempts have been made to overturn stream and wetland protection ordinances in King County through the referendum process. Both the 1990 Sensitive Areas Ordinance and the 1993 Livestock Ordinance were challenged by property rights groups, but failed to gather enough signatures in populous, urban King County. They may gain their way, however, because the new King County Metropolitan Council has a number of anti-environmental officials working to "review" past environmental protection decisions.

Some PRA tactics are on the dark side of ethical behavior: disruption, personal attacks, harassment, false charges, fake stories, intimidation lawsuits and front organizations.

In Jefferson County in December, 1992, property rightists deliberately packed a hearing room beyond acceptable firecode capacity, then called in the fire marshal, thus successfully cancelling a county hearing on protecting critical areas. In the fall of 1993, property rightists packed a Washington Environmental PAC meeting with certain Snohomish County officials repeatedly interrupting and harassing speakers until the meeting broke down.

In Snohomish County, farmers supporting agricultural protection were threatened with vandalism if they spoke up. A couple who platted a 4-home development with covenants restricting tree cutting are being sued by a property rightist who wants to log the common area, despite having signed agreements not to do so. Illegal cutting and bulldozing have already occurred. This is still in litigation.

In 1992, as a pro-environmental Snohomish County Council member, I was the target of a recall attempt by property rightists. For four months local papers carried regular high-profile stories of charges filed against me, from trespassing to improper use of my office. The Superior Court eventually threw out all charges as "politically motivated," but the damage was done.

After the recall charges were dismissed, a local developer charged that I improperly interfered with processing of his permit. Again, these charges were investigated and found to be false.

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Most recently, the PRA charged that I and former aide, Ellen Gray, now program director for Pilchuck Audubon Society Smart Growth Campaign, had violated the county ethics code by speaking at a forest land conservation meeting within one year of employment with the county. All charges against me were dismissed. Such repeated false charges against those who stand up for taxpayers and the environmental can and do intimidate others into keeping quiet.

Where do the PRA and Wise Use Movement find the money for newsletters, offices, and lawsuits? The property rights lawsuits challenging Snohomish County's county-wide policies have reportedly cost the opposition nearly \$200,000 in legal fees. Initiative and referenda campaigns don't come cheap.

Most of the local property rights groups are registered as 501(c)4 "educational" organizations not subject to laws mandating public disclosure of contributors. Front groups are created to run campaigns, which do have to disclose contributors, usually heavily funded by real estate developers. The PRA is a cheap and effective insurance policy for the sprawl industry.

An April, 1, 1993 letter from Mike Echelbarger, developer and president of the Snohomish-King County Master Builders Association brags "... we have also supported the formation and development of a strong property rights movement in Snohomish County. We've provided major funding in these efforts which are more sophisticated in Snohomish County than any other county in Washington. We are supporting the Snohomish County Property Rights Alliance, which is now in the courts attempting to force the county. . ." (to drop GM policies). Such investment can pay handsome dividends for developers who may face millions of dollars in road, school, and park fees to pay their fair share of the costs of growth to local governments.

To counter the impact of the Property Rights Alliance and the Wise Use /Overuse people, the North Cascades Conservation Council must be vigilant to plans and proposals of local activists in Chelan County and elsewhere in the North Cascades. The Washington Environmental Council of which NCCC is a member, has developed a "Retake the Agenda" program to counter these groups. For more information on how to effectively participate in combating the property rightists and wise abusers, contact Peter Hurley at the WEC office in Seattle, 206-622-8103, or Kevin Herrick, Special Projects Coordinator, NCCC, at 343-2312.

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**EDITOR:** Peter Hurley is the Executive Director of the Washington Environmental Council and a director of the North Cascades Conservation Council.



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# Pyramid Peak - North Fork Entiat Case Decision

## Federal Court Provides Guidance on Resolving Trail User Conflicts Between Hikers and Motorcycles

Karl Forsgaard



Pyramid Peak, North Fork Entiat, Lake Chelan in distance—Ira Spring photo

On March 17, 1994, the United States Court of Appeals for the Ninth Circuit issued its decision in the North Fork Entiat case, *Northwest Motorcycle Association v. USDA, USFS et al.*, 18 F. 3d 1468 (9th Cir. 1994). The appellate court decision affirmed and appended a District Court opinion highly favorable to hikers and horseriders.

The North Fork Entiat River/Pyramid Mountain area is just outside the eastern boundary of Glacier Peak Wilderness in Wenatchee National Forest. The North Fork Entiat area has about 36 miles of trails, with elevations from 4000 feet to the 8245-foot summit of Pyramid Mountain. The Forest Service's 1990 Forest Plan excluded motorcycles from those trails while allowing motorcycles on most other Wenatchee Forest trails outside wilderness; hundreds of miles of trails in the Forest remain motorized. The Northwest Motorcycle Association (NMA) filed the lawsuit against the Forest Service to challenge the exclusion from the North Fork Entiat. The court decision upheld the exclusion, so that the North Fork Entiat trails will remain free of motorcycles.

However, the result is even better than that, because the Ninth Circuit also decided to publish its order, including the full text of the previously unpublished District Court decision. The *Northwest Motorcycle* decision is now binding precedent for all federal courts in the Ninth Circuit (including Washington, Oregon, California, Arizona, Nevada, Idaho, Montana, Alaska and Hawaii). It is also persuasive authority in federal courts throughout the rest of the United States. It has national applicability because it interprets Executive Orders 11644 and 11989, which have the force and effect of statutes. The Executive Orders require the Forest Service (and other federal agencies

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such as the National Park Service and Bureau of Land Management) to regulate off-road vehicle (ORV) use to protect resources and minimize conflicts between recreational uses of federal lands through the United States. *Northwest Motorcycle* is also the first reported case to interpret the Forest Service's regulations (36 C.F.R. Part 295).

In addition, the decision's interpretation of the "buffer zone" language of the 1984 Washington Wilderness Act is relevant to future Forest Service and BLM regulation of activities in areas adjacent to Wilderness boundaries; not just trail use activities, but any activities (logging, mining, road building, etc.). The decision would be relevant to wilderness "buffer zones" in states other than Washington, if the wilderness legislation in question had "buffer zone" language similar to that in the 1984 Washington Wilderness Act.

Some of the main points in the *Northwest Motorcycle* decision are as follows:

- (a) Trails on federal land can be closed to ORV use based on existing or potential user conflict, such as when ORVs interfere with non-motorized trail users' enjoyment of the trails.
- (b) Letters from trail use group members re very persuasive indicators of user conflict, and are perhaps the best way to determine the existence of such conflict (NMA had argued that such letters should be disregarded).
- (c) Under Executive Orders 11644 and 11989, the Forest Service is required to minimize likely future conflicts between trail users, and is not limited to redressing actual, past conflicts. In other words, the agency must anticipate and prevent conflict, not merely react to it.
- (d) To give the phrase "user conflict" its normal, everyday meaning, one need look no further than the dictionary (NMA had argued that the Forest Service did not have a definition of "user conflict").
- (e) The Forest Service does not create an impermissible "buffer zone" around wilderness when it considers wilderness impacts in allocating uses of adjacent non-wilderness, so long as the wilderness impacts are not the only reason for the allocation.

This is a lot of new law. None of these points were established by any of the prior reported federal court decisions construing Executive Orders 11644 and 11989. Furthermore, none of those prior decisions involved the Forest Service.

*Conservation Law Foundation of New England, Inc. v. Secretary of the Interior*, 590 F. Supp. 1467 (D. Mass. 1984), *affirmed*, 864 F.2d 954 (1 Cir. 1989) (upholding NPS plan allowing limited ORV use of ocean beach areas in Cape Cod National Seashore; issue on appeal was protection of seashore ecology); *Sierra Club v. Clark*, 774 F.2d 1406 (9 Cir. 1985) (upholding BLM plan and permit for annual 110-mile Barstow to Vegas race of thousands of ORVs across California Desert Conservation Area ("CDCA"); environmental degradation was primary issue); *Sierra Club v. Clark*, 756 F.2d 686 (9 Cir. 1985) (upholding BLM refusal to close CDCA's Dove Springs Canyon to ORV use; issue was adverse effects on vegetation, soil and wildlife); *Humboldt County v. United States*, 684 F.2d 1276 (9 Cir. 1982) (upholding BLM closure of two roads in the Blue Lake area of Nevada, to protect area's natural values until a wilderness review could be completed); *American Motorcyclist Association v. Watt*, 543 F. Supp. 789 (C.D. Cal 1982) (invalidating BLM's ORV route selection criteria for CDCA as inconsistent with BLM's regulations under E.O. 11644 and 11989, requiring minimization of adverse environmental effects); and *National Wildlife Federation v. Morton*, 393 F. Supp. 1286 (D.D.C. 1975) (invalidating BLM regulations governing ORV use as inconsistent with E.O. 11644, in part because their "open" until "closed" approach (designating open to ORV use all and not otherwise restricted or closed) created an "inertial presumption" in favor of ORV use).

In the *Northwest Motorcycle* case, several conservation and recreation organizations (Washington Trails Association, Washington Wilderness Coalition, The Mountaineers, and North Cascades Conservation Council) intervened in the case and participated in the District Court summary judg-

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ment briefing and argument, as well as the Ninth Circuit briefing and argument, in support of the Forest Service. The intervention clearly had an impact on the result. The Forest Service might have won the case by itself, but perhaps it might not have. Furthermore, there are many points the intervenors made in their District Court briefs which the government did not make but which were adopted by U.S. District Judge Justin Quackenbush and spelled out in his now-published decision. For example, when NMA erroneously asserted that none of the public comment letters specified the North Entiat as a site of user conflict, the searched the Administrative Record and found the letters that did specify the North Entiat, and gave Judge Quackenbush the quotations from the letters which now appear in the decision.

The NMA has until June 15, 1994 to decide whether to take the case to the United States Supreme Court.

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**EDITOR:** Karl Forsgaard is an attorney with the Seattle law firm of Bogle & Gates, counsel for the intervenors in *Northwest Motorcycles*. He is also a vice president of Washington Trails Association.



Sculpture by Lightning, Fire, Sun and Wind  
— Harvey Manning photo

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## Catron County in Chelan County?

Pat Rasmussen

A new movement to undermine environmental protection is underway in Chelan County. An independent group of local citizens working with John Wall is writing a Catron County ordinance for Chelan County. They plan to present it to the County Commissioners as a county ordinance, hold a hearing, pass it and tack it on to the GMA Comprehensive Plans, in essence nullifying them since such an ordinance declares county ordinances to be as high an authority as state or federal law. Further, it ignores and subverts the current work of hundreds of volunteers who are working together on legally sanctioned GMA committees writing locally generated comprehensive plans and protection of agricultural and forest lands of long-term significance and critical areas.

While it is true that when challenged in court, Catron County Ordinances do not stand up because they are contrary to State and Federal Constitutions, nonetheless much time and money is wasted in the process. Public money is first spent in the preparation of the ordinance, then public money is spent to defend it in court. Private citizens then have to hire attorneys and spend much volunteer time and money to challenge it.

The Catron County Movement is an attempt to use county governments—under the guise of protecting private property rights and promoting local self-determination and free enterprise—to eliminate restrictions on consumptive uses of public lands and resources. Stated goals are to overrule the Endangered Species Act, the National Environmental Policy Act, and the National Forest Management Act giving local governments co-equal authority to manage federal lands by claiming that the acts include language to protect “local custom, culture and economic stability.” Their legal arguments are that environmentalists interfere with the rights and interests of individuals and counties who are dependent on consumptive public land uses; the Endangered Species Act is an unlawful delegation of authority to federal agencies, and the purpose of public lands is to produce food, fiber and minerals. The effect of the movement is to curtail

government’s ability to protect the environment. The involvement of locally elected officials gives the movement a legitimacy not available to other “Wise Use” groups. To the outside world, it appears that the ordinances and land use plans reflect the will of local electorates, when in fact, dissenting voices in the local community have been carefully excluded or ignored.

The movement was founded in 1989 by four public land ranchers from New Mexico, Utah and Nevada. These men are also prominent in public lands mining and logging. Their tax-exempt corporation, the NFLC (National Federal Lands Conference), acts as the Movement’s nerve center, linking diverse counties throughout the West, putting the Movement into an ideological context and providing legal and technical expertise and educational materials. In September, 1992, NFLC began packaging and marketing Catron County’s comprehensive land use plan. In it Catron County’s “custom, culture and economic stability” are defined in terms of logging, grazing, mining, etc. Presumably all member counties of the Coalition are preparing land use plans and ordinances. Catron County, New Mexico, was the first to complete a plan. The NFLC claims that 40 counties throughout the West are following Catron’s lead and that several hundred more are thinking about it (including Chelan County under the leadership of Commissioners Ron Meyers and John Wall).

The Movement’s strategy seems to be four-fold: 1) to influence federal and state agency decisions through economic studies, local ordinances, land use “plans”, political pressure and lawsuits; 2) to harass and intimidate and even arrest federal and state agency personnel in their line of duty; 3) to draw court challenges which might result in favorable rulings from a conservative judiciary; and 4) to set the stage for passage of federal and state “takings” legislation. While the movement has some grassroots support, the whole thing is being engineered by a handful of people whose names appear over and over as directors, speakers, advisors, etc. They provide workshops to local people and samples of how to write a Catron County ordinance.

Last fall, after attending a meeting on the Movement in Okanogan at taxpayer expense, the Commissioners asked Chelan County Public Works Engineer Lloyd Berry to write down

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Chelan County's "traditional customs and culture" in order to move toward a Catron County model. This document is available at the Commissioners' office, however, an additional Section 6 was added to Lloyd's work by someone. It turns out to be directly from the Catron County Ordinance.

I have informed the Commissioners in person and in a letter that I do not see that Chelan County has by any democratic means chosen to follow such a model and that their work in that direction and any public funds spent on it are inappropriate. Further, I said that the current citizen committee work on the GMA involving hundreds of citizens working hundreds of hours for months on end is a bottom-up effort of local citizens from all perspectives to cooperate in writing workable legal county policy. The cooperation of the Commissioners in that direction instead of their pulling in an opposite direction would be appreciated.

—LEAF Newsletter,  
April-May, 1994

## Cascade International Park Campaign Takes Off

Mitch Friedman

The North Cascades Conservation Council continues in the campaign to establish a Cascades International Park and other protections for the North Cascades Ecosystem. This campaign has caught the attention of Chuck Cushman, a key organizer of environmental hate groups (so-called Wise Use Movement).

An academic conference, organized primarily by the National Parks and Conservation Association, the University of Washington, and the Cascades International Alliance, was held in late March at the University of Washington, bringing together leading experts in economics and conservation biology, along with agency personnel and political leaders. About two hundred people from Washington and British Columbia attended while another two hundred anti-environmentalists protested outside.

Several scientists, including Evan Frost of the the Greater Ecosystem Alliance, addressed

the conference on the need to increase protected lands and improve management in order to protect biodiversity.

An international park could increase cooperation among the various public agencies involved in the North Cascades. George Frampton, Assistant Secretary of the Interior, remarked during the conference that "it is not a lockup. It's people working together to find a common vision."

Renowned economists emphasized that the future economy of the Northwest hinges on environmental protection. Both Dr. Gundars Rudzitis, of the University of Idaho, and Dr. Tom Powers, Dean of the University of Montana's Economics Department, said that the fast-growing counties and economies in the West are those near wilderness and parks.

The protesters came from over six Cascades communities after Cushman held a barnstorming tour to generate anger and opposition to the International Park proposal.

On his tour, Cushman claimed that a formal park proposal existed that would include over 9 million acres of private lands. In actuality, only public lands are being considered, and the Cascades International Alliance is still months from completing the ecological research on which to base its proposal.

Despite the rhetoric of "Wise Use" protesters outside, the conference succeeded in moving forward these important concepts. In fact, the protests brought to the conference far more media attention that we otherwise could have attracted.

Rivers and wildlife cross the international border without regard to politics. The North Cascades Ecosystem is still healthy, compared to so many other areas of North America. The Cascades International Alliance continues outreach to build support for an international park and surrounding special management areas to protect this invaluable ecosystem.

The park campaign is one way the NCCC is working to reverse the trend and make the North Cascades a model ecosystem for the world. NCCC staff, Kevin Herrick, is communicating with media and making presentations to community groups on why a park and other ecosystem protection measures are needed.

## Skywatchers Needed

Military overflights are an incessant problem to hikers, backpackers, and even horses packers in national parks and wilderness. You can help the North Cascades Conservation Council identify the extent of the problem by reporting the following information to us at our office. Telephone number (206) 343-2312.

- (1) Where seen in wilderness or national park?
- (2) What military service was involved?
- (3) Was it possible to identify type of plane or even numbers on plane?
- (4) What elevation were you?
- (5) Estimated distance above or below you that the military plane was flying?
- (6) Extent of disruption to you?

## National parks seeking overflight relief

National Park Service and Federal Aviation Administration personnel are finally seeking comments on non-military aircraft overflights in national parks. An interagency working group has been established to explore ways to limit or reduce the impacts from overflights in national parks. These agencies have just recently entertained action to this safety and aesthetic problem after Congress passed the NPS Overflights Act of 1987.

Unfortunately, this addresses only partial solution to the problems in the Northwest. Our beef is with the military and their low, low level flights over wilderness especially with those planes from the Naval Air Station at Whidbey. The National Park Service and FAA should have sought a four-way working group that would have included the Department of Defense and the U.S. Forest Service. Thus, we could have included the troubled and harassed visitors of

wilderness areas in Washington and Oregon in the proposed rule making.

Nevertheless, action by the two agencies is a needed first step. Commercial tour overflights in places like Grand Canyon and the Hawaiian national parks have diminished the natural experience for park visitors.

Comments and suggestions on the advance notice of rule-making should be mailed in triplicate to:

FAA  
Office of Chief Counsel  
Attn.: Rules Docket (AGC-200)  
800 Independence Ave. SW  
Washington, D.C. 20591

—Phil Zalesky, NCCC Director,  
Advocate - Stop Wilderness  
Overflights

## Whidbey squadron flies away

By Ed Offley  
P.I. Military Reporter May 21 (?) 1994

After 21 years of service aboard five different aircraft carriers, peace-time budget cuts finally caught up with an elite squadron based at Whidbey Island Naval Air Station.

In a simple decommissioning ceremony at the Oak Harbor base yesterday, Tactical Electronic Warfare Squadron 137 passed into history.

Just four months ago, the "Rooks," as squadron members called themselves, were on the cutting edge of naval operations. Flying advanced EA-6B Prowler electronic warfare jets from the carrier Saratoga, VAQ 137 helped map potentially hostile Serb radars and anti-aircraft weapons across the former Yugoslavia, and also flew patrol missions over Somalia and southern Iraq.

But the squadron, like its aging carrier, has been removed from the Navy's roster, a victim of declining defense budgets that will see the carrier force drop from a Reagan-era high of 15 ships to a post-cold war total of 12, officials say.

The Rooks participated in most major Navy operations of the last two decades, including the evacuation of Saigon in 1975. They flew 212 combat missions during Operation Desert Storm before returning to the region last year for surveillance missions in 1992 and early 1994.

This marks the seventh Whidbey-based squadron to be disbanded since 1991, and another five units will go by January 1997.

•••While the Rooks don't officially disappear until the fiscal year ends Sept. 30, the roster is dwindling from transfers and discharges, and only a caretaker staff of 30 will be left within the next three weeks, said Cmdr. Steve Ewell, the squadron commander. Ewell will become the combat direction center officer aboard the Bremerton-based Nimitz.

"I lost my last airplane today," Ewell said, explaining that his EA-6Bs have been parceled out to other squadrons.

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## Letters

Editor

Seattle Times  
PO. Box 70  
Seattle, WA 98111

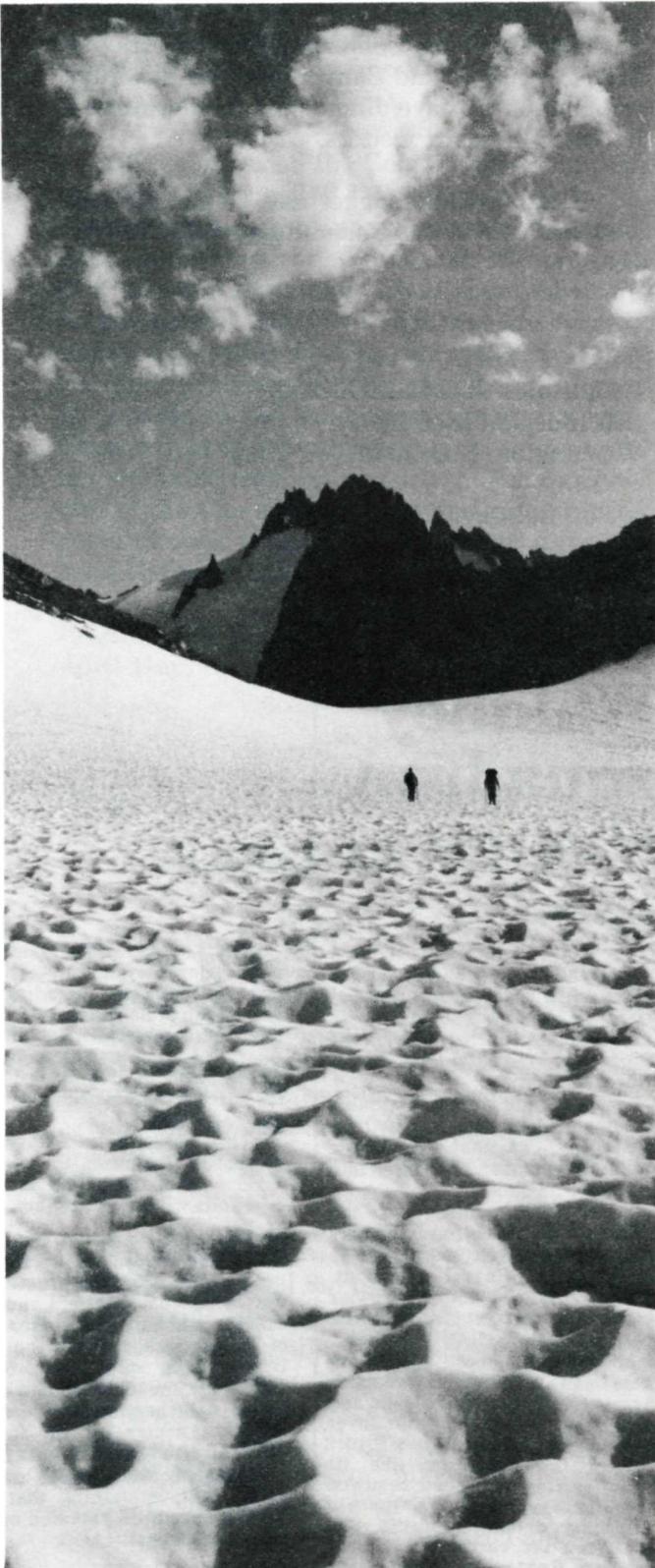
Dear Editor:

Your front page story in the *Seattle Times* headlined, "Will Sound of Freedom Replace Idaho's Silence", completely missed the point of local interest for those who seek wilderness in the state of Washington. Silence in national parks and wilderness areas in the Cascades and Olympics of the state of Washington is being increasingly shattered by the jet jocks from Whidbey Island Naval Air Station. Yes, Idaho, California, Colorado, and Arizona all have problems. But travelers to our wilderness areas cannot believe any situation in any other state could possibly be worse than what we face in our mountain areas. It is not a rare occurrence either.

One seeks the wilderness for a time of peace, tranquility, and reflection. As you sit at the top of some high point drinking in the majestic scene of our high mountains and the spirituality that is reflected by such a moment, suddenly you hear the roar of the thunder jets. The decibels generated would put to shame the decibels created by a "Grateful Dead" concert. You look down, yes, down—and the Navy aircraft skim over the pass or ridge below you. You see the "boys" in their plastic cocoon underneath you. Believe me, at that moment you root for the Base Closure Commission to focus on Whidbey Naval Air Station.

Sincerely yours,

Philip H. Zalesky, Director  
North Cascades Conservation Council



Snowfield  
— Lee Mann photo

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## CHANGE OF VENUE

### The Irate Birdwatcher in Eruption!

(EDITOR'S NOTE: Readers of the pre-1968 *The Wild Cascades* will recall that the North Cascades Conservation Council normally kept the Irate Birdwatcher in strict solitary confinement for long periods. Ultimately, when he seemed calm enough—sufficiently sedated, that is—he would be paroled to the outer world. Inevitably, after a time there would come a shattering of our office window, and when we unwrapped the rock, there was a manifesto from I.B. The unspoken threat was that if we failed to publish, next time he in person would come through the window, bleeding and screaming and tipping over the coffee pot. It is our sad duty to warn the populace that I.B. has returned. We regret giving him space in our pages but, frankly, we're afraid not.)

Now looky here, folks. I bow my head in due obeisance to the Poet Laureate who advertises himself as "a permanent Stehekin resident since 1972." That does indeed seem a "permanence" to a person who only came here from the Old Country (California) in 1992, or wasn't born until TV was running specials on "Remembering the '70s" and showing clips of musicians who then had their own hair and weren't yet O.D.'ed to death. But I have friends who were permanents in the 1940s. I, in my personal self, have since the 1950s known the Chelan country, the peaks and passes from Bonanza to Plummer to Spire to White Rocks Lakes to Spider to Magic to Sahale to Buckner to Park Creek Pass to Logan to Rainy Pass to Stilleto to Twisp Pass—in sum, just about every important headwater of the Stehekin River. I have on my own two personal feet walked every step of its length from Stehekin Landing to Cascade Pass. When first I debarked from the *Lady*, Ray Courtney, a director of the NCCC, hospitably transported me and the family to Cottonwood for a week of hiking up here and over there. Only a "New Stehekinite" would brag himself up for the year 1972. He can't even remember when the Forest Service had a Mouth stationed on the *Lady* to give a loudspeaker spiel telling how on the Sixth Day the FS dug the hole and filled it with water and grew the trees and sharpened up the peaks, and how the Park Service was threatening to conquer this Eden and ship all the residents to Tennessee. He can't remember when Chelan Box Company had its heavy equipment parked at High Bridge, poised to log the Agnes to timberline, when the FS had staked out a road route from Stehekin to Fish Creek, which was fated to be included in the Chelan Box cutting circle.

So par' me if I fail to treat Mr. 1972 with due respect. Or undue respect. Whichever. In 1993 Yuli Khariton, Soviet physicist and an architect of the Evil Empire's bomb, in reflecting on the Empire's history, said "If there is no truth today, there will be myths tomorrow." Myths! Ask Mr. 1972 about *that!*

But let's move on. To Chelan Town, to Wenatchee, to the government of the Confederacy of Chelan County, which has not yet absorbed the lesson of Appomattox Courthouse. Does anybody besides me have a sense of *deja vu* all over again? The operator of Chelan Box Company was a Mr. Wall. The loudest of the voices on today's Chelan County Commission (the executive-legislative three-person supreme authority of the county) is a Mr. Wall. He is said to be busy writing a formal Nullification Manifesto. (Remember South Carolina in 1828 and 1832? John C. Calhoun? And the response by President Andrew Jackson? You could look it up.)

Par' me again. I'm wandering. To the point.

What's all this crap about a "citizens advisory committee" appointed by Commissioner John Wall? Its recommendations to ignore the riparian zones and wetlands of Stehekin? To control the Stehekin River by "engineering solutions"—that is, to Shererize the river?

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And what's this crap about the "Local Plan" calling for unlimited cutting of firewood? And as far as that goes, the Park Service "compromise" to cut firewood but not quite as much?

Mind you, I believe the National Park Service is a choir of angels. (However, consult Milton. In *Paradise Lost* there are two choirs of angels. They had a civil war and one side won, and the victors get top billing in the Bible. But are we so certain the bad guy in that epic was Lucifer? Damn fine poet. Better than Mr. 1972.)

Mind you further, as a member of NCCC since the president was Phil Zalesky, I am a faithful follower of the party line and have been under President Goldsworthy, and Pres. Fluharty, and now Pres. Bardsley. They exhibit no weakness in the spines, as in certain other (former) environmental organizations fallen into the mugwimp posture under leaders who do nothing but go to conferences and shmooze. But it may be they sometimes tend to lean over backwards in the direction of being nice.

Nobody accuses me of being too nice. Or even enough nice. I once worked for a university where a distinguished administration was being infiltrated by timeservers and other vermin. At a staff meeting where the disease finally was diagnosed, a top official summed up, "Somebody around here has got to be the S.O.B. and I guess I'm elected." In no time at all he had the vermin goose-stepping.

So, I step forward and volunteer. Not that I will be an extremist S.O.B. The EIS for Stehekin properly should encompass the full range of options. The *full* range. But I will not, here, propose Serb-style "population cleansing." (Not *here* I won't. Not *yet*.)

However, I will remind of a precedent in law. When a trial is being held and it is found that the public in the vicinity has been so contaminated by misinformation as to render impossible a fair trial, there is a judicial recourse.

### CHANGE OF VENUE!!!

It is preposterous to be discussing the fate of a national treasure, the "Yosemite of the North," in Chelan County. Nor will Seattle do. After all, Senator Slippery Slade Gorton is, at this writing, still misrepresenting Washington State in Washington City.

Let the firewood plan be debated in, say, Boston. Let the Stehekin River be discussed at public meetings in Chicago, San Francisco, Baltimore. Get the National Park System out from under the thumb of the wise guys in their coonskin cowboy hats.

The People of the Myth like to say that "Stehekin is what America used to be." So it is, sort of, to a degree. But I will remind that Stehekin Valley *belongs to America*—the America of the future as well as the present. A century after Mr. 1972 is mouldering in the grave, the Stehekin River will flow on, and if he and Mr. Wall are now accorded the deaf ears their blatherings merit, it will be flowing wild and scenic.

I urge upon America that the long-range goal of the Park Service should be to

**RETURN STEHEKIN TO THE DEVELOPMENT LEVEL OF 1968.**



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# THE COUNCIL REPORT

*The Council Report highlights items of interest from the recent meetings of the Board of Directors, March 21, and May 17, 1994.*

## March 21, 1994 Board:

### Marc Bardsley New President

At the March 21, 1994 meeting of the Board of Directors, Marc Bardsley was elected our new president. Also elected were: Charles Ehlert, vice-president, and Tom Brucker, treasurer. Pat Goldsworthy continues as Board chairman, Phil Zalesky, secretary, and Laura Zalesky, membership.

New to the board are Rick McGuire, activist, and advocate for the Skykomish and Snoqualmie River areas, and Hazel Wolf, well-known environmental activist. Carolyn McConnell is also new to the board, and has completed work on the new edition of Harvey Manning's book on the history of the North Cascades.

## May 17, 1994 Board:

### NCCC Board Members - Advocates

NCCC Board of Directors have listed impacted areas in the North Cascades (management, geographical) to which they are committed as environmental advocates. Below is a partial list of board members and their areas of advocacy.

Please contact any advocate concerning problems you encounter in your travels to alert them. Call Kevin Herrick, 1-206-343-2312, or leave a message; your call will be returned. Or, write to NCCC Advocates, 1516 Melrose, Suite 200, Seattle, WA 98122.

**Charles Ehlert** - Grazing

**Mitch Friedman** Logging practices, grazing, fish and wildlife, International Park

**Harvey Manning** - Stehekin, Trails

**Jim McConnell** - Stehekin, LCNRA

**Betty Manning** - Bears, grizzlies and wolves

**Dave Fluharty** - LCNRA growth management plan, LCNRA - Intl Park, FERC - Skagit Project, Overflights, Small hydros.

**Ken Wilcox** - NCNP wilderness, Hydro power-recreation conflict

**Dick Brooks** - Grazing, NCNP

**Bruce Barnbaum** - Logging and mining, Darrington Ranger District

**Rick McGuire** - Mt. Baker-Snoqualmie National Forest (Skykomish, Snoqualmie areas)

**Peter Hurley** - Grazing, Cascade Ecosystem, WEC liaison

**Patrick Goldsworthy** - USFS plans, trails

(This is an incomplete list of areas of interest.)

## Advocate Reports

**Rick McGuire** attended a USFS meeting where the USFS proposal for a trail in Eagle Crest Roadless Area was withdrawn. Also, a new organization, Mid-FORC, has been formed to seek responsive action out of the North Bend Ranger District. There is much vandalism in this district. Weyerhaeuser has accelerated its logging but is also considering land exchange with the DNR. McGuire reported that he will set up a Mt. Baker-Snoqualmie National Forest advocates meeting.

**Dave Fluharty** reported that an appeal of the Interim Growth Management Plan of Chelan County was made May 29 by the NCCC and WEC, representing 13 different groups. The North Cascades National Park's environmental impact statement for the Stehekin Growth Management Plan will be released in August. The National Park Service will be revising the "compatibility standards" as the current ones may be unenforceable.

## JOIN THE NORTH CASCADES CONSERVATION COUNCIL

### MEMBERSHIP DUES:

\$10: Low income/student  
\$20: Regular  
\$25: Family  
\$50: Contributing  
\$100: Patron  
\$1000: Sustaining  
\$500: Life membership

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Send to:

Membership Chair:  
Laura Zalesky  
2433 Del Campo Drive  
Everett, WA 98208

## The 1994 Fundraising Appeal

*"It may be the love of wilderness that finally teaches us civilized responsibility."—Wallace Stegner*

Dear NCCC Member:

Is wilderness a luxury? Quite the contrary; it is a necessity. The wilderness areas the North Cascades Conservation Council has fought so hard to protect make up the foundation of the proposed North Cascades International Park and Special Management Area. Without a healthy wilderness core, the North Cascades ecosystem would be damaged beyond repair.

You will soon be receiving a fundraising appeal from the North Cascades Foundation. In 1992 we sent out an appeal and you, NCCC's membership, responded admirably. Your support is needed now to continue NCCC's work.

Sincerely,  
The NCCC Board

*The Wild Cascades*, Journal of the  
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