Wilderness in the northern Rockies| A Missoula-Lolo National Forest perspective

Todd L. Denison

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WILDERNESS IN THE NORTHERN ROCKIES:
A MISSOULA-LOLO NATIONAL FOREST PERSPECTIVE

By

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Date
Missoula and western Montana are home to a microcosm of national interests involved in the wilderness preservation debate. This microcosm existed and continues to exist within a unique political atmosphere where wilderness-related events routinely make headlines in the local news media. Since Missoula represents a microcosm for wilderness issues and it is a typical western American municipality, a historical study of wilderness using Missoula and its western Montana environs as examples will reflect the larger history of the evolution of wilderness preservation in the United States.

This study identifies the components of the microcosm in Missoula and western Montana and then covers the history of statutory wilderness preservation in the United States Forest Service from 1891 to 1992. Missoula, Lolo National Forest and other pertinent regional examples are used to highlight the history of wilderness preservation in the Forest Service, charting events from the establishment of the forest reserves to the current polarized wilderness stalemate in Montana. Legislative events, court cases, and local and state politics receive special focus along with the problems the Forest Service has experienced as a result of the movement to preserve wilderness.

Extensive primary and secondary research support this study. The author conducted interviews with many individuals who were responsible for influencing the events described in this history. Corroborating the oral interviews are numerous archival documents from both the University of Montana and the various Forest Service offices located in Missoula. The standard secondary works in wilderness history are referenced to place the primary research into context.

The culmination of the wilderness preservation story has yet to occur. Missoula and western Montana face increasing polarization between preservationist and utilitarian interests, preventing a legislative resolution to the wilderness debate. This polarization also reflects the state of affairs in public land law in the West, and suggests that if Missoula and Montana can find a solution, then that solution could serve as a model for the nation.
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INTRODUCTION

In western Montana civilization and wilderness collide in a juxtaposition that illuminates the debate over the future of wilderness as an entity in the United States. Along Interstate 90 north of Missoula, elk are visible grazing on hills that serve simultaneously as winter wildlife range, human homesites, and a city refuse disposal area. Beyond the herd of elk, the snowcapped peaks of the Rattlesnake Wilderness Area emerge above the smog trapped by a winter’s temperature inversion. Within the city, a bald eagle surveys the waters of the Clark Fork River as cars whiz by on a nearby bridge.

Missoula and the surrounding Lolo National Forest are the setting of one of the great natural, political, and spiritual confrontations of Western American history: that of wilderness preservation. No other location in the West contains such a passionate, and nearly balanced complement of people with an interest in either wilderness preservation or forest utilization. National wilderness policy here affects a microcosm, for wilderness purposes, of the coterminous states of the American West. Wilderness history in Missoula and the surrounding Lolo Forest both reflects and influences the larger history of wilderness in the entire West.

Geographically, the Lolo National Forest occupies part of two distinctive environmental regions in the northern Rocky Mountains and western Montana.
The western half and a northeastern portion of the forest lie in the Columbia Rockies region. This region is characterized by lush, humid, forested mountains and valleys. Comparatively few people inhabit this area, and those who do reside in small towns nestled in the narrow valleys. Lolo’s central lands fall into the Broad Valley Rockies region. A more arid, sparsely vegetated, and populated landscape distinguishes this area. Missoula lies in one of these broad valleys and ranks as the most populous city completely enclosed within the Rocky Mountains.¹

In 1992 Bruce Vento, Democrat Congressman from Minnesota, introduced the National Forest Wilderness Management Act, HR 4325, that also called for the establishment of an Aldo Leopold Wilderness Research Institute at Missoula. At the close of the 102nd Congress however, Vento’s legislation was still in debate. Most probably the Forest Service administratively designated Missoula the site for the Leopold Institute in response to Vento’s proposed bill.

The United States Forest Service maintains a considerable presence in Missoula. The Northern Region’s headquarters, an Aerial Fire Depot and Smokejumper’s training center, the offices of Lolo National Forest, and

Missoula Ranger District call Missoula home. Also in Missoula, the University of Montana provides a location for a laboratory of the Forest Service’s Intermountain Research Station. Author Stephen Pyne called Missoula a "Forest Service company town." Recently, the Forest Service announced that the Missoula laboratory will house the Aldo Leopold Wilderness Research Institute.

Missoula’s selection did not come without some controversy within the Forest Service. Other locations such as Boulder and Fort Collins, Colorado, competed for the institute. Negatives associated with the Missoula site included its remote northern Rockies location and somewhat small metropolitan area. What

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2Forest service administration emanates from Washington, D.C. down to nine regional headquarters: Northern Region-Montana, northern Idaho, North Dakota, northeast South Dakota, headquarters at Missoula, MT; Pacific Northwest Region- Washington and Oregon, headquarters at Portland, OR; California Region, headquarters at San Francisco; Intermountain Region- Utah, Nevada, western Wyoming and southern Idaho, headquarters at Ogden, UT; Southwestern Region- Arizona and New Mexico, headquarters at Albuquerque, NM; Rocky Mountain Region- Colorado, central and eastern Wyoming, South Dakota, Nebraska, and Kansas; Southern Region- 13 southern states, headquarters at Atlanta, GA; Eastern Region- 20 midwest, Great Lake, and eastern states, headquarters at Milwaukee, WI; and the Alaska Region, headquarters at Juneau. Below the regions are the 155 national forests, headed by a forest supervisor and within the forests are numerous ranger districts, the lowest administrative level.


4 Sherry Devlin, "Two USFS wilderness centers planned for Missoula County," Missoulian, January 12, 1993, 1.
attracted the Forest Service to the Missoula site was the combination of wilderness interests located there. The research laboratory has been instrumental in the development of wilderness management techniques, including the Limits of Acceptable Change (LAC) system.\(^5\) Another contributing factor to the decision for Missoula was the presence of the University's Wilderness Institute, an influential study group uniquely situated on a liberal arts campus and surrounded by millions of acres of designated wilderness.\(^6\)

The Forest Service also announced in early 1993 that Lolo National Forest's historic Nine Mile Remount Station, a fire-fighting center and ranger district headquarters, will house the Arthur Carhart Wilderness Training Center.\(^7\) This selection acknowledged the past wilderness skills training conducted at Nine Mile, including a three year program educating the Forest Service's upper echelon leaders in wilderness management issues.


\(^6\) Interview with Elizabeth G. Close, Wilderness Specialist, Office of Wilderness, Recreation, and Cultural Resources, United States Forest Service, Northern Region, January 22, 1993.

\(^7\) Devlin, Missoulian, January 12, 1993.
Completing the complement of professional forestry elements in Missoula is the School of Forestry at the University of Montana. Established in 1913, the School of Forestry built a national reputation both as an educational center and as a controversial critic of Forest service policy with 1970’s appraisal of forest management in the Bitterroot National Forest. In 1974 the school created the Wilderness Institute, an educational and informational center for wilderness.

In 1992, the Boone and Crocket Club announced their intention to move their headquarters from Washington, D.C. to Missoula. In Missoula, Boone and Crocket will join other national conservation organizations that maintain either headquarters or regional offices in the city. Groups that have a major presence in Missoula are the Rocky Mountain Elk Foundation, the National Wildlife Federation, the Craighead Institute, the Sierra Club, and the Wilderness Society.

Citizen activism, born in the 1960’s, along with the decline of the Anaconda Company’s influence in Montana politics, converted what had been a Republican town into a city known for its political activism. Topping the political agenda are natural resource issues, from smog control to wilderness preservation. This activist tradition, perhaps more than any other aspect, identifies Missoula as the ‘front line’ of the wilderness debate. Other cities in the West contain sawmills, universities, Forest Service offices, and nearby wildlands; Ogden, Utah is one example. But the fiery heritage of political dissent keeps wilderness issues on the local newspaper’s front page and confers
upon Missoula and the Lolo Forest area a unique position as a leader in the wilderness debate.⁸

Most interesting among the newly-formed activist groups in Missoula are: the Alliance for the Wild Rockies, promoting bioregional wilderness legislation to a national audience; Wilderness Watch, a wilderness management watchdog group; Friends of the Rattlesnake, with a tradition of successful wilderness activism; and a spattering of new wise use groups, contesting further wilderness preservation at the expense of local economies. The extremist environmental group, Earth First! maintains a considerable presence in Missoula.

Politically, Missoula has had an influence on natural resource issues wholly out of proportion to its population size. Missoula is a place of cultural diversity; loggers share city-space with University intellectuals and environmental activists. Since natural resource news is front-page in Missoula, participants in natural resource issues enjoy a high level of public exposure, enabling them to be big fish in an issue that commands national environmental interest. Missoula's crossroads setting, political uniqueness, and citizen environmental activism on all sides combine to replicate an almost Athenian style of democracy.⁹

⁸Interview with Close, January 22, 1993. Missoula's daily newspaper is called The Missoulian.

⁹Interview with Thomas Payne, retired professor of political science at the University of Montana, November 5, 1992, Missoula, MT, notes.
The esteemed writer of Western history and culture Wallace Stegner recognized Missoula as a "quintessential" example of the West. According to Stegner, Missoula had made "itself into a place and is likely to remain one."

Missoula reflects Western diversity with its political and cultural milieu. Writers, including the nationally known Ivan Doig and the late Norman Maclean, have centered their works around Missoula and its environs.\(^\text{10}\)

Finally, Missoula’s surrounding Lolo National Forest area contains numerous remnant wildmesses, both statutory and unprotected, or de facto. Within an hour’s drive from downtown in any direction and one can encounter wilderness. This presence of wilderness adds to the immediacy of the region’s wilderness debate and completes the microcosmic picture. The history of the development of statutory wilderness viewed from Missoula, both reflects and anticipates historical wilderness issues in the larger American West.

CHAPTER ONE: Forests, Fires, and Wilderness

The United States’ federal government gradually established administrative control over the western forests during the late 1800s and the first decade of the 1900s. Administrators first concentrated on conserving these western forests from fire-caused destruction for future use as a supplier of the nation’s need for wood products. Occurring at the same time as the federal conservation of forests for future utilization was a different sort of conservation. This conservation, or preservation, looked to ensure the continued existence of wild lands, with minimal human influence. Increasingly as the twentieth century evolved, the preservationist impulse would compete with utilitarianism for public favor as a forest management practice.

Before the arrival of white people, primeval forests, wild and vast, stretched out in all directions from the juncture of the five valleys of western Montana called Hell Gate, later known as Missoula. Flathead Indians occupied this wilderness when the explorers Lewis and Clark and David Thompson travelled through and signaled the onslaught of white conquest. Since that time, as whites fanned out all over the west, the forested lands of western Montana faced gradual, increasing pressure to yield mineral wealth, provide water, and supply timber to the expected legions of homebuilders. The federal government in
Washington, D.C. claimed these lands as public domain and originally sought to dispose of them through various settlement incentive bills such as the Homestead Acts and the Timber and Stone Act.

As the federal policies of public land disposal bogged down in speculative corruption, new voices began to question the wisdom of dispensing with the public forested lands. The idea of placing the forests under federal protection arose in response to what appeared to be an impending timber famine in the United States. Western forests were subject to timber trespass - the unmanaged, free of charge, cutting of timber. Despite an 1831 statute that prohibited the harvest of public domain timber, both individuals and organized firms cut timber from the public domain at will.\textsuperscript{11}

Also influential in the development of protected forests, was the issue of watershed conservation. Bernhard Fernow, German forester and pioneer in American forestry, among others, battled the United States Geological Survey and no less a figure than John Wesley Powell over reserving forested lands in the West to facilitate watershed management. Powell feared that federal forest reserves would lock out future reclamation projects, and besides Powell saw no shortage of timber in the West. Fernow, echoing the sentiments of George

Perkins Marsh in *Man and Nature*, preached the value of timber stands as defense against evaporation, and the secretary of the American Forestry Association, J. B. Harrison, warned of the problems of sedimentation to western agriculture if people stripped the forests away.\(^\text{12}\)

Fires in the western forests convinced some for the need for protection. The first two chiefs of the Division of Forestry in the Department of Agriculture noted with alarm the amount of western timber consumed by fire. These losses, combined with the public's perception that land resources were diminishing rapidly, especially through railroad land give-away legislation, provided a powerful call for forest protection.\(^\text{13}\)

Ironically, aside from the fires, the growing calls for forest protection had little to do with the western forests. In the northern Rocky Mountains the intensive harvest of the forests would await the post-World War II housing boom. Forest protection in the late nineteenth century sprung from the rapid depletion of the Great Lakes region's white pine forests. People responded to a perception of


\(^{13}\)Wilkinson, 121-122.
scarcity in the timber resource, as Chicago consumed the remaining commercial white pines.\textsuperscript{14}

Congress responded in 1891 with a hastily written addition to a bill to repeal the Timber Culture Act that allowed the President to "set apart and reserve" forested tracts of public domain. President Benjamin Harrison wasted little time in exercising his new power, and in less than a month after the passage of the 'Creative' act, designated the Yellowstone Park Forest Reserve.\textsuperscript{15}

Six years after the Creative Act, on February 22, 1897, President Grover Cleveland established the first forest reserves in Montana. The first three reserves, part of Cleveland’s Washington’s Birthday Reserves, were the Bitterroot, the Lewis and Clarke, and the Flathead.\textsuperscript{16} A forestry commission, that included America’s first trained forester, Gifford Pinchot of the National Academy of Sciences, recommended the forests for reservation to President Cleveland.\textsuperscript{17} These reservations met with opposition, not just from loggers,

\begin{itemize}
\item \textsuperscript{16}Proclamation, February 22, 1897, 29 Stat. 899, 907, 911.
\item \textsuperscript{17}"Forestry Reserves," Great Falls Tribune, February 23, 1897, 1. Dana and Fairfax, 60.
\end{itemize}
miners, and homesteaders, but also from congressional delegations in the West. Congressmen questioned the need for forest reservations, calling them an "injustice to the people" and they disputed the claim of a timber famine by observing there was "no danger of exhausting the timber supply."  

By 1897, significant acreage in the West was forest reserve land; however the administration of these lands was far from clear or effective. Congress attempted to address this shortcoming by the passage of the Organic Act or Pettigrew Amendment. The job of managing the reserves fell to the Department of the Interior and the act provided detailed guidance on the subjects of timber appraisals, sales, and use by settlers. Also included in the act were provisions for prospecting for minerals, water use, civil and criminal jurisdiction, and boundary modification.  

At the time the Department of the Interior assumed control of the forest reserves, the expertise in the discipline of forestry rested in the Agriculture Department's Division of Forestry and in the person of Bernhard Fernow. German born and educated, Fernow was instrumental in the creation of national forest reserves in the United States. As the Division of Forestry's chief, Fernow

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18"Is unsatisfactory," Great Falls Tribune, February 24, 1897, 1.
1930 Stat. 34, 1897.
changed the character of the division from that of an information source to
developing real forest management policy.¹⁰

Fernow faced the reality that his division lacked forests to manage, since the
General Land Office of the Department of the Interior handled the forest
reserves. This problem did not prevent Fernow from trying to implement what
he considered sound forestry principles, German principles, into the
administration of the American forests. First and foremost, forests existed to
grow trees and foresters were to create a continuity of forest crops. This
entailed a highly scientific, even "arithmetical" system that stressed the
evaluation of soils and taking tree measurements so that the future timber yield
could be determined. For Fernow, forests must be highly productive and
managed; his vision for American forestry held no place for wilderness.¹¹

Upon Fernow's retirement in 1898, Secretary of Agriculture James Wilson
selected an American forester to replace him, Gifford Pinchot. Trained in
forestry in France, Pinchot picked up the task of crusading for effective timber
management in the United States. Two fundamental management problems
existed, the first was the need for fire control and on that most agreed. The


second was the need for sound harvesting practices. Pinchot preached the
gospel of sustained yield forestry, implying continuous timber production by
maintaining a balance between net growth and harvest.\textsuperscript{22}

Vital to Pinchot's plans for American forestry was the ascendancy of Theodore
Roosevelt to the presidency following the assassination of William McKinley.
In Roosevelt, Pinchot found a kindred spirit and together the two men would
launch the Golden Age of Conservation in the United States. Pinchot enjoyed
extraordinary access to Roosevelt and played a key role in determining the
progressive conservation agenda. This agenda included a reversal of the long
held policy of public land disposal. Instead, federal retention of land became
the goal.\textsuperscript{23}

As had Fernow, Pinchot desired the transfer of the forest reserves to his
control in the Department of Agriculture. Toward this end, Pinchot worked to
convince western commodity interests and congressional delegations that he
would better take care of the reserves. Scandals in the General Land Office
aided Pinchot's cause and in February 1905, Congress passed the Transfer
Act.\textsuperscript{24}

\textsuperscript{22}Charles H. Stoddard, \textit{Essentials of Forestry Practice}, second edition, (New

\textsuperscript{23}Dana and Fairfax, 72-73.

\textsuperscript{24}Dana and Fairfax, 81.
Important not only for the transfer of the reserves to Pinchot and the Agriculture Department, the Transfer Act provided that all money received from the sale of any land or resources from the reserves go into a special fund, for use for a period of five years for the reserves at the discretion of the Secretary of Agriculture. After that, the treasury would collect the proceeds from the forest reserves. This stipulation reflected Congress’s intention that the reserves become independently supporting.25 The Transfer Act completed the first phase of legislative protection of the western, public forested lands. Forest administration, both physically and in expertise, emanated from one source, Gifford Pinchot.26

Pinchot intended the forest reserves to serve the interests of a vigorous, expanding nation. When Congress delivered the reserves to the Division of Forestry, Pinchot changed the agency’s name to the United States Forest Service. The word ‘service’ reflected Pinchot’s desire that the agency remain aware of its public service mission.27

One of Pinchot’s first actions as chief of the Forest Service was to write himself a letter delineating the goals and purposes of the agency. Prepared for

26Dana and Fairfax, 81.  
the signature of Secretary Wilson, Pinchot’s letter stressed that "the resources of the reserves are for use" and that conservation would ensure the permanence of those resources. Support for the developing American West formed the basis of the reserves’ existence. Priority to use forest reserve resources went to the homebuilders and local, small businesses and industries, since they were the agents converting the West into a productive, settled region. When conflict arose over the multiple resource uses, the principle of "greatest good for the greatest number in the long run" governed land managers’ decisions. Pinchot’s letter, historian David Clary wrote, was the Forest Service’s Magna Carta and the utilitarian philosophy of resource use contained in the letter set policy in the new agency and continues to influence the management of the nation’s public forests today.

Apart from utilitarian conservation (that primarily emphasized conserving natural resources for future economic exploitation), a distinct preservationist movement evolved under the leadership of John Muir. Born in Scotland, and raised and educated in Wisconsin, Muir personified the struggle to preserve wild places for the inherent value of wild places. Muir rejected the dominant anthropocentric world view held by many of his fellow citizens, and instead conceived of humans as members of nature and not superior beings above

28 Dana and Fairfax, 82.

29 Clary, 22; Dana and Fairfax, 82; and Steen, 75.
nature. Espousing a pantheist philosophy, Muir viewed wilderness in deeply religious terms. Although reminiscent of the transcendentalists Emerson and Thoreau, Muir developed a separate sense of the indispensability of wilderness. Wilderness was a place to seek out the meaning of life, a spiritual sanctuary from the mundane rigors of civilized existence.\(^{30}\)

Muir began his championing of wilderness in the 1870's, he played a crucial role in the establishment of California’s Yosemite National Park in 1890, and participated in the founding of the Sierra Club. Muir also held great hope for the forest reserves until he had a falling out with Gifford Pinchot over sheep grazing in the reserves. Although he did not oppose the creation of the forest reserves after his break with Pinchot, Muir directed most of his efforts toward the national parks where he considered wilderness values had better protection.\(^{31}\)

The controversy over the building of a dam in Yosemite’s Hetch Hetchy Valley proved to be Muir’s defining moment as a wilderness activist. His


vociferous opposition to the inundation of one of his favorite valleys in the Sierra Nevada constructed the model of wilderness advocacy that would find emulation in future preservation battles.\textsuperscript{32} Muir lost the Hetch Hetchy battle, San Francisco’s water supply carried more weight in Washington D.C., but in a significant way wilderness preservation ideology reached the American people.\textsuperscript{33}

Americans were ready to receive Muir’s message at the time of the Hetch Hetchy controversy. Inconceivable fifty years earlier, the controversy illustrated the progress non-utilitarian preservation made in the late nineteenth century and in the first decade of the twentieth. The traditional perception of wilderness as an evil to be subdued had changed; even supporters of the dam did not cast the issue as good versus evil. Muir’s challenge of the dam inspired this change in attitude and announced the arrival of a full-time wilderness advocacy in contraposition to the type of utilitarianism preached by Gifford Pinchot.\textsuperscript{34}

As Muir initiated America’s preservationist movement, Theodore Roosevelt continued to withdraw large tracts of western forests. Missoula’s surrounding forests came under formal federal administration during Roosevelt’s presidency.

\textsuperscript{32}Oelschlaeger, 172.

\textsuperscript{33}For a description of Muir and the Hetch Hetchy controversy, see Turner, 336-343; Nash, 161-181.

\textsuperscript{34}Nash, 181.
First, TR established the Hell Gate Forest Reserve, east of Missoula, by proclamation on October 3, 1905. By November 1906, two more area forest reserves existed, Lolo Forest Reserve, west of Missoula, withdrawn on September 20, 1906, and the Missoula Forest Reserve, southeast of Missoula, created on November 6, 1906.\textsuperscript{35} As technical advances such as the telephone and the automobile facilitated the physical management of these reserves, the Forest Service consolidated the forests. Missoula Forest absorbed part of the Hell Gate in 1908, and Lolo Forest divided the Missoula Forest with Deerlodge Forest in 1931.\textsuperscript{36}

In keeping faith with Pinchot’s utilitarian principles, the predominant occupation, ahead of grazing or mining, of the Forest Service in the National Forests of the Northern Rockies in the pre-World War II era was fire suppression.\textsuperscript{37} Fire had long ranked as a top priority menace, the first two chiefs of the Agriculture Department’s Division of Forestry, Franklin Hough and


\textsuperscript{37}The name "National Forests" replaced "Forest Reserves" on March 4, 1907 by an Act of Congress, 34 Stat. 1269. The new name reflected Pinchot’s idea that the forests were to support national growth.
Nathaniel Egleston in the 1880's and 1890's mentioned in their reports the immense devastation caused in western forests by fire. Fire became the enemy of the utilitarian forest managers because it degraded the potential timber value of any particular forest. Culturally and economically, burned forests represented a waste of resources.

In 1908, Pinchot organized the national forests into districts, later called regions. Missoula was the site of the northern district headquarters that administered the forests of northern Idaho, Montana, and the western part of North Dakota. During the period before World War II, the rangers of the Northern District occupied themselves with fire suppression, grazing, and some timber management. They considered their job custodial in nature, keeping the forests 'green' for future utilitarian purposes.

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38Wilkinson, 121.


40Despite Pinchot’s vision of the national forests as suppliers of timber to local needs, in the pre-World War II era the northern Rockies’ national forests supplied little timber to mills because of the abundant supply of timber from private lands.

41Interview with William R. Moore, retired Forest Service district ranger, for Powell Ranger District (part of Lolo National Forest, 1934-1961, thereafter part of Clearwater National Forest), Northern Region Assistant Forester for Fire, and served at the agency’s headquarters in Washington, D.C. working in fire policy, Condon, MT January 7, 1993, notes.
Land ownership and the historical development of the lands contained in the Northern District explain why timber management commanded scant attention in the early days. Most of the desirable, easily obtained commercial timber, white and ponderosa pine, fell into private hands prior to the original forest reserves' withdrawal from the public domain. Most of the Montana lands that supported feasibly harvested commercial forests, valley stands and timber in proximity to rail lines fell under the ownership of two large corporations, Anaconda Company and the Northern Pacific Railroad. These corporations traced their ownership back to railroad land grants and perfected claims under the various land disposal laws of the late nineteenth and early twentieth centuries.  

Private interests thus controlled vast amounts of commercial timber, rendering the widespread harvest of national forest timber unnecessary. Northern Region forests, as with all forests, experienced periods of fire throughout the millennia. Fire, consuming all the forested acres at one time or another, played an integral role in the pristine ecosystems of the northern Rockies. With the advent of federal management, however, rangers of the Forest Service sought to eradicate fire from the natural realm and, by constructing road and trail networks, fire

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42 Evan W. Kelley, "History of Forest Industry and Forest Conditions in the Inland Empire," speech at the Meeting of American Society of Mechanical Engineers, Spokane, WA, September 3, 1940, Evan Kelley files, United States Forest Service Northern Region Archives, Missoula, MT.
lookouts, and equipment caches, opened up significant tracts of wilderness for future development.

Fire destroyed potential timber receipts, threatened human habitations and adjacent private lands, and foreclosed management options. Thus, the rangers of the Forest Service considered fire as public enemy number one. Memories of devastating fire seasons, such as 1889, spurred the development of strategies to suppress fire. But, perhaps no fire season had more impact on Forest Service policy than the epic one of 1910.

Arriving on the heels of a drought that started in 1909, the fires of the summer of 1910 were particularly destructive of both timber and human life. In the Northern District’s forests, those in Idaho suffered most, but Montana forests such as Lolo also experienced considerable losses. Northern District saw more than six billion board feet of timber on one and a quarter million acres go up in smoke. Three-hundred million board feet burned on Lolo National Forest.43 Most significantly, eighty-seven firefighters lost their lives along with countless numbers of animals and fish.44 The holocaust of 1910 traumatized the Forest

43United States Department of Agriculture, Forest Service, District One Annual Fire Report for 1910, Archives, Headquarters, Northern Region, Missoula, MT.

44Elers Koch, "1910 Fire Season," unpublished essay, 1910 Fire Season file, Archives, Headquarters, Northern Region, Missoula, MT.
Service and compounded the humiliation of Gifford Pinchot's dismissal earlier in the year as a result of the celebrated Ballinger-Pinchot controversy.\textsuperscript{45}

Illustrative of the fury of the 1910 fires are the events of August 21, and 22. Along the Idaho and Montana border, west of Missoula, several separate fires united in one great conflagration. An irregular swath 100 miles long and 40 miles wide burned in untrammeled wilderness. Firefighters found the roadless and trailless country extremely difficult, and with the arrival of "hurricane" winds, putting the flames out became an impossibility. The wind drove the flames out of the wilderness and into area towns, such as Wallace, Idaho, which was reduced to ashes.\textsuperscript{46}

In the aftermath of the 1910 fires the Forest Service had to decide what to do with the burned timber. Enormous numbers of burned trees lay in the forests of the Northern District. These trees had to be harvested quickly before they began to deteriorate and were useless for commercial purposes. Northern District managers decided to push "vigorously" the sale of this burned timber. Mills could buy the timber on the stump at greatly reduced prices; they only had

\textsuperscript{45}Pyne, 103. President William Howard Taft dismissed Pinchot in January 1910, when Pinchot conflicted with new Secretary of the Interior Richard Ballinger over coal reserves in Alaska. This incident reflected Pinchot's loss of influence in the White House after Theodore Roosevelt's departure and generally marks the end of the Golden Era of conservation, Dana and Fairfax, 94-95.

\textsuperscript{46}1910 Annual Fire Report; Koch.
to go and get it. This sell-off, contrary to the policy of Secretary Wilson, who adhered to a policy of conservation of federal timber in anticipation of future need, brought the lumberjack into the wilderness, armed with saw and axe.\textsuperscript{47}

Climatically, the conditions in the summer of 1914 approximated those of 1910. A lengthy period of drought preceded the fire season of 1914 and, combined with the usual hazards of slash burning and campfires, promised another severe burn for the forests of western Montana. However, the fire season of 1914 failed to approach the level of devastation in 1910. Total acreage burned was 113,643, compared to almost three million acres consumed in 1910. This reduced burn, in terms of acres, came as a result of more total fires reported, 1,975 to 1,582 in 1910.\textsuperscript{48}

The Forest Service interpreted the results of the 1914 fire season as confirmation of the efficacy of their policy of fire suppression. They cited their rate of 82 percent of all fires held to under ten acres as proof of the feasibility of detecting, fighting, and controlling forest fires, even in adverse natural conditions, as in the summer of 1914. Moreover, massive efforts to control forest fires represented good economic public policy. In 1914, the Northern

\textsuperscript{47}1910 Annual Fire Report, 3-4.

\textsuperscript{48}United States Department of Agriculture, Forest Service, "Review of 1914 Fire Season, District One," December 2, 1914, Archives, Headquarters, Northern Region, Missoula, MT, 1-6.
Region spent $390,000 to protect an estimated one-hundred million dollar timber resource threatened by the fires of that year.\textsuperscript{49}

Although Elers Koch, supervisor of Lolo National Forest, characterized the fire suppression efforts of 1914 as "splendid," he noted the necessity of moving fire camps up close to the flames. Most fire crews had to walk great distances through rugged terrain to arrive at the scene of a fire. Koch noted the effectiveness of using the automobile to rush fire crews to critical points in the fire, demonstrated at the Granite Creek fire in the Lolo Forest. Koch undoubtedly referred to the advisability of constructing more roads, or trails, for the express purpose of facilitating fire control.\textsuperscript{50} The district headquarters also identified the increase in trail mileage over that in 1910, 4504 miles to 1751 in 1910, as contributory to the successful effort in limiting the destructiveness of the 1914 fires.\textsuperscript{51}

Subsequent fire seasons reinforced the conclusions drawn in 1914. A slow, wet season in 1915 allowed firefighters to reflect on what improvements were

\textsuperscript{49}United States Department of Agriculture, Forest Service, "Fires- Season 1914, District Summary," Archives, Northern Region, Missoula, Mt, 4.

\textsuperscript{50}United States Department of Agriculture, Forest Service, "Report on 1914 Fire Season, Lolo National Forest," Archives, Headquarters, Northern Region, Missoula, MT, 7. Ironically, later in his career, Koch would lament the construction of these roads and even dared to question the wisdom of fighting wilderness fires. See below, this chapter.

\textsuperscript{51}"Review of 1914 Fire Season," 5.
necessary for optimum fire suppression. "Every fire season demonstrates the value of trails and telephone lines," opined the 1915 fire report. Funding for trails to "open up inaccessible country" was the district's greatest need.52 Satisfactory fire suppression depended on increased access to the backcountry, where, irritatingly, lightning-caused fires always seemed to occur.53

Within the Forest Service, as fire suppression continued as the top priority, there emerged a small movement that would eventually prove decisive in the history of wilderness. Aldo Leopold and Arthur Carhart initially represented this movement. Later, Robert Marshall came to lead this new, recreation oriented faction. Although recognized as a legitimate use of the national forests as early as 1905, yet, recreation ranked far below the extractive uses in priority. The multiple use concept attempted to cater to all potential uses of public forested land, and early in the history of the Forest Service, public interest in outdoor activities established recreation as a use.54


53 United States Department of Agriculture, Forest Service, "Forest Fires, July 26, 1918," 1918 Fire Season File, Archives, Headquarters, Northern Region, Missoula, MT, 1.

When Henry S. Graves replaced Pinchot as chief of the Forest Service in 1910, he explicitly recognized recreation as a valid use of the National Forests. Growing public demand for outdoor recreation (with the increased access to national forest land aided by the automobile) prompted Congress officially to recognize recreation as an approved use of the forested lands in 1915. However, this recognition extended primarily to utilitarian recreational uses such as permits for summer home construction, hotels, and stores.55

In 1916, Congress established the National Park Service in the Department of the Interior. With the creation of the Park Service, the Forest Service found a rival agency for forested land management. Under the aggressive leadership of Borax Soap executive Steven Mather, the Park Service sought to claim prime, scenic national forest lands and convert them into parks.56 Earlier in the history of the National Parks, John Muir considered wilderness values better protected by national parks than by the Pinchot-led Forest Service. However, Mather’s vision for the parks fundamentally differed from that of Muir.57


57For a biography of Mather, see: Robert Shankland, Steve Mather of the National Parks, second ed., (New York: Alfred A. Knopf, 1954), for Mather’s side of the land dispute with the Forest Service, see pages 176-179.
Mather promoted the parks to take advantage of the rising tide of the American automobile tourist. He licensed concessionaires to provide the amenities of home life in the scenic setting of America’s most spectacular country. Furthermore, Mather vigorously supported the construction of highways on which tourists could speed to their favorite destination.\textsuperscript{58}

Practiced in the art of bureaucratic battle, the Forest Service contested the upstart Park Service over land transfers. Under chief, and former Northern District forester, William B. Greeley, the Forest Service turned to the concept of Muir’s wilderness in an effort to preserve national forest land from the raider Mather. Because of this interagency rivalry, the ideas of Forest Service employees Arthur Carhart and Aldo Leopold saw the light of day.\textsuperscript{59}

Perhaps the first person in the Forest Service to advocate a Muir-like wilderness area was Arthur Carhart.\textsuperscript{60} A landscape architect assigned as a recreation engineer, Carhart received instructions to survey Trappers Lake, in Colorado’s White River National Forest. As he conducted his business of determining future summer home sites along the lake, Carhart met two hunters

\textsuperscript{58}Zaslowski, Ibid.


\textsuperscript{60}For Carhart’s role in the evolution of Forest Service wilderness policy, see: Don Baldwin, \textit{The Quiet Revolution: Grass-Roots of Today’s Wilderness Preservation Movement}, (Boulder, Pruett Publishing Company, 1972).
who inquired into the possibility of leaving Trappers Lake as it was, a wilderness. Receptive to arguments for nature, Carhart agreed with the hunters, and instead of advocating development for Trappers Lake he promoted a recreational plan emphasizing the natural state of the lake and its vicinity. Carhart succeeded in convincing his superiors in Denver not to develop Trappers Lake.\textsuperscript{61}

Aldo Leopold joined with Carhart in advocating a policy of non-development. Leopold, with Thoreau and Muir, ranks as a seminal figure in the evolution of both wilderness policy and philosophy. Leopold advanced the idea of a land ethic and its place in the management of lands. The land ethic, a biocentric perspective, abandoned a human centered ecology and alternatively placed humans into the internal operations of nature.\textsuperscript{62} Humans had a responsibility to integrate science into nature and nature could teach lessons to humans about land management. Arbitrary management decisions made by humans without the consideration of the natural world would fail, Leopold argued. In a passage from Leopold’s masterpiece, \textit{A Sand County Almanac}, this message is clear:

\textsuperscript{61}Craig W. Allin, \textit{The Politics of Wilderness Preservation}, (Westport, CT.: Greenwood Press, 1982), 69; Roth, 114.

\textsuperscript{62}Oelschlaeger, 205-217; for a biography of Leopold, see: Curt Meine, \textit{Aldo Leopold: His Life and Work}, (Madison: University of Wisconsin Press, 1988); for an interesting collection of articles placing Leopold into the context of wilderness policy and issues, see: Thomas Tanner, ed., \textit{Aldo Leopold: The Man and His Legacy}, Aldo Leopold Centennial Celebration, Iowa State University, (Ankeney, IA: Soil Conservation Society of America, 1987).
The Cowman who cleans his range of wolves does not realize that he is taking over the wolf’s job of trimming the herd to fit the range. He has not learned to think like a mountain. Hence we have dustbowls, and rivers washing the future into the sea.\footnote{Aldo Leopold, \textit{A Sand County Almanac: And Sketches Here and There}, (New York: Oxford University Press, 1949), 132.}

As a forest supervisor for the Carson National Forest in New Mexico, Leopold became alarmed by the end of the first world war of the increased road systems into the backcountry. In 1922, when Leopold was the assistant district forester in Albuquerque, he devised a wilderness protection plan for 500,000 acres in the Gila National Forest. Leopold’s plan excluded roads, trails, and use permits, but allowed trails and telephone lines for fire suppression. On June 3, 1924, District Forester Frank Pooler approved Leopold’s Gila Wilderness plan.\footnote{Roth, 113.}

While Leopold and Pooler created the first official wilderness reservation in the Forest Service, Chief Forester Greeley continued the war with the Park Service over which agency could best manage America’s remaining wildlands. By 1926, Greeley acknowledged the need for a formal wilderness policy for the Forest Service. Greeley understood the appeal of wilderness to the public, and especially to big game hunters of the type that influenced Arthur Carhart. Wilderness was a weapon that Greeley could employ to thwart the Park Service.\footnote{Gilligan, 101.}
Greeley conducted extensive opinion surveys within and outside the Forest Service on the question of Wilderness preservation. These surveys indicated to Greeley that generally favorable opinions regarding wilderness preservation existed both inside and outside the Forest Service. Importantly, Greeley dispatched assistant forester Leon F. Kneipp on a mission to inventory all the roadless tracts of land then in existence in the national forests.66

Kneipp set a figure of 230,400 acres as the minimum qualifying size for a roadless area. He found seventy-four areas meeting this requirement, almost exclusively in the West. Kneipp’s roadless areas totaled 55,000,000 acres, representing one-third of the total Forest Service acreage. Kneipp’s inventory also noted that if the Forest Service carried out all current road construction plans the roadless acreage would shrink to one-fifth of the total. Simultaneously as Kneipp’s inventory, in September 1926, Secretary of Agriculture W. M. Jardine approved reserved wilderness as an element of the national recreation policy of the Forest Service.67

Chief Greeley drafted, in December 1926, instructions for the western district foresters that guided the implementation of the Forest Service’s new wilderness policy. Greeley’s policy required an assessment of road construction plans and special use permits in areas "adapted for wilderness forms." This policy

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67Ibid, 102-104.
delegated to the district foresters considerable power to carry out wilderness management in their districts. In Missoula, District One’s forester, Richard Rutledge, opposed Greeley’s wilderness policy and called it a departure from Pinchot’s "greatest good for greatest number" principle. He advocated a policy of excluding information on wilderness reservations from the public so forest managers could freely make changes, without hindrance from the public.68

By 1929, the Forest Service promulgated the L-20 Regulations for the management of wild lands and the term ‘wilderness’ changed to ‘primitive’ in the new policy. The on-going interagency battle between the Forest and Park Services influenced the issuance of the L-20 Regulations, although by 1929 the main antagonists, William Greeley and Steven Mather, no longer headed their respective agencies. L-20 was distinctive because of its relative flexibility in regard to wilderness protection. Management priorities emphasized primitive modes of transportation, habitation, and subsistence, all keyed to the highest degree of public recreational use. L-20 also contained provisions for planning the circumstances in which timber harvest and other extractive uses of primitive areas could occur. Due to their lack of any real protective measures, the Forest Service probably issued L-20 to please an unsuspecting public, and in the

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68Ibid, 105.
process head-off any attempt to transfer more national forest land to the Park Service.⁶⁹

While Carhart and Leopold advanced the idea of wilderness, and Greeley and his successor, another former Northern District forester, R.Y. Stuart, directed the war with the Park Service, fire suppression continued as the main order of business on the northern Rockies forests such as Lolo. Road and trail construction received both funding and attention, increasingly opening the pristine forests of western Montana.

Replacing the recalcitrant Richard Rutledge as District Forester, in 1929, was the Forest Service’s "toughest fire officer" Evan W. Kelley.⁷⁰ A veteran of World War One’s U.S. Tenth Engineers, Major Kelley’s goal was specifically fire suppression. A particularly bad fire season in 1929 greeted the new district forester, and lasted until November. Described as a "tough, violent," fire season, 1929 featured the Bald Mountain Fire in the Selway National Forest,

⁶⁹Allin, 74; Roth, 115; and Gilligan, 122-130. By July 1933, five roadless tracts in Montana were managed under the L-20 Regulations: Absaroka, Beartooth, Mission Mountains, South Fork of the Flathead River, and the Spanish Peaks. L-20 protected no Lolo Forest areas.

⁷⁰Pyne, 256.

⁷¹Oral interview with Evan W. Kelley, conducted by Amelia Fry, University of California, Berkeley, October 10, 1964, Oral History 240-1, 2, K. Ross Toole Archives, University of Montana, Missoula, MT. The Tenth Engineers’ mission was forestry in cooperation with French officials. The Tenth would supply the timber needs of the fighting forces.
southwest of Missoula on the Idaho side of the Bitterroot Divide. Major Kelley termed the Bald Mountain fire a "monster," and this blaze demonstrated all the difficulties of fighting wilderness fires, especially the difficulty of access.  

Driven by the destruction of the fire season of 1929, Major Kelley launched a comprehensive fire policy for the Northern Region. This policy emphasized both greatly expanded road and trail construction and a standard of having all detected fires under control by 10:00 AM the day following detection— the 10:00 AM Policy. Major Kelley’s road plan called for long, narrow roads into the backcountry to facilitate the movement of fire crews in the event of another Bald Mountain type fire. Although this was a familiar theme in the Northern Region, Major Kelley prosecuted his fire suppression plan with the determination of an officer leading troops to battle.

The increased pace of road construction, particularly the completion of a gravel highway over Lolo Pass and along Idaho’s Lochsa River (following the Lewis and Clark trail), inspired a passionate critique of Forest Service policy by former Lolo National Forest supervisor, and assistant district ranger, Elers Koch.

72Interview with William R. Moore; Ralph L. Hand, "The First Ten Years were the Toughest," and L.M. (Locke) Stewart, letter, in Early Days in The Forest Service, Volume 3, United States Department of Agriculture, Forest Service, Northern Region, Missoula, MT, November 20, 1962, 97, 246.

73In 1930, the administrative category of ‘district’ was discontinued and instead called ‘regions.’ Missoula, thus, was the headquarters of Region One, or Northern Region.
After the infamy of 1910, Koch had advocated the increased construction of roads and trails, but by the 1930's, Koch recognized the destructiveness of that construction to the wilderness quality of the Northern Rockies' forests. He began an article in the *Journal of Forestry* with the following:

The Lolo Trail is no more. The bulldozer blade has ripped out the hoof tracks of Chief Joseph's ponies. The trail was worn deep by centuries of Nezperce and Blackfeet Indians, by Lewis and Clark, by companies of Northwest Company fur traders, by General Howard's cavalry horses, by Captain Mullan, the engineer, and by the early day forest ranger. It is gone, and in its place there is only the print of the automobile tire in the dust.74

Koch railed against the "hammer" of the Civilian Conservation Corps, as they dammed the waters of the wilderness of the Selway Forest, and he bemoaned the disappearance of the forest he knew as a pioneer forest ranger in the once vast wilderness of the northern Rocky Mountains.75

Koch announced that the Forest Service's attempt at fire suppression in the wildernesses of the Northern Region was futile. Noting that the history of fire suppression was one of the "saddest" in Forest Service history, Koch lamented the expenditure of money and the sacrifice of human life involved in the impossible task of wildfire control. "When fire gets a good start in the dry fire-killed cedar and white fir . . . the whole United States Army, if on the ground,


could do nothing but keep out of the way." Koch seemed to say to the forestry profession that wildfire control was not a sufficient reason to degrade the last vestiges of wild country left in the northern Rockies.\textsuperscript{76}

Major Kelley promoted his fire suppression policy by referring to the necessity of preventing epic conflagrations such as seen in 1910 and 1929. He anticipated the completion of his "truck trail" or road system by 1934, supplemented by the construction of strategically located airstrips in the backcountry to take advantage of the technology of flight in the battle against the flames. Once these improvements were in place, then Major Kelley could concentrate on enforcing his 10:00 AM policy. He was absolutely certain that men armed with the latest in technology, assisted by an expanded transportation network, could defy nature’s attempts to deprive humankind of valuable timber. "Verily, failure of the future seems far less likely than in the past," he wrote.\textsuperscript{77}

In 1934, Major Kelley’s system received a stern test with the arrival of yet another devastating fire season. Large numbers of lightning strikes set off many fires, particularly in the backcountry, and burned much timber.\textsuperscript{78} Described by a former ranger as a "martinet," Major Kelley was not pleased with the

\textsuperscript{76}Ibid, 99-100.

\textsuperscript{77}Evan W. Kelley, "Natural and Human Forces in Fire Control," Evan W. Kelley file, Archives, Headquarters, Northern Region, Missoula, MT, 11.

\textsuperscript{78}Interview with William R. Moore.
results of the fire fighting effort of 1934. In a terse memorandum to
Assistant Forester Elers Koch, Major Kelley declared the 1934 fire season as
"historical," and demanded a statement for the record of the "costly and
humiliating affair" by those (including Koch) involved.

Despite Evan Kelley’s inviolable faith in the Forest Service’s ability to stamp
out commercially significant fires in the Northern Region, and his dedication to
the Pinchot principle of greatest good for the greatest number, he managed to
hold some sympathy for the continued existence of wild lands in the national
forests. Major Kelley observed in 1937 a growing demand for solitude, for
wilderness as a place to escape the rigors of everyday life. He pointed to the
creation of the L-20 primitive areas, that by 1937 also included Montana’s
Selway-Bitterroot, Sun River, and Pentagon areas as examples of the Forest
Service’s commitment to satisfy this demand.

Major Kelley deplored a proposal to dam the Gallatin Canyon during an
address to a conference of Western Farm Economics Association in Bozeman,
Montana, on July 7, 1938. Citing several times that wilderness recreation was a

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79 Telephone interview with Ed Slusher, Rockport, TX, January 27, 1993, notes.

80 Evan W. Kelley, "Memorandum for MR. Koch, August 30, 1934," 1934
Fire Season File, Archives, Headquarters, Northern Region, Missoula, MT.

81 Evan W. Kelley, "Recreation in the National Forests," unpublished essay,
January 16, 1937, Evan W. Kelley file, Archives, Headquarters, Northern
Region, Missoula, MT, 6-7.
legitimate use of the national forest, Major Kelley analyzed the effects of the proposed dam project:

The dam would impound water which would be drawn to irrigate crops for the benefit of a larger or more stable economy in the Gallatin Valley- a worthy project in itself, but at what costs! If this were done, the spiritual value of the scenic Gallatin Canyon, one of nature's architectural masterpieces, would be irreparably scarred.\(^{82}\)

Importantly during this time, Major Kelley's thinking was influenced by Robert Marshall, one of the most important wilderness advocates in history.\(^{83}\)

Illustrative of Marshall's impact on Major Kelley was the cessation of one of Kelley's prized road projects over Elk Summit in the Powell Ranger District of Lolo National Forest.\(^{84}\) Marshall maintained correspondence with Major Kelley from his office in Washington, D.C. where he served as the Forest Service's head of the Division of Recreation and Lands. In this position, Marshall supervised the management of the Forest Service's L-20 primitive areas. He soon would realize the vulnerability of the primitive areas under the

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\(^{82}\) Evan W. Kelley, "Problems of Land Management and Administration Arising from Associated Uses of Land for the Various Services which the Public Seeks from the National Forests," address to the Conference of Western Farm Economics Association, Bozeman, Montana, July 7, 1938, Evan W. Kelley File, Archives, Headquarters, Northern Region, Missoula, MT, 6.


\(^{84}\) Interview with William R. Moore.
loose L-20 Regulations. One proposal from Major Kelley to allow aircraft to ferry hunters into the South Fork of the Flathead Primitive Area elicited a response from Marshall. He opposed "opening up" the area to planes because of the increase in hunter pressure to the primitive area, but primarily because of the precedent that decision would set for the management of the nation's other primitive areas.\(^{85}\)

Most of Major Kelley's pronouncements on the benefits of wilderness echoed the philosophy of Robert Marshall. Wilderness could meet human needs that civilized society left unfulfilled. Away from the comforts of modern America, wilderness required of people a self-sufficiency, a dependence on one's own resources. Some people, Marshall believed, had a psychological desire for the thrills of the woods, while others craved the psychological release, the peacefulness of the wilderness experience. Marshall's wilderness philosophy emphasized the critical role wild country played in a healthy, satisfied life.\(^{86}\)

Critical to the evolution of protected wilderness was Marshall's crowning achievement to his prematurely ended life, the issuance of the Forest Service's U Regulations. Marshall's U Regulations evolved from his earlier participation

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in the Copeland Report, published in 1933. Marshall wrote the recreation chapters of this report that assessed the state of the national forests and recommended future courses of action. He proposed a classification system for recreation areas: three of the classifications dealt with wilderness areas. Marshall’s wilderness classifications divided wilderness by size, relative wildness, and permitted human activity.\footnote{Gilligan, 176-177.}

Later in 1933, Marshall received an appointment as Director of Forestry in the Office of Indian Affairs. There, in addition to setting up a wilderness program for the Indian Reservations, Marshall continued to work for the reservation of large tracts of wilderness on all federal lands. In 1935, due to what Marshall perceived as inadequate progress in establishing wilderness, he, Aldo Leopold, and others founded the Wilderness Society. This organization’s goals were to raise public consciousness on wilderness issues and to pressure federal agencies for more wilderness protection. In 1935, the Wilderness Society published its first quarterly magazine, The Living Wilderness, with funds provided by the millionaire Marshall.\footnote{Ibid, 180-182.}

"The fight to save the wilderness has grown during the last ten years from the personal hobby of a few fanatics to an important, nation-wide movement," Marshall wrote in the November, 1936 issue of Living Wilderness. Of
particular concern to Marshall, were the vast roadless areas, existing primarily on Forest Service land. Marshall, and Althea Dobbins, inventoried the nation’s roadless tracts of 300,000 acres or more. They found 48 such areas in the national forests, eight of which were in Montana. Dobbins and Marshall’s survey substantially conformed to the earlier findings of the Kneipp inventory, conducted in the 1920s.\(^8^9\) By 1937, Marshall was back in the Forest Service, as Director of Recreation and Lands. Marshall left the Interior Department due to what he considered the department’s growing affinity for recreational development, such as campgrounds, hotels, and concessionaires.\(^9^0\) As the Forest Service’s main official for wilderness areas, Marshall set out to advocate the inclusion of more roadless areas in a protected status, and he drafted the U Regulations. As with his Copeland Report recommendations, the U Regulations divided wild lands into three categories. U1 authorized the chief of the Forest Service to designate areas of not less than 100,000 acres as ‘wilderness’; U2 allowed the chief to designate suitable forest lands under 100,000 acres as ‘wild’ areas. Both of these categories prohibited motorized traffic, commercial timber harvest, or permanent construction. Boundaries for these areas, once set, could only be altered by the Secretary of Agriculture. U3 provided for the

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\(^9^0\)Roth, 116.
management of certain lands, including roadless areas, as recreation areas, determined by the Secretary of Agriculture. Management plans for all three regulations permitted grazing, and water storage construction.\footnote{Gilligan, Appendix C, 6-7; Roth, 116.}

The Forest Service announced the U Regulations in September 1939. The regulations provided for the Forest Service to examine the L-20 primitive areas for inclusion under the U Regulations, and also allowed a ninety-day public commentary period preceding any reclassification. Inter-agency rivalry with a Park Service that continually proposed land transfers to its jurisdiction during the 1930's continued to stimulate Forest Service preservation measures. Marshall, himself, felt the pressure from the Park Service, and this undoubtedly influenced him as he drafted the U Regulations.\footnote{Gilligan, 199.} Ironically, only two months after he witnessed the advent of the strongest protection thus far for wild country, Robert Marshall, on his way from Washington, D.C. to a family reunion in New York, died on November 10, 1939, of 'coronary thrombosis'.\footnote{United States Department of Agriculture, Forest Service, Service Bulletin, Volume XXIII, Number 24, November 27, 1939, Robert Marshall File, Archives, Headquarters, Northern Region, Missoula, MT.}

In the aftermath of the U Regulations' promulgation, a brief period of reclassification took place. The Pacific Northwest Region reclassified one primitive area to wilderness, and three areas to wild areas. The Southwest
Region reclassified three primitive areas to wild, and two to wilderness. In the Northern Region the most significant reclassification prior to World War Two occurred. With the signatures of Major Kelley, acting Chief Forester Earle Clapp, and Secretary of Agriculture Henry Wallace in August 1940, the Forest Service established the Bob Marshall Wilderness in the Flathead and Lewis and Clark National Forests. At nearly one-million acres, the composite of the old South Fork of the Flathead, Sun River, and Pentagon primitive areas, constituted the only major reclassification before the war.94

As the second world war approached, the Forest Service waited poised to provide the natural resources essential to national defense. Lolo National Forest, as with most Northern Region forests, retained significant tracts of wild country, notwithstanding Major Kelley's fire suppression roads and trails. To the east of Lolo Forest, the new expanses of the Bob Marshall Wilderness offered the strongest guarantee yet of the continued existence of this wild country. To the south, and including acres in the Lolo Forest, was the immense Selway-Bitterroot Primitive Area that awaited reclassification under U1.

By World War II, then, the Forest Service had created the beginnings of a national wilderness preservation system. However, the aura of Gifford Pinchot

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94 United States Department of Agriculture, Forest Service, U Classification - R 1, Bob Marshall Wilderness Area, August 16, 1940, Bob Marshall File, Archives, Headquarters, Northern Region, Missoula, MT; Gilligan, 204.
and the doctrine of utilitarianism still reigned supreme in the minds of forest managers. With the arrival of war, the Forest Service would find it natural to shift from incipient wilderness protection to full capacity extractive activity.
World War II brought fundamental change to the management of the national forests. Wood products were essential to the military, as the services required wood for, among other uses, pontoon bridges, truck beds, ship decks, gun stocks, and buildings. The Forest Service responded to the massive increased demand for wood products by increasing the harvest of national forest timber. Public timber, for the first time, ranked with privately supplied timber as a significant source of the United States’ forest products consumption.95 Complicating matters, a renewed drive for recreation and wilderness preservation occurred along with the increased demands for forest products. The Forest Service’s inability to satisfy preservationist desires led to Congress’s enactment of the Wilderness Act in 1964.

Although, by the mid-1920s, timber receipts exceeded those from grazing as the Forest Service’s principal source of income, the annual harvest did not approach the potential timber yield. Wilderness conditions and large tracts of roadless, substantially pristine, land existed in many regions, especially in the northern Rocky Mountains. Before the exigencies of global warfare, the

resources contained in these wilderness enclaves were in slight demand.

Privately owned resources more than adequately quenched America's thirst for raw materials.\textsuperscript{96}

Wartime requirements for national forest timber disrupted the reclassification efforts for the primitive areas. Attention shifted to economic concerns and the supply of vital resources needed for the war effort.\textsuperscript{97} During wartime, Americans focused on the task of fighting a major two-front war and supplying the bulk of the Allied Powers' resource requirements. In such an atmosphere, people afforded wilderness policy little attention. The war removed two of the necessary factors that contributed to wilderness preservation appreciation: economic abundance and prodigious leisure time. Wilderness advocates' pleas for resource preservation, during a time of increasing demands, would appear unpatriotic and perhaps subversive. World War II cast a perception of unacceptability over any effort viewed to impair the nation's capability for victory.\textsuperscript{98}


\textsuperscript{97}James P. Gilligan, "The Development of Policy and Administration of Forest Service Primitive and Wilderness Areas in the Western United States," Ph. D. Dissertation, University of Michigan, 1954, 204.

Administrative protection of wild areas commanded a low priority compared to the war effort. A 1940 letter to forest supervisors requested that all primitive area developments, prohibited by the U Regulations, be cleared by the Secretary of Agriculture. Nevertheless, under pressure to supply resources, forest supervisors allowed developments without approval. This demonstration of the flexibility of administrative wild land protection, coupled with future transgressions, eventually would reignite wilderness advocates into a drive for statutory protection.

The Lolo National Forest reflected national trends during the war. Timber harvest occupied a much higher priority and soon represented the greatest threat to the continued existence of substantial tracts of wild lands. The increased pace of logging challenged the Forest Service's concept of sustained yield forestry. As Major Kelley noted in 1944, "Wartime demands have made it necessary to cut on some forests faster than the timber is growing." Still, Kelley looked forward to a return to a sustainable harvest when possible after the end of hostilities.

In 1944, the forests of the Northern Region harvested three-and-a-half times as much timber as the ten-year pre-war average, or 320,058,000 million board feet.

99Gilligan, 205, Appendix D.

100United States Department of Agriculture, Forest Service, Northern Region Press Release, R-1 #939, October 14, 1944, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
feet (MMBF). Military requirements consumed 300,000,000 MMBF of the 1944 harvest. Axel Lindh, Chief of Timber Management for the Northern Region, explained that the increased harvest resulted from a shift from private to public timber. The private industrial lands were either "running out," or were held in reserve for future harvest.\textsuperscript{101}

For decades private foresters had practiced 'cut-and-run' forestry. They cut off all the valuable commercial species- white pine and ponderosa- without reseeding their lands to ensure future growth. At sites in the Pacific Northwest they employed clear cutting tactics (the removal of all timber from a given piece of land), and once they expended their timber, they sold their property. The consequences of these actions placed the demand of supplying the wartime lumber needs increasingly on the public's forests.\textsuperscript{102}

Major Kelley hoped that the end of the war, and its demands for forest products, would allow for a reduction of the harvests on the national forests. To the contrary however, the housing boom generated by returning GIs after the end of the war brought ever increasing harvests. Besides the pressures of increased logging, there were other demands on the National Forests and their

\textsuperscript{101}"Nation Cashing In on National Forest Timber," United States Department of Agriculture, Forest Service, Northern Region Press Release, R-1 #947, March 19, 1945, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

wildernesses. The most significant of these was the post-war boom in outdoor recreation. Significantly, with the end of war, and in the climate of increased development in the national forests, wilderness advocacy returned to life.

Wilderness proponents, such as Howard Zahniser of the Wilderness Society, viewed with alarm the ever increasing timber harvests, and the associated road networks necessary to support timber sales. Timber sales began a steady increase after a drop in board feet harvested in the last quarter of 1945 (8 MMBF less than the last quarter of 1944), and a lower harvest in 1946.  

Contributory to an increased harvest in the national forests was a growing appreciation for species of timber that were previously dismissed in favor of the standard sawlog species, ponderosa and white pine. Two of the more popular new sawlog species were lodgepole pine and western larch. P.D. Hanson, who replaced Evan Kelley as Region One Forester in May 1944, announced on February 27, 1946 the sale of 4,200 acres of lodgepole pine, located in the Lewis and Clark National Forest near White Sulphur Springs, Montana, to a

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Milwaukee, Wisconsin firm. Hanson noted that the sale marked "a turning point in the forest economy in Montana." Hanson recognized that the commercial attractiveness of lodgepole pine, for uses such as power poles, fence posts, pulpwood, and even as sawlogs, would hasten the development of many Montana forests, especially in the eastern part of the state where three million acres of untouched lodgepole stood.¹⁰⁴

More significant to more humid forests such as Lolo National Forest, was the popularity of western larch as a commercial species. As with lodgepole pine, the wood products industry had dismissed larch as a species conducive to primary uses such as construction. During World War II and after, the harvest of larch for sawtimber steadily increased. In 1945, larch comprised 21.9% of the total Northern Region cut, compared to the more popular ponderosa species that totaled 28.7% of the cut. The rise of larch was best illustrated against the decline of the staple species, white pine. In 1940, white pine accounted for 60.7% of all sawlogs harvested in Region One. By 1945, the white pine share

¹⁰⁴"Lodgepole Pine Timber Sold," United States Department of Agriculture, Forest Service, Northern Region, Press Release #R-1, 962, February 27, 1946, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
was a meager 13.2%. White pine became too scarce and expensive to harvest when Montana had such abundant stands of larch.\textsuperscript{105}

In the first quarter of 1946, timber sales more than doubled over the same period of 1945. Timber managers interpreted this increase as an indication that national forest timber would play a critical role in the already apparent post-war housing boom. Despite the first quarter increase, the 1946 federal harvest in Montana forests declined from 1945 (this decline was compensated by a 100-plus MMBF increase in the private harvest). However, beginning in 1947 the harvests from the Montana forests (except for the year 1950) steadily increased, most spectacularly in the early to mid-1950s.\textsuperscript{106} Opening up backcountry was

\textsuperscript{105}\textit{Larch Recognized as Excellent Timber}, United States Department of Agriculture, Forest Service, Northern Region Press Release #R-1, 963, February 25, 1946, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT; also contributory to the decline of the white pine as a commercially significant species was its susceptibility to diseases such as white pine blister rust, United States Department of Agriculture, Forest Service, "Silvicultural Systems for the Major Forest Types of the United States," Agricultural Handbook No. 445, March 1973, 39.

\textsuperscript{106}
now of paramount importance, and in April 1946, Northern Region actively recruited road building crews. P.D. Hanson announced, "We anticipate funds for a greatly expanded road building program on the national forests."107

Congress, in 1946, appropriated seven million dollars for timber access road construction.108 Demonstrating the reason for this construction, the National Housing Agency supplemented these funds. Chief Lyle Watts reported that road construction was the top priority "in view of the critical lumber shortage." Watts disclosed that the Forest Service plans called for 138,167 miles of secondary or development roads. As of the close of 1946, 46,976 miles were of unsatisfactory standard, and 37,753 miles remained for construction.109

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Source: The University of Montana, Bureau of Business and Economic Research, Missoula, MT, 59812.

107"More Lumber for Timber Products," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 969, April 19, 1946, "Forest Service Recruiting Road Location Crews," United States Department of Agriculture, Forest Service, Northern Region Press Release #R-1, 968, April 5, 1946, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

108Several sources supplied road construction funding: congressional appropriations; 10% funds- ten percent of all Forest Service receipts were committed to road construction and maintenance; special appropriations acts; and executive agencies. Private firms that purchased government timber often paid for road construction as a part of the timber appraisal.

Forest roads served as transportation conduits as well as providing access for timber harvest. With the end of the war, general traffic exceeded the pre-war total and this situation furthered the continuous Forest Service calls for increased road funding.110 In 1947, the Engineering Division of the Forest Service occupied itself with construction and maintenance of timber access roads instead of the Forest Highway System construction, which was urgently needed due to the system's deterioration during the war.111

Pressures to supply sawtimber mounted as the 1940s progressed. Yet, funds for access roads into the pristine stands of Douglas-fir and western larch, which by 1948 accounted for 48% of Northern Region's harvest of sawtimber, were meager. While the timber managers called for over 30,000 miles of new roads in 1948 engineers constructed only 1,100 miles of new roads. Frustratingly for the Forest Service, the majority of the road appropriations went to maintenance of existing roads.112

When maintenance requirements consumed the bulk of the roads appropriation in 1949, Chief Lyle Watts vented his pique in his annual report. He called the new construction funding, "wholly inadequate to meet the urgent needs for log-


111Ibid.

hauling roads and other forest traffic facilities." Watts estimated the cost to open up the "remaining large stands of national forest timber" at $100,000,000 over five years. The lack of roads, according to Watts was "hampering forest management, and millions of board feet of timber are being lost each year through insects, disease, and rot, that might otherwise be salvaged."

The early 1950s witnessed a greatly expanded national forest timber harvest in the Northern Region. Despite road funding inadequacies, Montana forests supplied impressive sums of timber. Characteristic of the times, in May 1951, P.D. Hanson announced that Region One was putting 188,500,000 MMBF up for sale.

Especially enticing to potential bidders was 100,000,000 MMBF of western white pine, "the king of the softwood species" included in the sale. Hanson described the timber as "overmature" and "decadent," and it was located in undeveloped portions of Lolo and Clearwater National Forests. The Forest Service promised to construct a main access road to the general area of the timber. The buyer was responsible for constructing 40 miles of main haul access road and "several" hundred miles of secondary and spur roads.

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This sale is typical of the Forest Service’s shifting emphasis on timber management. The policy now specified the development of all suitable timber areas as rapidly as possible. Development projects had to be large to amortize the investment in road construction; since Congress inadequately funded road construction, needed roads for timber production would be financed through the timber sale. To get around the shortage of road building funds, the proceeds from the Lolo-Clearwater timber would underwrite the main access road. This road could be used in the future to facilitate additional timber sales of overmature stands of prime commercial timber such as white pine. Most importantly, the new road would allow for the permanent, sustained yield timber management of former unproductive wilderness.

The Northern Region took pains to point out the importance of Forest Service road projects. As late as the early 1950s the major north-south and east-west transportation corridors were Forest Service highway system roads. These roads were vital to commerce in an age that relied increasingly on motor transportation of goods to support a rapidly expanding national economy. In 1952, a Northern Region press release lectured:

The products of mines, forests and ranches are the raw materials of Montana’s industry. Our highways are a part of our industrial

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115 Interview with John Milodragovich, retired Forest Service official, March 22, 1993, Missoula, MT, notes.

116 Ibid.
plant. They carry the goods and the people. They are big cogs in the machine that makes the payrolls. The fishermen, the tourists, the logging truck drivers, the businessmen on their way over Highway 10 [present-day Interstate 90] want to know 'how's the road?' 'If it's good, OK. If it's bad, it's bad for business.' How's the road?- depends on the money to build it and to rebuild it to modern standards.117

By 1955 Northern Region forests reached a post-war timber production plateau and harvests leveled out until the mid-1960s when another production boom occurred. The 1955 Annual Report for Lolo National Forest is representative of the management situation during the mid-1950s. In this report, Supervisor Edward F. Barry applauded a record timber harvest for 1955, at 108 million board feet. However, Barry raised familiar complaints about the lack of access roads hampering a full utilization of Lolo Forest's resources, he wrote, "Good roads are essential for reaping the full harvest of wood that the forest can produce."118

Barry noted that Missoula's sawmilling capacity far exceeded Lolo Forest's allowable cut. Missoula's sawmilling industry grew "tremendously" in the post-war era. This growth was fed by ever-increasing harvests of public timber, and

117"Forests and Conservation," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1095, April 23, 1952, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

by a continuous, but perceived dwindling, supply of private timber that averaged
223,110,000 MMBF per year for the state of Montana in the post-war years, 1945-1956.\textsuperscript{119} Barry warned that as the private lands were "cut over" the local lumber industry would become more dependent on public timber. Industry stability, founded on the full productive use of "all forest land," was Lolo National Forest's objective, according to Supervisor Barry.\textsuperscript{120}

Gifford Pinchot's vision for the Forest Service consisted of a decentralized agency that was responsive to local concerns. In the pre-World War II days, the agency lived up to this vision. With the post-war housing boom and the consequent demands for public timber, the Washington office, through its Division of Timber Management, increasingly attempted to influence field operations.\textsuperscript{121} The shift of emphasis to timber management in effect centralized decision making in the Forest Service.

Yearly increases in harvest, despite road shortages, characterized the Forest Service's new timber orientation. By 1947, the Forest Service was beginning to see its prime objective as growing, selling, and harvesting timber crops. Timber management occupied increasing amounts of agency time and effort. By 1952,

\textsuperscript{119}The University of Montana, Bureau of Business and Economic Research, Missoula, MT.
\textsuperscript{120}"Lolo National Forest, Report for 1955," 4.
\textsuperscript{121}Clary, 119.
timber had such a firm grip on the agency that young foresters knew that timber management was the vehicle for professional advancement.\textsuperscript{122}

Complicating the management plans of the Forest Service in the post-war years was the explosion of outdoor recreation.\textsuperscript{123} After years of economic depression and war, by the late 1940s Americans took to the woods in unprecedented numbers. The National Park Service bore the brunt of this recreation ‘invasion’, but the national forests, too, experienced a marked upswing in visitors. Increasingly these visitors arrived via the automobile, and they required facilities.\textsuperscript{124}

Recreation pressures mounted in Northern Region’s forests as well. The greatest recreational use occurred in the areas of easy access, roaded areas, but the remote wilderness areas experienced increased visitation as well. In 1947 the region witnessed a 30\% increase in sport fishing over 1946. Big game hunting also increased in popularity and the 1947 hunting seasons reported

\textsuperscript{122}Ibid, 123, 125.


\textsuperscript{124}Allin, 89; in some wilderness areas, such as the Superior Roadless Area in Minnesota that in the 1940s was the only congressionally protected wilderness in the nation, a tourist invasion from the skies threatened. Many area flying services conducted a brisk trade in flying-in fishermen and tourists to secluded lakes and resorts within the roadless area. A special order from President Harry Truman finally restricted the airspace over the area, but the order came over the objection of the secretary of commerce, Ibid.
122,000 hunters "bagging" 10,200 elk, 1,300 black bears, 11,000 mule deer, 5,000 whitetail deer, and 46 grizzlies.125

As in the Superior Roadless Area, the Northern Region experienced trouble with pilots landing their planes in the Bob Marshall Wilderness. Pilots landed on Forest Service airstrips located in the wilderness for fire suppression purposes, and they also landed hydroplanes on pristine lakes such as Big Salmon. Regulation U1 prohibited unauthorized planes from landing in the wilderness, and on July 22, 1949, Assistant Regional Forester for Recreation and Lands, R.U. Harmon, announced that violators of the regulation would be prosecuted.126

Interestingly, the Forest Service periodically would actively promote the virtues of their wilderness areas as hunting grounds. A 1950 press release solicited more hunting pressure on the elk herds of the Selway-Bitterroot Primitive Area. Touting over "a million acres of good hunting territory," the

125"Hunting and Fishing Increases in Region One in 1947," United States Department of Agriculture, Northern Region Press Release, #R-1,1017, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

126"Airplanes prohibited in Wilderness Areas," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1043, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
Forest Service advertised a success rate of 90% to those hunters intrepid enough to pack-in after snowstorms had driven the herds to the lower river valleys.127

Wilderness areas became increasingly popular with elk hunters. In the expansive wildernesses of the Northern Region, such as the Bob Marshall and the Selway-Bitterroot, large herds of elk grew as a result of abundant forage created by the fires of 1910, 1919, 1929, and 1934. Former Northern Region wilderness specialist Ed Slusher remembers elk were so plentiful that "even inexperienced hunters were often successful."128

By the mid-1950s, with timber production at record levels, recreational use also dramatically increased. Improving access, as engineers made progress in the struggle to carve roads into the backcountry, facilitated visitors' journeys to national forest attractions. These attractions included picnic areas, campgrounds, ski areas, hotels, resorts, scenic roads, and the various categories of wilderness. In 1955, 45,712,868 people visited the national forests nationwide. By 1956,

127"Selway Wilderness Area Needs More Elk Hunters," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1062, October 9, 1950, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

this figure rose to 52,556,084, with a total of 131 million travelling the forest highway system.\footnote{129}

While they facilitated access, timber, road, and recreation developments posed a threat to wild lands that the public could readily see, and increasingly lamented. However, the 1950s brought another, more sinister and often invisible, degradation to the wild quality of the nation's forests - the use of pesticides. Timber managers observed with alarm the devastating impact an insect infestation had on commercial timber. Making the problem most acute was the ceaseless demand for timber to feed the ever hungry mills that turned out wood products to support the creation of suburban America in the post-war era. Timber managers learned to appreciate the effects of a chemical called DDT in controlling insect caused tree destruction.\footnote{130}

Ten years before Rachel Carson's book \textit{Silent Spring}, informed the public on the hazards of DDT, G.M. Brandborg Supervisor of the Bitterroot National Forest, announced the spraying of 12,000 acres of Douglas-fir and spruce along the East Fork of the Bitterroot River. The spray consisted of one pound of DDT per one gallon of fuel oil, and airplanes delivered this concoction at the


rate of one gallon per acre. DDT had proven effective as a controlling agent for the spruce budworm, an insect that threatened large stands of commercial timber.\textsuperscript{131} This was the first use of aerially delivered DDT in Montana history.\textsuperscript{132}

In Lolo National Forest, 1954 witnessed an "epidemic" of spruce budworm in the Bonita and Powell Ranger Districts. The Annual Report for 1955 disclosed that 102,000 acres of the Powell Ranger District were scheduled for spraying with DDT in 1956.\textsuperscript{133} Former Powell District Ranger William R. ‘Bud’ Moore remembered the spraying as the most traumatic time of his Forest Service career. When Moore received notification that Regional Headquarters planned to spray his district, he was immediately concerned. Moore questioned the chemical’s safety, but was reassured that DDT posed no threat to the pristine nature of the Powell District.\textsuperscript{134}

\begin{itemize}
\item[\textsuperscript{131}]The spruce budworm feeds on the new growth of trees. Successive years of spruce budworm induced defoliation causes the tree to die, or so weakens it that it becomes vulnerable to other insects.
\item[\textsuperscript{132}]Rachel Carson, \textit{Silent Spring}, (Boston: Houghton-Mifflin, 1962; "Aerial Spraying Completed on Bitterroot," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1109, July 12, 1952, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT. Historians credit Carson for identifying the dangers of DDT to both humans and nature. Prior to \textit{Silent Spring} people thought DDT was an "environmental wonder drug." Nash, 252, see also: Clary, 178.
\item[\textsuperscript{133}]"Aerial Spraying Completed on Bitterroot," 6.
\item[\textsuperscript{134}]Interview with William R. Moore, January 7, 1993, Condon, MT, notes.
\end{itemize}
Timber production concerns created great pressure to spray DDT, proven effective to kill the spruce budworm. The epidemic had to be limited to as few acres as possible, and the questioning of one district ranger about possible side-effects on non-targeted organisms could not interfere with the health of a forest that contained resources in much demand. In 1956 airplanes from Missoula sprayed DDT on the Powell Ranger District. Moore noticed the results "immediately" after spraying. The formerly untrammeled Haskell Creek was "jam-packed with dead frogs" and trout were found "belly-up." Moore called the spruce budworm eradication effort a "disaster."\textsuperscript{135}

Nevertheless, the Forest Service placed unshakable faith in technology and chemicals. Science could indeed force nature to bend to the will of humans; spruce budworms would not be permitted to alter the planned harvest of timber. Bud Moore, outraged at what he found on Haskell Creek, called Lolo Forest Supervisor Ed Barry to report his findings. Barry replied, "You can’t prove it was the spray that killed the fish." The Forest Service was so assured of DDT’s safety that one ranger even ordered a ranger station building sprayed. A career Forest Service employee, Bud Moore began to question the effectiveness of his

\textsuperscript{135}Ibid.
superiors as good land managers in the wake of the DDT assault on the wilderness of the Idaho Lochsa River country.\textsuperscript{136}

Another insect that had extensive land management implications was the spruce bark beetle. In 1949, high winds caused a massive blowdown of timber in the northern Rockies, and out of this grounded timber grew a spruce bark beetle infestation. This infestation is significant because of the Forest Service's response to this natural calamity. They harvested the killed and infected spruce, with a timber management tactic known as clearcutting.\textsuperscript{137}

Except for Douglas-fir in the Pacific Northwest, clearcutting (the removal of all timber from a given piece of land) was uncommon in the nation's public forests before the post-war boom. In the late 1940s the forest administrators of the Pacific Northwest began planning clearcut harvests and by 1949, the idea spread to the Northern Rockies. Clearcutting had scientific and economic grounding. Foresters pointed out that some shade-intolerant species could have growth enhanced by clearcuts that opened space in which to grow. Lodgepole pine was a particular target for clearcutting as managers found lodgepole

\textsuperscript{136}Ibid. Moore is currently writing the history of the Lochsa River country, and devotes a chapter to the DDT episode.

vulnerable to wind after selective cutting, and suitable to even-aged management.\textsuperscript{138}

Timber affected by the spruce bark beetle contributed to the increased harvests in Montana in the early to mid 1950s. Clearcuts of infected timber began along the North Fork of the Flathead River in the Flathead National Forest. Sometimes, rangers would "sweeten" beetle-killed timber sales with an adjacent swath of healthy "green" timber.\textsuperscript{139} Bud Moore conducted sales of beetle killed timber (clearcutting was the specified method of harvest) in the Powell District of Lolo Forest, at the top of Lolo Pass. These cuts contained no green sweeteners. "We were too busy getting out the killed timber" to worry about selling green timber, he remembered.\textsuperscript{140}

The cumulative effects of the insect eradication efforts caused a further degradation of the wild lands of Montana. Streams were poisoned and new roads led to clearcuts to rid the timber base of detrimental insects. Freed by this matrix, Northern Region foresters completed a transformation from custodians of the land to manipulators of the land. As the clearcuts grew, the image of the

\textsuperscript{138}Clary, 180-183. Clearcutting fits in well with an agricultural approach to forestry. Clearcutting, besides turning out masses of timber immediately, also establishes regenerated forests of even aged, same species timber.

\textsuperscript{139}Arnold Bolle, Oral History, May 1, 1990 by Gerald Williams, Number 249, transcript, Archives, Mansfield Library, University of Montana, Missoula, MT.

\textsuperscript{140}Interview with William R. Moore.
forest ranger in a white stetson hat changed to a picture of a person in a hard hat.\textsuperscript{141}

As the Forest Service directed its attention toward producing timber and managing expanding recreational use, the wilderness movement watched, eagerly, for the agency to begin reclassification of the remaining L-20 primitive areas under the U Regulations. As during the wartime period however, the post-war timber orientation tended to overshadow any sentiment for reclassification. At the time of James Gilligan's influential doctoral dissertation on wilderness at the University of Michigan in 1954, Montana's one-million acre Bob Marshall Wilderness represented the Forest Service's only reclassification of a large U1 area. Major tracts in Wyoming, Idaho, and even Aldo Leopold's Gila Wilderness in Arizona, awaited reclassification.\textsuperscript{142}

The Forest Service reclassified some smaller U2 Wild Areas, and in Northern Region, on June 10, 1947, created the Gates of the Mountains Wild Area. The area contained 28,562 acres along the Missouri River between Great Falls and Helena, Montana.\textsuperscript{143} However, more numerous than new wilderness

\textsuperscript{141}Arnold Bolle, Oral History.


\textsuperscript{143}"Creation of New Wild Area Announced," United States Department of Agriculture, Forest Service, Northern Region Press Release #R-1, 1001, June 10, 1947, Government Documents Division, Mansfield Library, University of
designations were acreage changes within existing wildernesses. In Leopold’s Gila, the acreage had shrunk by a third. Timber supply was a major cause for boundary adjustments, as the Forest Service substituted ‘rocks and ice’ acres for lower elevation timbered slopes. Sometimes these land exchanges resulted in spectacular acreage losses in the primitive areas. In Wyoming’s North and South Absaroka primitive areas, the Forest Service in 1951 reclassified the areas to wilderness and the process eliminated 113,000 acres, to allow for timber harvest and mining.\textsuperscript{144}

The best known Forest Service abuse in the slow reclassification process was the deletion of 55,620 acres from Oregon’s Three Sisters Primitive Area in 1954. Three Sisters comprised 246,728 acres in the Willamette and Deschutes National Forests. The controversy arose over the proposed elimination of the western section of the primitive area, including a timbered valley containing a creek from the reclassified U1 wilderness area. Local opposition came from the Save the Three Sisters Wilderness Association, and nationally the Wilderness Society protested to Chief Forester Richard McArdle, who had replaced Lyle Watts in 1952.\textsuperscript{145}

\textsuperscript{144}Roth, 117; Gilligan, 209.

\textsuperscript{145}"Three Sisters Wilderness," \textit{The Living Wilderness}, (Autumn 1954), 42.
In a portent of future patterns within the environmental movement, the mainstream 'conservation' groups supported a plan that allowed the Forest Service to delete 43,220 acres from Three Sisters, but protected the vital timbered creek valley. The local Save the Three Sisters Wilderness Association, however opposed all Forest Service reductions. United States Senators Richard L. Nueberger and Wayne Morse joined with the conservation groups in a call for the Forest Service to reconsider its reclassification plans.\textsuperscript{146}

Despite the opposition of most of the Oregon congressional delegation, and testimony on the deletion's adverse effects for the Three Sisters Wilderness from many respected wilderness leaders (including the Wilderness Society's Howard Zahniser and former Forest Service Chief Lyle Watts, representing the Isaak Walton League), the Forest Service on February 8, 1957 formally deleted 53,380 acres, including the timbered creek valley.\textsuperscript{147} If the Forest Service 'won' the Three Sisters controversy, then it was a Pyrrhic victory since the controversy demonstrated the vulnerability of administratively protected wilderness. Reclassification acreage deletions enhanced the distrust felt by preservationists for the Forest Service's commitment to wilderness in the face of skyrocketing demand for timber. Adding to the groundswell of heightened

\textsuperscript{146}Ibid; Roth, 117; "Three Sisters Wilderness," The Living Wilderness, (Fall, Winter, 1956-1957), 32.

\textsuperscript{147}Ibid, 36.
environmental awareness was the preservationists' victory in Utah/Colorado's Echo Park battle. In April 1950, Secretary of the Interior Oscar L. Chapman proposed the construction of two dams in Colorado and Utah's Dinosaur National Monument to impound the Green River. The dams, Split Mountain and Echo Park, threatened the primeval beauty of the Green River and an National Park Service National Monument, Dinosaur Monument. The proposal drew immediate opposition from not only the Wilderness Society and other conservation groups, but also from Major General Ulysses S. Grant III. General Grant, retired from 43 years of service in the Army Corps of Engineers, lent the opposition the credibility of a professional viewpoint. General Grant emphasized that the two dams were not necessary for successful and economic development of the Upper Colorado Basin. With the certainty of an engineer, Grant argued that better locations existed that would supply more water storage and hydraulic power without destroying rare natural beauty. Grant warned that if the dams were constructed, they would set a dangerous precedent for the development of other congressionally protected sites and injure the entire country and "future generations not here to defend their heritage."


The decision to dam Dinosaur National Monument was Congress's to make. Debate dragged on for years, with legislation introduced to construct a series of dams along the Colorado River, Echo Park now the main offending proposal. From January 18 to 28, 1954, General Grant testified, as President of the American Planning and Civic Association, against the inclusion of Echo Park in the system. Grant proposed an alternative series of dams that left Dinosaur Monument inviolate. Grant suggested the construction of dams at Flaming Gorge, Cross Mountain, Whitewater, and Glen Canyon, instead of at Echo Park, and Navajo, as recommended by the Department of the Interior.151

The Battle to save Dinosaur National Monument united the major national conservation groups into an Echo Park 'Coalition'. The Executive Committee of the Council of Conservationists, a task force representing conservation interests in the Echo Park controversy, featured a line-up of the giants of the conservation movement, such as Howard Zahniser of the Wilderness Society and David Brower of the Sierra Club. United conservation opposition, expert witnesses such as General Grant, and an unparalleled public opinion campaign finally were enough to save Dinosaur Monument.152

A bill authorizing the construction of the Echo Park Dam arrived on the floor of the Senate in April 1955. Senator Richard L. Neuberger offered an amendment that eliminated Echo Park from the bill, but he faced a near unanimous vote of opposition from the western delegations. The Senate passed the bill with Echo Park included. The House however, with Montana Representative Lee Metcalf playing a key role, passed a bill in July 1955 without the Echo Park Dam. The final showdown on Echo Park occurred in the conference committee in 1956, with Howard Zahniser's Wilderness Society in the lead opposition role. A compromise was reached, similar to General Grant's proposal, that excluded the Echo Park Dam. Importantly, the new law included a provision that prohibited the construction of a dam within any part of a national park or monument because of the new dam authorization. Dinosaur had been preserved, and the conservation movement "had its finest hour to date."  

The success of the conservationists in the Dinosaur controversy, plus the Three Sister's reclassification battle, gave rise to proposals for permanently protected wilderness. Howard Zahniser advocated a wilderness protection system as early

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153 Western states of the upper Colorado River basin felt the dam was critical to water storage and delivery.

as the late 1940s, and now, on the heels of victory at Dinosaur, statutory wilderness seemed an idea that was right for the times.155

Lifted by the Echo Park victory, Howard Zahniser drafted a four page plan for a national wilderness preservation system. Zahniser circulated his draft among his friends and associates, including Bob Marshall's brother, George. Zahniser had three goals for his wilderness plan: first, he wanted a clear piece of legislation, free from ambiguity and loopholes; second, he wanted to maintain the successful Echo Park Coalition; and finally and perhaps most important, he wanted to minimize the opposition.156

Senator Hubert H. Humphrey of Minnesota and Senator Richard Neuberger of Oregon introduced Zahniser's wilderness bill into the Senate and Representative John Saylor of Pennsylvania introduced it in the House during the Eighty-fourth Congress in 1956. The bill's legislative history, requiring more time and effort than any other piece of conservation legislation in U.S. history, was a process of obtaining support for wilderness preservation and responding to the opposing forces with a series of compromises.157

Grazers, miners, and water users comprised the opposition to the wilderness bill. Grazing had a long, profitable history in the national forests. Zahniser had

155Roth, 120.
156Nash, 221; Roth, 120-121.
157Nash, 221-222; Roth, 122.
opposed grazing in wilderness areas, calling it a "non-conforming use," and in his first draft of the wilderness bill he included this language. By 1957, however, the wilderness bill was amended to allow for grazing under the guidance of the Secretary of Agriculture. Some stockmen continued to oppose the bill because of its restrictions on motor vehicle use and motor equipment.\(^{158}\)

Mining interests opposed the wilderness bill because they feared restrictions on their long-enjoyed tradition of free entry on the public lands. In his first draft, Zahniser prohibited mining from the wilderness areas. The Forest Service prodded the bill's sponsors to compromise on allowing mining, like they compromised to allow for water projects to placate water use opposition in the wilderness areas. Provisions for the continuation of mining in wilderness areas contributed to the inordinate delay in passing the legislation.\(^{159}\)

Another contributory factor in delaying passage of the wilderness bill was the insistence of Colorado's Wayne Aspinall, Chairman of the House Committee on Insular Affairs and one of the key supporters of the Echo Park dam, on providing for congressional affirmative action in the designation of wilderness areas. Aspinall engineered a compromise, designed to silence the mining


\(^{159}\)Ibid, 123-124.
opposition, by which mining claims could be staked in wilderness areas until January 1, 1984. Aspinall also, in 1963, reached a compromise with President John F. Kennedy on the issue of congressional affirmative action. Congress could designate wilderness areas in exchange for a provision directing the review of the Forest Service's L-20 primitive areas for possible inclusion into the wilderness system.¹⁶⁰

Howard Zahniser poured all his energy into the fight to pass the wilderness bill. He attended every hearing, including the field hearings conducted in western states. Zahniser made a final appearance on behalf of the wilderness bill on April 28, 1964, and a week later he was dead at the age of fifty-eight, several months away from seeing his labors result in President Lyndon Johnson's signing the Wilderness Act into law on September 3, 1964.¹⁶¹

The Forest Service's original stand was to oppose the idea of statutory wilderness. When Howard Zahniser approached the Forest Service in 1956 with his proposal for a wilderness system, the agency tried to talk him out of going forward with his idea. Chief Forester Richard McArdle remembered the Forest Service attitude as one of questioning the need for statutory protection. McArdle plainly did not care for many of the proposals in the first drafts of the legislation, such as the creation of a wilderness preservation council, invested

¹⁶⁰Ibid, 124.

¹⁶¹Nash, 225; Roth, 118.
with no significant powers. As the bill went through its many transformations and compromises, the Forest Service gradually, if somewhat reluctantly, came to support the bill once Congress provided it with statutory recognition of multiple use.\textsuperscript{162}

Described as one of conservation's strongest and most idealistic laws, the Wilderness Act designated 9.1 million acres of 'instant' wilderness.\textsuperscript{163} Instant wildernesses were those areas managed as Forest Service U1 Regulation wildernesses. In the vicinity of Missoula, the Bob Marshall Wilderness and the recently (in 1963) reclassified Selway-Bitterroot Wilderness instantly passed to statutory control.\textsuperscript{164}

The purpose of the Wilderness Act was to ensure that "an increasing population, accompanied by expanding settlement and growing mechanization,


\textsuperscript{163}Wilkinson, 139.

\textsuperscript{164}The Selway-Bitterroot Wilderness was the nation's largest wilderness area at the time of the passage of the Wilderness Act. For an excellent description of the Selway-Bitterroot at the time of its reclassification, see: "The Selway-Bitterroot Wilderness: A Wilderness Society Statement," \textit{The Living Wilderness}, (Autumn-Winter 1960-61), 45-61.
does not occupy and modify all areas within the United States."165

Importantly, the statute provided a definition of what constituted wilderness:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.166

Once committed to the passage of the Wilderness Act, the Forest Service interpreted the act as an endorsement of the wilderness management principles developed within the Forest Service. The Wilderness Act directed the Forest Service to study the remaining 5.4 million acres of L-20 primitive areas for their suitability or non-suitability for inclusion in the National Wilderness Preservation System.167 Significantly, the Wilderness Act failed, with any


166 Wilderness Act, Section 1 (c).

certainty, to specify the disposition of the remaining roadless areas located in the national forests, millions of acres of which were, in effect, ‘de-facto’ wilderesses.

Instead of ‘solving’ the problem of wilderness preservation, the Wilderness Act gave rise to an epic clash of land use interests in the succeeding decades. The 1960s would witness the final transformation of the public perception of the Forest Service as wise managers with a monopoly on forest management wisdom to an agency driven by a need to retain a feudal control over its domain of national forests. The wilderness movement, buoyed by statutory authority, would gain momentum and aggressively press the Forest Service to include wilderness preservation as a true multiple use of the forests.
CHAPTER THREE: Multiple Use and Wildlands Controversy

As preservationists pushed statutory wilderness protection during the late 1950s and early 1960s, the Forest Service sought a statutory clarification of their multiple use mission. Ironically, after Congress provided both statutory wilderness and multiple use guidance, a growing conflict between the two management concepts evolved as the 1960s progressed. By the end of the decade, the Forest Service faced severe challenges to their professed multiple use management practices, from not just environmentalists, but also from fellow foresters, both inside and outside of the Forest Service.168

The pace of post-war forest development quickened during the 1950s and the Forest Service sought to balance competing forest uses. Recreation, feeding on the prosperity of the fifties, emerged as a major function of the national forests. Initially perceived by the Forest Service as one type of recreation, wilderness posed a threat to the Forest Service's multiple-use doctrine. Mid-way in the lengthy legislative battle over statutory wilderness, Congress gave the Forest Service official legal recognition of its long-time

multiple-use management direction. The enactment of the Multiple Use Sustained Yield Act in 1960, enabled the Forest Service to drop its opposition to the Wilderness Act.\textsuperscript{169}

Besides the enlarged demands of recreationists, other factors contributed to the Forest Service’s desire for statutory clarification of its mission. Timber industry representatives maintained a constant pressure for ever increased harvests from the national forests. During the 1950s, when multiple use legislation first commanded official interest, the relationship between the Forest Service and the timber industry began to change. No longer did the Forest Service chastise industry for poor timber management practices, and the timber industry began to adopt a position on multiple use consistent with the Forest Service. This position emphasized material production.\textsuperscript{170}

Again, the National Park Service influenced Forest Service policy by actively campaigning for more land transfers. Park Service "marauders" promoted public discontent with the management policies of the Forest Service.\textsuperscript{171} Caught in the middle between the timber industry’s demand for more timber and the


recreationists’ expanding presence, and exacerbated by the shenanigans of the Park Service, the Forest Service conceived of a way to moderate the competing interests.\textsuperscript{172}

The Forest Service wrote the Multiple use bill and lobbied for its passage, with Assistant Chief Edward P. Cliff acting as the chief spokesman.\textsuperscript{173} President Dwight Eisenhower signed the Multiple Use Sustained Yield Act into law on June 12, 1960.\textsuperscript{174} The act specified the multiple uses of the national forests as: outdoor recreation, range, timber, watershed, and wildlife and fish.\textsuperscript{175} Included in the act was a definition of multiple use:

'Multiplying use' means the management of all the various renewable resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.\textsuperscript{176}

\textsuperscript{172}Clary, 154.

\textsuperscript{173}Dana and Fairfax, 201; Clary, 148.

\textsuperscript{174}Multiple Use Sustained Yield Act of 1960, 74 Stat. 215.

\textsuperscript{175}74 Stat. 215, Section 1.

\textsuperscript{176}74 Stat. 215, Section 4 (a).
Wilderness, while not specifically named a use in the act, received statutory recognition by the insertion of the line: "The establishment and maintenance of areas of wilderness are consistent with purposes and provisions of this Act."\textsuperscript{177} This insertion placated most of the wilderness community, or Echo Park Coalition, and made possible their support of the act. The notable dissenters within the Echo Park Coalition were David Brower and the Sierra Club, who thought passage of the Multiple Use bill threatened the progress of the stalled wilderness legislation that was then in Congress.\textsuperscript{178}

The Sierra Club pointed to the Act's deficiency in providing statutory standards for multiple use. The bill offered only two guidelines for setting priorities: first, managers need not produce every good or service on every acre; and second, economic maximization was not the sole criterion for the evaluation of competing interests. The Club worried that the Forest Service managers had almost absolute and unreviewable authority to make forest management policy under the act. The Forest Service, predisposed to timber production according

\textsuperscript{177}74 Stat. 215, Section 2.

\textsuperscript{178}Clary, 155. Among the Echo Park Coalition that supported the Multiple Use Sustained Yield Act were: The Wilderness Society, National Audubon Society, North American Wildlife Foundation, and the Isaak Walton League of America. Howard Zahniser of the Wilderness Society wrote a separate letter of support only after the inclusion of the provision that declared wilderness use to be consistent with the Act, "Multiple Use Act is Passed," \textit{The Living Wilderness}, (Summer 1960), 27-28.
to the Sierra Club, was unqualified to balance the competing interests in the national forests. \(^{179}\)

Significantly, the Multiple Use Sustained Yield Act passed Congress as an amendment to the old 1897 Organic Act. The Organic Act listed only two uses of the nation's forested reserves, timber and watershed. The 1960 Act mentioned nothing about priority of uses, and despite protestations to the contrary, the Forest Service would see little in the new legislation that prohibited their Pinchot-inspired bias toward timber production, often at the expense of the other uses. Chief Richard McArdle looked to the legislation as a grand mandate for the management of the nation's forests for years to come. Instead, the 1960s would bring challenges of a ferocity not seen before in the Forest Service. \(^{180}\)

The necessity to balance competing interests for the use of the national forests was apparent in the forests of western Montana. Regional Forester Boyd L. Rasmussen reported in May 1961, that recreation visits to the sixteen forests of Region one jumped from 3,320,000 in 1959 to 5,580,000 in 1960. "All signs indicate that we are on the threshold of a terrific upsurge in outdoor recreation," Rasmussen predicted. The increase in recreation visits stemmed from rising

\(^{179}\)Dana and Fairfax, 204.

national population, faster modes of travel, more leisure time, and a growing interest in outdoor recreation.¹⁸¹

By 1963, recreation visits topped the eight million mark in the Northern Region. The bulk of the visitors came in the summer months, drawn to the forests to pursue hiking, camping, fishing, swimming, horse riding, boating, mountain climbing, and picnicking. In the fall, hunters turned to the forests to stalk game, and in the winter 300,000 winter sports enthusiasts used the region’s sixteen winter sports sites. To handle the droves of recreationists, the region constructed 800 new family campsites in the forests. Total regional campsites now numbered more than 4,000, in addition to 52 boat-launching sites, 18 improved beaches, 23 organizational camps, and 52 resorts located in Northern Region at the end of 1963. Wilderness visitation made an increased contribution to the growing tourist industry. By 1964, 3.1 million acres in Region One were administered as wilderness.¹⁸²

¹⁸¹"Visits to Forests Jump Two and a Half Million," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1409, May 11, 1961, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

¹⁸²"National Forest Recreational Visits Reach 8.3 million in '63," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1526, February 3, 1964, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT. In Montana by 1964 the following areas were under wilderness management: Bob Marshall Wilderness, Cabinet Mountains, Selway-Bitterroot Wilderness, Anaconda-Pintlar Wilderness, and Gates of the Mountains Wild Area. Four other areas were still under primitive classification.
On top of the explosion in recreation, the Northern Region harvested record volumes of timber during the 1960s. Regional Forester Neal M. Rahm, in 1963, explained the booming harvests as "approximately equivalent" to the region's annual allowable cut. Rahm also described the relationship between the Forest Service and the timber industry:

In managing the timber on the National Forests to produce a sustained yield, the Forest Service is playing an important role in stabilizing the supply of timber and other wood products. The

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Montana National Forest Harvest, 1960-70


timber industry is an essential partner in the management of National forest timber lands. Without them, management could not be obtained.\textsuperscript{185}

Statistics for road construction within the Northern Region in 1963 reveal the dominance of timber under the Multiple Use Sustained Yield Act. Forest Service engineers built 1,600 miles of roads and 57 miles of trails in region forests. Of the total construction, 700 miles of roads supported timber sales, while an additional 960 miles were for future timber access. All-purpose and recreational roads (roads expressly for access to picnic and camp sites) comprised a paltry 66 miles of construction.\textsuperscript{186}

The drive to produce timber in record amounts highlighted other management problems in the forests, such as insects and disease. In 1963 3.2 million acres out of a total of 36 million had active insect outbreaks.\textsuperscript{187} Four techniques served to control the infestations: establishment of parasitic insects such as

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\begin{itemize}
\item [\textsuperscript{185}]“Forest Service’s Northern Region Timber Sales, Timber Harvest Reach All-Time High in 1963," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1533, March 17, 1964, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
\item [\textsuperscript{186}]“Road Construction Exceeds 1,600 Miles in Northern Region National Forests," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1530, February 7, 1964, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
\item [\textsuperscript{187}]Among the insects more active and detrimental to forest management in 1963 were: the Douglas-fir beetle infesting 150,200 acres; the spruce budworm infesting 2,011,704 acres; and the larch casebearer 1,059,840 acres.
\end{itemize}
wasps to destroy those damaging the trees; logging over-age timber stands; spraying chemicals, such as DDT; and an unspecified method called "proper forest management."\textsuperscript{188}

Another serious outbreak of spruce budworm threatened commercial timber in Lolo, Helena, and Deerlodge Forests in the summer of 1964. The Northern Region planned to spray 155,000 acres in the Rock Creek and Monture Creek drainages. Regional Forester Rahm specifically pointed out the economic impact of the spruce budworm, valuing the infested timber as 30 million board feet worth $300,000. The spray area contained 1.3 billion board feet of timber not previously treated with chemical pesticides. In recognition of the controversial perception of pesticides, and in marked contrast to the 1956 DDT spraying, Rahm announced that the spray plan provided buffer zones one-quarter to one-half mile wide on both sides of streams and lakes in the spray area. Rahm also disclosed that representatives of the U.S. Food and Drug Administration, U.S. Fish and Wildlife Service, and the Montana Fish and Game Department would be invited to observe the spraying.\textsuperscript{189}

\textsuperscript{188}\textquotedblright Forest Insects Infest 3.2 Million Acres in Northern Region," United States Department of Agriculture, Forest Service Northern Region Press Release, #R-1,1522, January 20, 1964, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

\textsuperscript{189}\textquotedblright Spruce Budworm Epidemic Requires Spraying East of Missoula," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1539, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
On May 28, 1964 Rahm responded to widespread criticism of the Forest Service's spruce budworm attack program. Rahm said, "Opposition to insect and disease spray programs has gathered such momentum in Missoula and within the State of Montana that it is timely for people to sit back and consider the realities." The reality to which Rahm alluded was an annual 300-400 MMBF reduction in harvest due to insects and disease, and the curtailment of the Christmas tree industry because of the spruce budworm. Rahm argued that 70 cents out of each dollar in Montana related in some way to the timber industry, and suggestions that "we revert to a stone age culture" and leave the forests to the elements were shortsighted.  

The 1964 spray program used the chemical malathion instead of DDT. Rahm maintained that malathion was safe, "We know that chickens can be dusted with Malathion." Rahm offered as proof of the chemical's safety the

190 "Forest Service Position on Spray Program Explained," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 1542, May 28, 1964, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

191 It is possible that the switch to malathion reflected the Northern Region's desire for an alternative to DDT, in the wake of the evidence of the physical destructiveness of DDT seen in previous spruce budworm attacks and the popularity of Rachel Carson's Silent Spring. Still, as late as 1964, other managers in other regions relied upon DDT to combat the spruce budworm. In July 1964, 525,000 acres in Idaho's Salmon National Forest, part of the Intermountain Region, were sprayed with a DDT and diesel fuel mixture, "Monitoring the 1964 Spruce Budworm Aerial Spray Project," United States Department of Agriculture, Forest Service, Salmon National Forest, December 1965.
1963 pilot spray program in the Bitterroot Forest where "not one fish was killed, to our knowledge." Fish safety was a big issue since the 1964 spray area included the blue-ribbon trout stream, Rock Creek.192

While citizens questioned the effects of chemicals on the health of their local environment, other angry groups of residents questioned the impact of the Forest Service's rapidly expanding timber harvests on the remaining roadless areas in the Missoula vicinity. One of the first roadless area controversies featured a protest over the development of a tract of pristine country north of the small town of Lincoln, Montana, one-hour east of Missoula.

Until the completion of Montana Route 200 in 1957, Lincoln had existed in relative isolation as a small mountain village closely involved in the outdoor activities offered by the wild country north of town. With the coming of the highway that linked Missoula and Great Falls via Rogers Pass over the Continental Divide, the idyllic, rustic Lincoln began to change. What had taken decades in other locations now arrived in Lincoln in a "telescopened" manner in matter of a few years.193

192"Forest Service Position on Spray Program Explained."

Arriving with Route 200 were trans-state and trans-continental truckers, stopping at the new gas stations and convenience stores. Also tied to Lincoln’s joining with the outside world was the construction of a sawmill that employed 115 people. These developments contrasted with the traditional Lincoln economy based on outfitting into the Bob Marshall Wilderness.194

Controversy came to Lincoln when the Forest Service, and in particular Helena National Forest Supervisor Vern Hamre, decided to develop the Lincoln backcountry for timber harvest and tourist road access. In a publication released in March 1963 titled "Long Range Plan, Northern Half Lincoln Ranger District, Helena National Forest," Hamre outlined his proposal. The plan called for a network of roads through the area to facilitate timber harvest, provide access to newly constructed picnic and camp sites, and to disperse hunting and fishing pressure. The local community, and interested persons in Missoula, reacted angrily when they learned of Hamre’s plans.195

Hamre wanted to move quickly with his development plan, but opposition by the local Lincoln Back Country Protective Association (led by former Forest Service employee Cecil Garland), Clifton Merritt and the Montana Wilderness Association and interest in the controversy on the part of Congressman Jim Battin, forced public discussions. On April 19, 300 people, comprising much of

194 Behan, 12, 15.

Lincoln's adult population and groups from out of town filled the small community hall in Lincoln. Hamre took an hour and a half to outline his plan to change forever the wilderness characteristics of the area.  

Mixed public reaction greeted Hamre's plan. The Forest service conducted the meeting under a rule of 'equal time', so it appeared that Hamre enjoyed at least half the meeting's support. Opponents, however, claimed that they had been 'gagged' by the Forest Service and questioned the usefulness of the meeting. The Forest Service denied a proposal made during the meeting to call for a vote on Hamre's plan. The result of the April 19 meeting was to solidify the opposition to the Long Range Plan.

In June, sensing the growing public opposition to the Long Range Plan, Hamre modified his approach, slightly, eliminating part of one road. Regional Forester Boyd Rasmussen visited the area the following October and offered Hamre vigorous support. The modification did little to placate the opposition.

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197 Behan, 28.

198 Roth, 29-30.
Interestingly, the timber industry, after initial support of the Long Range Plan, grew increasingly silent on the issue as the controversy developed.\textsuperscript{199} Alone the Forest Service faced a fight for a plan that enjoyed a shrinking basis of public support. Within the win or lose climate that characterized the Lincoln Back Country Controversy, the Forest Service 'dug-in' to battle the opposition with no intention of compromise. Regional Forester Rasmussen, on October 15, 1963, announced that it was the Forest Service's intention to develop the Lincoln Back Country within the next few years.\textsuperscript{200}

In late 1963, Robert Morgan replaced Vern Hamre as Helena Supervisor. Morgan saw the need for compromise and to Regional Office displeasure, delayed development indefinitely. Morgan realized that a fight to the finish over the Lincoln Long Range Plan would cost more to the Forest Service in public relations than the available commodities were worth.\textsuperscript{201} Cecil Garland, realizing that Morgan could be overwhelmed by Regional pressure to develop, decided to call for wilderness designation for the area. In 1965, Senators Mike Mansfield and Lee Metcalf introduced legislation to protect the 75,000 acres of

\textsuperscript{199}Ibid, 29.


\textsuperscript{201}Behan argues that the timber resources in the Lincoln Backcountry were "meager."
the Back Country under the newly enacted Wilderness Act. Congressman Battin, a Republican, did the Democrats one better and tacked on the Scapegoat Mountain roadless area to the Lincoln Back Country to form a 240,500 acre wilderness area. Mansfield and Metcalf soon abandoned their proposal to support Battin’s bill.  

The failure of Congress to include provisions in the Wilderness Act for the Forest Service to evaluate non-administratively designated roadless areas, called de facto wildernesses by advocates, led to a lengthy legislative history for the Scapegoat Wilderness bill. Statutory recognition of the undesignated roadless areas rested in the Multiple Use Sustained Yield Act, specifically in Section 2 and the line about the compatibility of wilderness with the other uses of the national forests. The Scapegoat wilderness proposal represented the first citizen initiated wilderness legislation proposal after the passage of the Wilderness Act of 1964. Many were aware of the proposal’s precedent setting potential and knew that it faced active, determined Forest Service opposition. Finally in 1969, the U.S. Senate passed the Scapegoat bill, but

202 Roth, 31.


204 Only in 1969 did Regional Forester Neal Rahm begin to realize the inevitability of wilderness designation for the Lincoln-Scapegoat. Rahm tried to push a plan that allowed for a 'Back Country' designation for some of the Lincoln Back Country. Also included in his plan was a 75 mile "scenic" highway along the Continental Divide. Wilderness proponents were not
the legislation languished in the House for another three years. Wayne Aspinall, Chairman of the Interior Committee, delayed the bill by requiring a U.S. Geological Survey report on the area’s mineral potential.\textsuperscript{205}

After the Geological report found no significant traces of mineralization in 1971, the fate of the Scapegoat bill rested with the ability of Senator Mansfield to sway a recalcitrant Aspinall. In less than a year, Aspinall buckled, and in 1972 the Scapegoat Wilderness became the first de facto wilderness to join the National Wilderness Preservation System.\textsuperscript{206}

In this battle and elsewhere, wilderness preservationists increasingly encountered an intransigent Forest Service that was dedicated to maximum timber production. As they ran into an agency not interested in getting management advice from outside the agency, preservationists had to turn to other means to accomplish their goal of achieving wilderness protection.\textsuperscript{207} In the Lincoln Controversy, the Montana congressional delegation came to the rescue of the Scapegoat Wilderness. Another 1960s controversy- the Magruder placated. Rahm acknowledged at that time the Forest Service had lost "control and leadership in the sphere of Wilderness [sic] philosophy," Roth, 32.

\textsuperscript{205}Roth, 33.

\textsuperscript{206}Ibid.

\textsuperscript{207}Allin, 154.
Corridor Controversy- also illustrates the power of grass roots organizations in battling the utilitarian designs of the Forest Service.

In 1963 the Forest Service completed its reclassification proposal for the immense Selway-Bitterroot Primitive Area. Included in the reclassification of the area from primitive to wilderness (Regulation U-1), was the decision to delete over one half million acres from the area’s southern boundary and release it to non-wilderness multiple use management. Local people called the southern deletion the Magruder Corridor. Ostensibly, the reason for the deletion was the presence of a fire road, built in 1934, through the area that linked the Bitterroot Valley in the east to Idaho’s Elk City in the west. The deleted territory lay between the Selway-Bitterroot Wilderness to the north and the Idaho Primitive area, still not reclassified, to the south.208

The Magruder Corridor covered the upper drainage of the pristine waters of the Selway River and contained extensive commercial timber stands, hence the Forest Service’s interest in excluding the area from wilderness protection. Three-fourths of the area’s timbered acreage contained commercial sawtimber. Over half this acreage supported healthy stands of the valuable ponderosa and

Douglas-fir species. The presence of the fire road made this timber especially appealing.\textsuperscript{209}

The Selway-Bitterroot reclassification decision in 1963 put the wilderness advocates in a quandary. Howard Zahniser’s reaction reflects this situation. Zahniser celebrated the extension of U1 protection to the huge Selway-Bitterroot, but he deplored the exclusion of the Magruder Corridor. Of significance was another person disturbed by the deletion. Bitterroot Valley resident Doris Milner had used the corridor as a favorite spot to take her family on wilderness vacations for years.\textsuperscript{210}

Outraged at the decision to exclude the Magruder Corridor and the subsequent Forest Service refusal to reconsider the deletion, Milner decided to form a grass roots organization and contest the deletion. On September 20, 1964 at a meeting at Idaho’s Lochsa Lodge, twelve members, including former Bitterroot National Forest Supervisor G.M. Brandborg, founded the ‘Save the Upper Selway Committee’. The committee elected Doris Milner as chairman while


\textsuperscript{210}Ibid, 74; Doris Milner, Presentation to Wildland Politics, Forestry 395:03, School of Forestry, University of Montana, March 11, 1993, notes.
she was away from the meeting, literally "out behind a bush." Milner proved to be an indefatigable activist for the preservation of the Magruder Corridor.211

The passage of the Wilderness Act on September 3, 1964, complicated matters for the fledgling group. Wilderness decisions now emanated from the halls of Congress, not at the desk of an agency bureaucrat. With the enactment of the Wilderness Act, the Selway-Bitterroot became ‘instant’ wilderness, giving statutory recognition to the Forest Service’s reclassification, and this reinforced the non-wilderness multiple use status of the Magruder Corridor.

The Forest Service’s first priority in launching its development plans was reconstructing the old 1934 fire road that traversed the corridor. While the land managers prepared for development, the citizen activists, joined by national conservation organizations such as the Wilderness Society, made overtures to the congressional delegations of Idaho and Montana. Critical to any effort to preserve the Magruder Corridor was the support of Idaho’s Senator Frank Church, a legislator with known sympathies for the wild lands cause, and Montana’s Mike Mansfield and Lee Metcalf.212

211Doris Milner presentation, Cunningham, 77-78. Mrs. Milner went to work in the battle to save the Magruder Corridor by initiating a public mailing campaign. She sent a brochure, financed by the Wilderness Society, promoting preservation to everyone who could be identified as having a position on the corridor. Milner went to the sign-in box at the top of Nez Perce Pass on the Idaho-Montana border and copied down names to compile her initial mail list; Milner Presentation.

212Milner presentation, Cunningham, 90.
Senator Metcalf showed hesitancy in coming to the support of the preservation of the Magruder Corridor. Metcalf opposed the deletion of the corridor during the 1963 Selway-Bitterroot reclassification, but since the Wilderness Act had been passed, he saw no need to reenter the fray. Besides, unlike the Lincoln Back Country Controversy, not everyone in the local area disagreed with the Forest Service's development plans. Timber interests in Montana's Bitterroot Valley, especially the timber-dependent community of Darby, voiced their support of the eventual logging of the corridor. Hamilton's newspaper The Ravalli Republican, became a medium for the timber interests to oppose the preservation designs of Milner and the Save the Upper Selway Committee.\footnote{Milner presentation, Cunningham, 82,86.}

Crucial to the efforts of the Save the Upper Selway Committee was the relationship of the Selway River drainage and the anadromous fishery that the Idaho Department of Fish and Game struggled to restore. The rehabilitation of this chinook salmon run had cost over a million dollars and represented five years of difficult work. This effort could be rendered invalid by the expected effects of increased silt load in the river caused by logging. Frank Church had a great interest in the anadromous fisheries of Idaho. In April 1965, Church had the pending Wild and Scenic Rivers Act revised to include the upper Selway.\footnote{Milner presentation, Cunningham, 90.}
With continued public interest in the area centering on the salmon runs, and congressional support in the persons of Church and Metcalf, (who by now was over his wilderness battle fatigue), the Save the Upper Selway Committee managed to delay the Forest Service’s logging plans. Gradually the controversy attracted a wider audience that increasingly worried about the effects of development on the pristine and fragile nature of the Magruder Corridor. In 1966, Church and Metcalf prevailed upon Secretary of Agriculture Orville Freeman to appoint a non-Forest Service committee to study the effects of the land use plans on the environment.\(^\text{215}\)

On September 20, 1966 Secretary Freeman announced the formation of the committee to study the Magruder Corridor. Dr. George A. Selke, special consultant to Freeman and former Montana educator, chaired the committee. Freeman gave the committee strict instructions not to consider the corridor for inclusion into the Selway-Bitterroot Wilderness. The committee was supposed to concentrate on the advisability of implementing the development plans and the effects of such development on the environment.\(^\text{216}\)

A highlight of Selke’s review was a series of three public meetings, held in Grangeville and Boise, Idaho, and Missoula, Montana. For those who were participating in the controversy, the public meetings were long awaited. Selke

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\(^{215}\)Cunningham, 111-112.

\(^{216}\)Ibid, 113, 114.
made a point of stressing that the meetings were not 'hearings' but, rather, information gathering sessions. Both pro-and anti-development forces appeared at these meetings. Pro-development advocates, usually connected to the timber industry, voiced concerns about 'locking-up' natural resources and the effects of resource lock-up on local communities' tax bases.\(^{217}\)

On June 1, 1967 Secretary Freeman released the results of the Selke Committee. The 58-page report criticized the Forest Service’s development plans as consistently lacking detail. Contradicting the Forest Service, and confirming preservationist suspicions, timber resources were found to be marginal, at best. The Selke Committee judged the multiple use planning for different sections in the corridor to be arbitrary and not based on a systematic pattern of resource allocation. The Forest Service should manage the Magruder Corridor for its watershed, fishery, historic, and recreational values, the committee concluded.\(^{218}\)

The Selke Committee’s report contributed much to the credibility of the preservationist groups struggling to save the Magruder Corridor. Forest Service development plans abruptly stopped, as Secretary Freeman ordered the agency to

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\(^{218}\)Ibid, 132.
devise a plan that fully coordinated multiple resource uses. Doris Milner was elated by the report; the Forest Service had been "overruled in its own domain," the New York Times reported.219

As the Forest Service duly complied with the secretary's edict, they continued to harbor development designs for the Magruder Corridor. Morton Brigham, an Idaho wilderness activist claimed that the Forest Service planned to construct a thirty-foot wide 'trail' to connect the corridor with the Salmon River Breaks Primitive Area, to the south.220 In a 1968 progress report, Regional Forester Neal Rahm mentioned that the directed study began after the close of the 1967 Fire Season. Rahm said the Forest Service studied the corridor's soil and topography so that tentative locations for road and trail networks would have minimal impact on the area's environmental values. Rahm added that timber resources "have been intensively inventoried with an emphasis on the potential growth of young stands."221

Rahm failed to appease preservationists such as Doris Milner. They called for a wilderness bill to protect the corridor. The congressional delegations


221"Magruder Corridor Plans Progressing," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1,648, November 12, 1968, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
urged patience; they would not consider statutory protection until the Forest Service completed its study. Finally, in 1970 the Bitterroot National Forest released its plan, again calling for extensive logging and road building for the corridor. In an attempt to mollify preservationists, Bitterroot Forest Supervisor Orville Daniels announced that the development would be delayed for five years to allow for more study of stream sedimentation.222

Finally, after seven years of waiting for the Forest Service to demonstrate some interest in preserving the natural values of the Magruder Corridor, Senators Church and Metcalf, after reviewing the Bitterroot National Forest’s plan, gave up. In August 1971, the two introduced legislation in the Senate calling for wilderness protection for the Magruder Corridor. Another nine years would pass before, in the summer of 1980, legislation definitively established the Magruder Corridor as a part of the Selway-Bitterroot Wilderness.223

As one of the longest fights in conservation history, the Magruder Controversy attracted national attention to the wilderness preservation battle. Montana and

222Milner presentation; Norton, 69; "Proposed Broad Management Direction for 173,400 acre Magruder Corridor To be Circulated for Public Review," United States Department of Agriculture, Forest Service, Northern Region Press Release, #R-1, 858, November 13, 1970, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.

223Norton, 69, Allin, 154. Also established in the same act as Magruder, was the giant River of No Return Wilderness, 2.2 million acres, south of the Magruder Corridor.
Idaho wilderness activists became known throughout the wider conservation community as leaders in the preservation struggle. The Magruder episode illustrated the difficulty in allocating resources among a public dedicated to different uses. Magruder also demonstrated the power of grass roots organizations, especially when they enlisted the aid of sympathetic congressional influences. Magruder stands with the Lincoln Controversy as an example of local people using Congress to circumscribe Forest Service development plans. During the same period, in Colorado, wilderness advocates resorted to another powerful branch of government to arrest Forest Service development of wilderness in the famous East Meadow Creek case.

East Meadow Creek flowed in a timbered area directly west of the Gore Range-Eagle's Nest Primitive Area in Colorado's White River National Forest. The newly constructed (1964) resort community of Vail lay nine miles south of the area. In 1962 the Forest Service proposed to log the area, and in 1964 constructed a road to the edge of the East Meadow Creek area to support the future timber sale. More than five million board feet of timber were involved in any potential sale in the area and this required Regional Office approval of the sale. Rocky Mountain Region Forester David Nordwall recognized a potential conflict in developing East Meadow Creek: The Region had not completed its

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\(^{224}\)Cunningham, 139.
primitive area reviews for possible inclusion into the National Wilderness Preservation System, as directed by the 1964 Wilderness Act. Nordwall proposed a compromise that allowed for the logging of the majority of the area but reserved a small buffer zone next to the primitive area.225

In 1969 a timber sale contract went out for bids for the East Meadow Creek timber. Kaibab Industries, Inc. of Phoenix, Arizona won the contract. This sale triggered a group of Vail residents led by Robert W. Parker and the Sierra Club to move to prevent the contract from being fulfilled.226 The residents of Vail feared the development would degrade the quality of the country that surrounded their resort community and that the logging would cut into tourist dollars. Clifton Merritt, regional director of the Wilderness Society, pointed the Vail people to a young criminal lawyer, Tony Ruckel, for advice on contesting the sale in court.227

With funding provided by the Sierra Club, Ruckel took the case. He originally wanted to pursue the case through the Multiple Use Sustained Yield Act, but Merritt pointed him toward the Wilderness Act for legal ammunition. The Wilderness Act states in Section 3, (b):

225Roth, 19-20.


227Roth, 21.
Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. 228 [emphasis added]

Here was the angle Ruckel and company could use to upset the development plans of the Forest Service. East Meadow Creek was contiguous to the designated wilderness of Gore Range-Eagle's Nest. 229

Suing the federal government was a relatively new tactic in early 1970. Preparing the way for environmental litigants to follow was the landmark Scenic Hudson I case 230, a case that set the precedent for court's to review the authority of federal agencies to make management decisions. Scenic Hudson I had a wide application because it held that an agency could be accountable to justify its decisions when competing public interests are at stake. 231 The East Meadow Creek development thus was reviewable in the courts.

Ruckel and a legal team that included the future Governor of Colorado, Richard D. Lamm, argued their case before District Judge William E. Doyle, Jr.

228 Wilderness Act of 1964, Section 3, (b).

229 Roth, 21.

230 Scenic Hudson Preservation Conference v. Federal Power Commission (Scenic Hudson I), 354 F.2d 608, 1 ELR 20292 (2d Cir. 1965), cert. denied.

in Denver in January 1970. In *Parker v. United States*, Ruckel claimed that East Meadow Creek was contiguous to designated wilderness and that the country exhibited wilderness characteristics. He further claimed that the Forest Service had not considered that area for possible addition to the designated wilderness area. Ruckel completed his argument by stating that, according to the Wilderness Act, the Forest Service could not change the area's wilderness character until they completed a study and the President and the Congress had an opportunity to consider the area for inclusion into the existing wilderness area.\(^{232}\)

Judge Doyle found that the Parker team had legal standing to contest the case and that the district court had jurisdiction. He therefore rejected the government's request for summary judgement to dismiss the case. Doyle further allowed into evidence testimony by 'expert witness' Clifton Merritt attesting to the genuine wilderness values present in East Meadow Creek.\(^{233}\)

The Forest Service's attorneys did not contest the essential wilderness quality of East Meadow Creek. Rather, they relied on a tactic that they would continue to rely upon in future wilderness squabbles, a doctrine of strict adherence to the definition of wilderness as provided for in the Wilderness Act. The proximity


\(^{233}\) 309 F. Supp. at 595; Roth, 21.
of the nearby road to East Meadow Creek prohibited the area from wilderness consideration, the defendants argued. Furthermore, mining claims existed in the area and the Denver Water Board looked to the area as a possible water diversion site. East Meadow Creek violated the Forest Service’s ‘purity principle’\(^{234}\) and thus was best utilized for timber management.\(^{235}\)

Judge Doyle ruled for Ruckel, agreeing that the Forest Service had to allow the President and Congress the opportunity to consider contiguous wilderness for inclusion into the National Wilderness Preservation System. A timber sale would irrevocably remove this opportunity, and so he issued an injunction to enjoin the contract with Kaibab Industries. Unconvinced by Doyle, the Forest Service and timber companies appealed the decision. On October 1, 1971 the United States Tenth Circuit Court of Appeals affirmed Doyle’s ruling and the U.S. Supreme Court refused to hear any further appeal.\(^{236}\)

*Parker* represented a major defeat for the Forest Service, and not just in Colorado. The agency would have to consider the decision every time they attempted to develop a site contiguous to wilderness. The courts had restricted

\(^{234}\)The Forest Service’s purity principle refers to the agency’s strict adherence to a literal reading of the definition of wilderness provided in the Wilderness Act. Critics claim that the purity principle was used to exclude some roadless areas from wilderness consideration due to trivial human alterations of those roadless areas.

\(^{235}\)309 F. Supp. at 596.

\(^{236}\)Parker v. United States, 448 F. 2d 793 (10th Cir, 1971), cert. denied.
the management options of the Forest Service concerning contiguous wilderness. Later, the National Environmental Policy Act would encroach further into the Forest Service’s realm of timber management and cause untold trouble for the agency.

In late 1970, as if the Forest Service did not have enough to worry about, another stinging critique of the management policies of the Forest Service emerged from the mountain West. Senator Lee Metcalf released a report made by a select committee of the University of Montana on the management practices of the Bitterroot National Forest. By the time the Bitterroot Controversy had run its course, Forestry and the Forest Service would never be the same.

As the process of timber harvesting gained momentum in the 1960s, the results of intensive timber management began to become visible to the public; clearcuts on the sides of hills were not hard to recognize. In the scenic Bitterroot Valley of western Montana, surrounded by the Bitterroot National Forest, some local residents took offense to what the Forest Service was doing to their valley’s scenery.237

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237 The Bitterroot National Forest cut 583.3 MMBF during the years 1961-1970, while the annual allowable cut during the same period was 504 MMBF; in 1961 31 MMBF were cut; by 1969 this figure was 71.6 MMBF. As a percentage of the Northern Region’s total cut for the 1961-1970 time period, the Bitterroot National Forest accounted for a mere 4.23% of the total. These figures illustrate that the Bitterroot National Forest, as a part of the more arid
In 1962, Bitterroot Valley citizens established a Resources Conservation and Development (RC&D) Project that focused on the emerging denuded slopes of the Bitterroot Mountains. Three former Forest Service employees, Charles MacDonald (a former district ranger), Champ Hannon, and former long-time Bitterroot National Forest Supervisor G.M. Brandborg allied themselves with the discontented locals. They believed the Forest Service's methods of managing timber were wrong and especially in the case of Brandborg, their dissent from the Forest Service caused personal hardships. Active Forest Service employees received orders not to associate with the dissenters.\(^{238}\)

Local concerns that the Forest Service was harvesting timber at an unsustainable rate coalesced in a subcommittee of the RC&D called the Recreation Committee. By 1968, this committee took the offensive against Bitterroot National Forest officials who refused to respond to their complaints. They contacted the Regional Office in Missoula, invited journalist Dale Burk of

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The Missoulian to come and have a look, and they appealed to Senators Mansfield and Metcalf. Early in 1969 this barrage of pressure prompted Regional Forester Neal Rahm to appoint an in-house task force to review the management practices in the Bitterroot.

As the Forest Service Task Force conducted their review, Dale Burk broke the story of public discontent with the Bitterroot National Forest in a series of articles that began in The Missoulian on November 2, 1969. These articles featured Bitterroot citizens who thought the Bitterroot National Forest’s managers were destroying the countryside, and interviews with both the dissenters and officials of the Forest Service, notably Bitterroot Supervisor Merrill Tester. Burk’s expose sparked a fierce public debate over what was gaining notoriety as the Bitterroot Controversy.

As Dale Burk informed western Montana of the controversy, Senator Lee Metcalf wrote a letter to Arnold Bolle, Dean of the School of Forestry at the University of Montana. Metcalf told Bolle he had received a number of letters from his constituents (Metcalf had grown up in Stevensville, a small town in the Bitterroot Valley) critical of Forest Service timber policy. He asked Bolle to

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239 Bolle, 6.


241 Ransick, 21.
form a committee to study the Forest Service's management in the Bitterroot National Forest. Metcalf closed his letter to Bolle with a bit of flattery, "I look forward, as always, to receiving advice from the best School of Forestry in the nation." ²⁴²

Bolle selected six fellow faculty members at the University of Montana to assist in preparing a report for Senator Metcalf. ²⁴³ Bolle and his fellow faculty members received the official title of 'Select Committee of the University of Montana'. At first, the committee did not recognize the significance of their work. Committee member Thomas Payne remembers the mission of the study was originally felt to be little more than "quieting some local concerns." ²⁴⁴ Soon Payne and his colleagues would be at the center of a firestorm.

While the Select Committee pursued their study, the Forest Service's Task Force released their findings. Known as the 'Worf Report' after the Task Force


²⁴³The faculty members were: Richard Behan, Associate Professor of natural resource policy and administration at the School of Forestry; W. Leslie Pengelly, Professor of wildlife management at the School of Forestry; Robert Wambach, Professor of forest economics; Gordon Browder, Professor of Sociology; Thomas Payne, Professor of political science; and Richard Shannon, Professor of economics.

²⁴⁴Interview with Thomas Payne, October 30, 1992, notes.
Force's Chairman William R. Worf, Chief of the Regional Division of Recreation and Lands, the Task Force offered a thorough critique of the management practices of the Bitterroot National Forest. The first observation listed in the report stated that an attitude existed among much of the staff of the Bitterroot Forest that "resource production" goals come before other land management considerations. The Task Force admitted that this emphasis on resource production goals was not unique to the Bitterroot Forest but derived from "subtle pressures and attitudes coming from above."  

The Task Force severely criticized the Bitterroot's lack of adequate communications with the public. This situation, in part, resulted from the lack of advancement in multiple use planning to provide firm management direction necessary for quality land management. This direction would facilitate informing the public of the Forest Service's long range plans. Additionally, quality control on Forest Service projects needed improvement. Timber projects had left scars and waste that angered citizens and Task Force found these lapses in quality control unnecessary. Finally, the Task Force warned that the needed improvements in the Bitterroot National Forest could not come as a result of simply increasing funding and that the public should not expect changes overnight.  


\(^{246}\) Ibid, 9-15.
The Worf Report represented the agency's attempt to keep the Bitterroot Controversy localized; the Forest Service viewed the controversy as a Forest Service problem and not the manifestation of any 1960s-style social movement that fostered a distrust of anything related to the government. The Task Force labored hard and provided a disturbing picture of the Bitterroot, and they were careful to avoid any appearance of favoritism or bias. They addressed, while not always finding fault with sensitive subjects such as the overuse of terracing, and clearcutting.

Outside of the Missoula-Bitterroot area, the Worf Report drew little attention. But when the Select Committee released its report "A University View of the Forest Service," suddenly national attention was focused on the Bitterroot Controversy. To the surprise of the faculty members of the committee, Senator Lee Metcalf released the report to the press and ordered 20,000 copies printed

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247 Terracing was a site preparation method to ensure maximum forest regeneration after a substantial harvest technique, such as clearcutting or seed tree cutting, had been employed. Bulldozers carved terraces into the steep hillsides to facilitate machine replanting and seedling survival. Terraces left the landscape with a 'stadium-like' appearance and was especially resented by the residents of the Bitterroot Valley. The practice began in 1964 and ended with the Bitterroot Controversy. Even today (1993), evidence of terracing is still visible from the valley floor on sites with poor forest regeneration.

as a Senate Document. Suddenly, the Forest Service was on the defensive; they had to defend their policies on a level and scope far beyond any of the other controversies they faced in the 1960s.

The ‘Bolle Report’, as the Select Committee’s work was known, charged the Forest Service with poor management in the Bitterroot National Forest, but stopped short of a full condemnation of the Forest Service. Among the more severe of the committee’s findings were:

Multiple use management, in fact, does not exist as the governing principle on the Bitterroot National Forest; Quality timber management and harvest practices are missing. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts; The practice of terracing on the BNF should be stopped. Existing

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249 Arnold Bolle thought Metcalf would use the report privately. Thomas Payne believes Metcalf may have been searching for ammunition to support his private environmental crusade, and Bolle remembers Metcalf as very concerned with the developing controversy in the Bitterroot. Metcalf, influenced by the power of the Anaconda Company on Montana life, viewed himself as the people’s champion. "I guess you could say he was a populist," says Arnold Bolle, Arnold Bolle, Oral History 249, conducted by Gerald Williams May 1, 1990, K. Ross Toole Archives, Mansfield Library, University of Montana, Missoula, MT; Interview with Thomas Payne.

250 The popular portrayal of the Bolle Report as a ringing polemical condemnation of the Forest Service and of the Worf Report, is somewhat inaccurate. Many similarities exist between the two reports, the key difference seems to be one of the degree of critique. Bolle did not think that the report condemned the Forest Service at all, in fact the Select Committee revised earlier drafts of the report to tone down harsh language, Luke Popovich, "The Bitterroot- A Fading Polemic," Journal of Forestry, (January 1976), 39; Arnold Bolle Oral History.
terraced areas should be dedicated for research; A clear distinction must be made between timber management and timber mining.\textsuperscript{251}

Finding a deviation from the Multiple Use Sustained Yield Act's definition of multiple use, the Bolle Report accorded with the Worf Report. However, the charge of timber mining stung the agency. The Select Committee charged the Forest Service with cutting marginal timber on sites that were not conducive to economical regeneration. This charge engendered the sharpest opposition from the Forest Service.\textsuperscript{252}

Officially, the Forest Service welcomed the Bolle Report as "one more important input toward meeting our goal of achieving high quality, balanced management of the national forests." Regional Forester Rahm released a statement that praised the Select Committee for their "frankness, courage, and dedication." Rahm then went on to point out that his, the Worf Report, investigation had already addressed the problems mentioned in the Bolle Report, and that the Select Committee's findings supported most of the Worf Report.\textsuperscript{253}

\textsuperscript{251}"A University View of the Forest Service," 13.

\textsuperscript{252}"A University View of the Forest Service," 24; Popovich, "The Bitterroot-Remembrances of Things Past," 792.

\textsuperscript{253}"Forest Service Welcomes University Review of Bitterroot National Forest Activities: Commends Committee for Frankness, Dedication," United States Department of Agriculture, Forest Service, Northern Region Press Release #R-1860, November 25, 1970, Government Documents Division, Mansfield Library, University of Montana, Missoula, MT.
Despite the Select Committee's professed intent to the contrary, the Bolle Report devastated the Forest Service. The report called into question the agency's competence to manage the nation's forests - forests that the agency viewed as their own. Multiple use policy was now in a shambles; timber production mania had crippled the policy's credibility. The profession of forestry was bitterly divided over the Bolle Report, as timber industry foresters took offense to the implication that they were behind the Forest Service's devastation of the Bitterroot scenery. Debate raged in professional journals as foresters took sides.\textsuperscript{254} Most importantly, the Forest Service lost its position as leader of the profession and its multiple use creed was reduced to the level of a slogan.\textsuperscript{255}

Dale Burk considers the Bitterroot Controversy to be the turning point in Forest history. Many changes resulted from the controversy, most notably the congressional guidelines on clearcutting promulgated by Senator Frank Church. The 'Church Guidelines' laid the foundation for the 1976 National Forest Management Act and was the first comprehensive legislation to govern forestry practices on the national forests. As the 1970s dawned, the Forest Service

\textsuperscript{254}For examples of the acrimony surrounding the controversy, see the various articles in American Forests during the time of the Bolle Report, November 1970 until well into 1971. Significantly, interviews with professional foresters from that era reveal substantial hostility about the controversy, hostility that still exists today.

\textsuperscript{255}Clary, 187.
confronted a new public consciousness on things environmental. The agency would have a difficult time adjusting to the infusion of public opinion into the policies of the national forests.\textsuperscript{256}

\textsuperscript{256}Interview with Dale A. Burk, March 18, 1993, Stevensville, MT, notes.
Wilderness controversy was not solved by the congressional action to protect wildlands with statute law. Conflict quickly developed over the expansion of the Forest Service’s portion of the National Wilderness Preservation system. The Forest Service, and later the Carter Administration tried to solve the ‘problem’ of how much acreage to include in the system with large nationwide programs that failed in their objectives and engendered increased hostility between the competing land use interest groups.

With President Johnson’s signing of the Wilderness Act on September 3, 1964, 9.1 million acres became ‘instant wilderness’. Congress, through the Wilderness Act, also directed the Secretary of Agriculture to study, within ten years, all the remaining L-20 primitive areas and report to the President their suitability or non-suitability for inclusion in the National Wilderness Preservation System. While the act included as well a directive to the Secretary of the Interior to study and report on every roadless area containing 5,000 or more acres located in the national parks, monuments, and wildlife refuges, Congress neglected the status of de facto wilderness in national forests.257 This important omission

had severe consequences for both the Forest Service and the 'user' groups, as
debate focused on the disposition of the roadless area resource in the national
forests.

The Forest Service began its task of implementing the Wilderness Act by
appointing a task force to draw up policy guidelines. Two immediate
problems confronted the task force: the management of the wilderness areas
according to the provisions of the act, and the completion of the primitive area
reviews prior to the congressional deadline of September 3, 1974. After nine
months of study, the task force presented a first draft of the wilderness
regulations on November 20, 1964.

The public reviewed the draft regulations for a year and a half, after which the
Forest Service released final regulations covering its portion of the National
Wilderness Preservation System on May 31, 1966. The public commentary on
the regulations generated "heated discussion," with the majority of respondents
sympathetic to the wilderness concept. Also of significance, in the process of
drafting the regulations the task force discovered that future management

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258 This task force included: Arnold Synder, District Ranger, Sierra National
Forest, California; George Williams, Wilderness staff Region 6; Ed Slusher,
Wilderness staff, Region 1; and Bill Worf, Supervisor of the Bridger National
Forest in Wyoming.

259 William A. Worf, C. Glen Gorgensen, and Robert C. Lucas, "Committee
Report on Wilderness," United States Department of Agriculture, Forest Service,
May 17, 1972, Wilderness file, Archives, Headquarters Northern Region,
Missoula, MT, 2.
procedures would have to account for possible, even likely, expansion of the wilderness system.\textsuperscript{260}

As early as the mid-sixties, during the drafting of the wilderness regulations, the Forest Service determined to adopt a policy of strict adherence to the letter of the Wilderness Act for determining an area’s suitability for wilderness. As with the multiple use policy, the task force noted the pressure to satisfy all the "special interests" demanding that their use be accommodated in the wilderness. Some of the uses violated the Wilderness Act in that they proposed uses at variance with wilderness preservation, Howard Zahniser had called these activities non-conforming. This pressure influenced a reliance on a strict interpretation of the Wilderness Act for determining suitability. Strict adherence, or the purity principle, also worked effectively to exclude from wilderness consideration many roadless areas that had commercial timber.\textsuperscript{261}

The 1964 Task Force recognized that many roadless tracts of Forest Service land possessed ‘outstanding potential’ for wilderness and should receive consideration for inclusion into the wilderness system. In the first draft of the regulations, the task force called for the identification of these roadless areas by

\textsuperscript{260}Ibid, 3-5. No doubt this realization owes something to the Lincoln-Scapegoat and Magruder Corridor controversies that were raging full-scale at that time.

\textsuperscript{261}Ibid, 5. The East Meadow Creek Controversy represents an early example of the Forest Service’s use of the purity principle to attempt to exclude potential timber from wilderness.
December 31, 1966. The Chief and the Regional Foresters accepted this recommendation in principle but thought that the deadline was too short.\textsuperscript{262} It was not until January 1967, that the Washington Office issued a directive to the Regional Foresters "to identify all areas which seem to satisfy the criteria meriting recommendation for inclusion in the National Wilderness Preservation System."\textsuperscript{263}

The directive set June 30, 1970 as the deadline for completion of the roadless area inventory.\textsuperscript{264} However, most Regional Foresters and their subordinates ignored the directive. To the rangers 'in the field' the directive to inventory roadless areas was an additional burden added to the task of evaluating primitive areas by the congressionally established deadline. Some district rangers were upset by the directive one ranger in the Willamette National Forest in Oregon reportedly replied, "I'll delineate the boundaries of those roadless areas, by clearcutting right up to their edge."\textsuperscript{265}

\begin{flushleft}
\textsuperscript{262}Ibid, 7.
\textsuperscript{264}"Committee Report on Wilderness," 7.
\textsuperscript{265}Interview with Tom Donahue, Recreation Specialist, Northern Region, March 17, 1993, Missoula, MT, notes.
\end{flushleft}
Roadless area inventories were overlooked in the effort to review the primitive areas. In the Missoula area, one primitive area review in the Mission Mountains produced a controversy. The Forest Service announced its list of alternatives for the future of the Mission Mountain Primitive Area in 1969.266 These alternatives ranged from preserving the entire area as wilderness to releasing the entire area to non-wilderness multiple use management. The Forest Service solicited public opinion in their deliberations on the area. In June 1970, it released its recommendation to the President that the Mission Mountains be included in the Wilderness System- with some boundary shrinkage of the former primitive area.267

The Mission Mountains proposal was illustrative of the purity principle as a determinant factor in a wilderness recommendation. Controversy arose out of the recommended exclusions of areas that exhibited human impact in the Missions. In the 1950s' spruce bark beetle infestations in some areas of the primitive area had been clearcut, and these areas were now excluded from the wilderness recommendation. Despite the Forest Service's admission that the logged sites had substantial tree regeneration and that the roads had been closed since the completion of the timber harvests, they excluded the areas because


"man’s imprint" was noticeable, thus disqualifying the areas from wilderness protection.\textsuperscript{268}

Preservationists, enlisting the aid of Senator Lee Metcalf, contested the Forest Service deletions from the Mission Wilderness proposal. They argued that the human impacts in the Mission Mountains were temporary; wilderness would heal and return to its natural condition. Public organizations became involved in an effort to reverse the Forest Service’s deletions. A unique example of public participation in wilderness politics was a ‘Project 100’ (a children’s rehabilitation program) class that handed out information pamphlets to people at street corners and supermarkets in Missoula.\textsuperscript{269}

The Forest Service recommended a portion of the primitive area that lacked commercial timber for wilderness and this was characteristic of the agency’s recommendations. In fact, much of the proposal concentrated on the economic evaluation of the area’s raw material capacity and not its suitability for wilderness. A wilderness area recommendation prerequisite seemed to be a lack of raw material potential. The Forest Service would rely on this qualifier in future wilderness recommendations.\textsuperscript{270}

\begin{footnotes}
\item[268] Ibid, 34.
\item[269] Interview with Dale Burk, March 18, 1993, Stevensville, MT, notes; McCabe, 34.
\item[270] Ibid, 33.
\end{footnotes}
The Mission Mountains Primitive Area received formal wilderness protection with the passage of an omnibus wilderness act in 1975.\textsuperscript{271} The Forest Service-backed legislation sought to designate 73,207 acres in the Mission Mountains as wilderness, while in the House a bill called for 75,588 acres. The approximate 2,000 acre difference corresponded to the Forest Service deletions of the previously harvested timber areas. Reasoning that to exclude the areas that exhibited the non-conforming use would cause a major disruption to management, the House negotiators, in the Conference Committee proposed including the disputed 2,000 acres.\textsuperscript{272}

Led by Lee Metcalf, the Senate concurred in the House addition of the disputed acres and included Metcalf’s amendment to tack on another 370 acre parcel. The Forest Service specifically opposed wilderness status for this parcel because of close-by roads and timber harvest sites. For the Forest Service, this parcel of land lacked sufficient purity with respect to the definition of wilderness provided for in the Wilderness Act. Metcalf’s amendment effectively represented congressional rejection of the purity principle, and tacitly recognized

\textsuperscript{271}"An Act Designating Certain National Forest Wilderness Areas in California, Colorado, and Montana," Public Law 93-632, 88 Stat. 2155. This multi-state omnibus bill designated six wilderness areas comprising a total of 998,088 acres.

\textsuperscript{272}"An Act Designating Certain National Forest Wilderness Areas in California, Colorado, and Montana," Senate Report 93-1043, SS 13057-6, 41-44.
the recuperative powers of nature.\textsuperscript{273} The Mission Mountains Wilderness stood as an example that Congress would decide what constituted wilderness and not the Forest Service- a process that actually began three years earlier with the passage of the Scapegoat Wilderness bill.

Congress, somewhat unwittingly, had a major impact not only on Forest Service wilderness policy but on forest management in general with its passage in 1969 of the National Environmental Policy Act (NEPA).\textsuperscript{274} With the arguable exception of the 1973 Endangered Species Act, no other piece of legislation has had an equal impact on citizen's legal challenges to forest policy than NEPA.\textsuperscript{275} Central to the power of the act to affect Forest Service policy was Section 102 that mandated the preparation of an Environmental Impact Statement when the agency undertook any action that would have a major impact on the environment.\textsuperscript{276}

\textsuperscript{273}Ibid, 42.


\textsuperscript{276}Throughout the rest of this chapter I will have numerous occasions to refer to environmental impact statements; the following abbreviations will be used: EIS, environmental impact statement, in general; DES, draft environmental impact statement; and FES, final environmental impact statement.
NEPA was far from a precise statute and much confusion developed over the law's true meaning. Federal agencies such as the Forest Service initially chose to regard NEPA as a broad, general statement of policy goals, not as a directive. The judiciary, as a result of lawsuits brought under the act, emerged as the enforcement element in NEPA's role as a environmental reform law. Congress seemed to desire the judicial branch of government to become the enforcement element: Supreme Court Justice Thurgood Marshall recognized this intent when he wrote, "In fact, this vaguely worded statute seems designed to serve as no more than a catalyst for development of a 'common law' of NEPA."277

The first lawsuit to involve NEPA directly, Calvert Cliffs' Coordinating Committee, Inc. v. United States Atomic Energy Commission (1971)278, provided a clear view of the courts' intentions concerning the act. District of Columbia Circuit Judge Skelly Wright ruled that the courts have the power to require federal agencies to comply with the requirements of NEPA. Enforcement of Congressional legislative intent fell to the judicial branch: as Judge Wright wrote in the court's Calvert Cliffs opinion, "Our duty, . . .is to see that important legislative purposes, heralded in the halls of Congress, are not lost or misdirected in the vast hallways of the federal bureaucracy."279


278 449 F.2d 1109 (1971).

279 449 F.2d at 1111.
Calvert Cliffs established the doctrine of "strict compliance" in regard to NEPA. The Calvert Cliffs Coordinating Committee, an environmental group, challenged the Atomic Energy Commission's regulations governing the consideration of environmental issues. Calvert Cliffs maintained that the Commission's preclusion of review in a case involving nonradiological environmental matters, unless specifically raised during the agency's internal review process, was a violation of NEPA.\textsuperscript{280} Calvert Cliffs claimed the Commission's rules failed to satisfy the rigor demanded by NEPA. On the other hand, the Commission maintained that NEPA was vague and left room for broad interpretation and that the challenged rules were well within the provisions of the act.\textsuperscript{281}

Congressional intent formed the basis for the D.C. Circuit's opinion that established the standard of strict compliance. Judge Wright rejected NEPA as a general policy guideline and construed it as a more forceful procedural directive. Through NEPA, Congress "reordered priorities" so that agencies would consider the environment as an equal with other considerations such as economics and technical matters. Thus, NEPA was not "highly flexible" but instead set a strict standard for compliance.\textsuperscript{282}

\textsuperscript{280}Ibid. at 1109.

\textsuperscript{281}Ibid. at 1112.

\textsuperscript{282}Ibid.
Section 102, of Title I of the act, provided the impetus for the D.C. Circuit's opinion. Granting that the first section of the act, 101, could supply only a flexible guideline, the court found that Section 102 set definite procedures. Environmental protection became part of every federal agency's mandate. The multiple considerations of economics, technicalities, and the environment involved a "balancing process" in which no one consideration automatically outweighed another. Agencies had to consider the environment precisely by law, and failure to do so would involve the courts.

Therefore, the D.C. Circuit Court of Appeals reversed and remanded the District Court's ruling in favor of the Atomic Energy Commission and established the first real interpretation of NEPA. After Calvert Cliffs, the courts held agencies, including the Forest Service, accountable for compliance with

\[\text{In summary, Section 102 mandates that agencies: (a) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences ... (b) identify and develop methods and procedures ... which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations; (c) prepare a written impact statement for every action significantly affecting the human environment; (d) study, develop, and describe appropriate alternatives to recommended courses of action; (e) where consistent with the foreign policy of the United States, coordinate with international interests in anticipating and preventing a decline in the quality of mankind's world environment; (f) make available to States, counties, municipalities, institutions, and individuals, advice and information ...; (g) initiate and utilize ecological information ... National Environmental Policy Act of 1969, Public Law 91-190.}

\[\text{449 F.2d at 1113.}\]
NEPA in the strictest sense. In further litigation, and there would be much of it, the standard first articulated by the D.C. Circuit would provide guidance to other courts as they assumed their duties as the interpreters of NEPA.

NEPA and the courts first clashed with the Forest Service, in a substantive way over the agency’s first Roadless Area Review and Evaluation. In 1967, the Washington Office, in part responding to preservationist clamor, directed Regional Foresters to inventory the roadless areas in their regions that met the requirements of the Wilderness Act. As we have seen, because of conflicts with primitive area reviews and general lack of interest the agency realized, by 1969, that the regions could not meet the deadline date of June 30, 1970. Accordingly, the Chief amended the regulations in May 1969 to extend the deadline to June 30, 1972.

By 1971 Chief Edward P. Cliff recognized that the new June 1972 deadline was in jeopardy. He issued directives to the regions to complete the inventory by the specified date and to report their recommendations for areas that merited


further study as New Study Areas. These new directives, in part a response to growing outside pressures to expand the wilderness system, were a continuation of the 1967 directives, but received the title: Roadless Area Review and Evaluation (RARE). 

The objective of the RARE program did not involve actual recommendations for wilderness additions; rather it proposed the selection of those areas that were best suited for further study of possible future wilderness suitability. RARE attempted to employ a systematic analysis from which to derive wilderness study recommendations. This analysis included: an inventory of the roadless areas in the national forests; public involvement; Regional Forester recommendations; an interdisciplinary evaluation of the Regional Foresters’ recommendations; and finally, the Chief’s final selections. The first phase of

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287Robinson, 163. Craig W. Allin notes congressional and administration pressure to inventory the roadless areas. Preservationists maintained that the Forest Service, as demonstrated by the Mission Mountains Controversy, was misapplying the 1964 Wilderness Act by relying on the purity principle to determine wilderness suitability. In 1971, the Council on Environmental Quality, created by Title II of NEPA, circulated a draft executive order to inventory the roadless areas and protect them as wilderness until the President and Congress considered them for official inclusion in the system, Allin, 159-160.

288Interview with Tom Donahue; "Roadless Area Review and Evaluation, Final Environmental Impact Statement."
RARE produced a DES, followed by a second evaluative phase that produced the program's final recommendations.\textsuperscript{289}

To qualify as a RARE roadless area (not necessarily conferring New Study Area status), an area had to exhibit two characteristics: be roadless and undeveloped; and contain at least 5,000 acres.\textsuperscript{290} An area that was roadless and undeveloped had to pass three tests: need, suitability, and availability.\textsuperscript{291} These three tests, promulgated in the wilderness regulations drawn up by the 1964 task force, applied the Forest Service's purity principle to the evaluation of wild country.

The 1964 task force's explanation of the reasons for relying on the purity principle notwithstanding, what an examination of the three tests for roadless area qualification reveals a determination to protect commodities from 'lock-up' and economic non-utilization. Gifford Pinchot's original idea for the national forests to supply timber to local communities and industries still guided Forest Service managers. Forests contributed to the local communities' economies first and foremost; wilderness preservation occupied a lower priority. This reality was evident in the availability test, as specified in . . .


\textsuperscript{290}Ibid, 14-15.

\textsuperscript{291}Ibid, appendix 11, 605.
Following are examples of lands which must, in the public interest, be fully developed and intensively managed for sustained yield production of resources other than Wilderness. The following would usually be considered as unavailable for Wilderness:

1. Areas where the need for increased water production and additional onsite storage is so vital that the installation or maintenance of works and facilities incompatible with Wilderness is an obvious and inevitable public necessity.

2. Areas where the Wilderness classification would seriously restrict or prevent the application of wildlife management measures of considerable urgency and importance.

3. Highly mineralized areas . . .

4. National Forest areas supporting heavy stands of high-quality timber, all of which is essential to the economic welfare of existing dependent communities.[emphasis added]

5. Areas containing natural phenomena of such unique or outstanding nature that general public access should be provided.

6. Lands needed to meet important long-range needs for developed recreation areas, such as winter sports sites, campgrounds, and picnic areas.292

This availability test effectively omitted those lands with marketable stands of timber from the inventory, thus preserving the timber base.

The RARE FES discussed, at length, the public commentary involved in the project. Nationally, the Forest Service held over 300 public meetings attended by 25,000 people. The agency received approximately 54,000 written individual and group opinions on RARE, and petitions containing 18,000 signatures came to the Forest Service. The goals of soliciting public opinion were to ascertain whether the public desired more wilderness, and to receive the public’s suggestions for additions or deletions to the inventory. The Forest

292Ibid, 609.
Service reported strong support for more additions to the National Wilderness Preservation System, but they also reported that public opinion indicated that not all the roadless areas should be preserved.²⁹³

Inventory and initial evaluation of the roadless areas occurred during the winter and spring of 1971-1972. RARE turned out to be more haphazard than systematic or comprehensive. In the Northern Region a ranger remembered RARE as nothing more than a quick response to a memorandum from the Washington Office. "We assembled a series of maps, drew lines around the roadless areas and sent them off," a Kootenai National Forest planner said; no in-depth physical inventory happened.²⁹⁴

The San Francisco-based Sierra Club, disturbed at what they interpreted as a ploy to speed the development of America’s remaining unprotected wild forested lands, observed that RARE might be vulnerable to NEPA in court. Consequently, they filed suit against the Department of Agriculture and the Forest Service to enjoin any development of national forest roadless areas. The Sierra Club obtained a preliminary injunction against Forest Service development of listed RARE roadless areas on August 16, 1972.²⁹⁵


²⁹⁴Interview with Robert Meuchel, Director of Planning, Lolo National Forest, Missoula, MT, April 13, 1992, notes.

In *Sierra Club v. Butz*, District Judge Samuel J. Conti, following the *Calvert Cliffs* interpretation, found that the Forest Service failed to comply with NEPA in their RARE program. The Sierra Club pointed out that the areas not recommended for study status by the RARE process were likely to be developed under multiple use management. They argued that this was a major federal action that required compliance with NEPA. Conti was cognizant that his decision would be considered by the Forest Service as judicial interference in forest management, but Conti asserted the court’s authority to ensure that the Forest Service complied with the law. Conti reduced the case to a question of NEPA compliance and judged that the Forest Service’s RARE program fell under the purview of NEPA.296

Attorneys from the Department of Justice, representing the Forest Service, argued that NEPA did not apply to RARE; the Forest Service’s policy stemmed from the Multiple Use Sustained Yield Act. They further protested that RARE did not represent a federal action as contemplated by NEPA. Without a formal decision to commit an action that would impact the environment, the defendants maintained, there could be no NEPA applicability. Conti disagreed:

But as we all know that sometimes a non-decision or a non-action can be a breach of an affirmative duty to act. And I believe in this case, where you have a situation where the Forest Service in not acting upon this land in an affirmative nature and unclassifying
it, and by having it in a category of unclassified, that it then becomes under the Multiple Use Sustained Yield Act, that it is susceptible to the letting of timber contracts, that in effect you are classifying it and you are classifying it as timber that is available for harvesting and timber available for letting.297

Conti said, in effect, that the decision not to include an area as a New Study Area, was tantamount to releasing it for development, and that was indeed a major federal action, deserving an EIS. Conti issued a temporary injunction against the development of non-classified RARE lands and a full scale trial was set for November 6, 1972.298

The Forest Service alerted its rangers of the need to adhere to the terms of the injunction; an EIS would need to precede any development of any RARE area.299 Meanwhile, the Forest Service contemplated the ramifications of defending their policies in court. They decided that to contest the issue was not in their interests, and thus they agreed to file an EIS prior to any action that would alter the landscape of any RARE area.300 On December 11, 1972,

297Ibid.

298Ibid at 20074.


Judge Conti dissolved the preliminary injunction and dismissed the case without prejudice.\footnote{301}

Judge Conti’s decision derailed the Forest Service’s attempt to put at an end the question of wilderness expansion. In following the purity principle, the Forest Service excluded many areas from wilderness study consideration. By the terms of the RARE process those areas excluded were to remain in non-wilderness multiple use management and continue to contribute to a forest’s annual allowable cut of timber. NEPA functioned to prevent these areas from automatically falling under the axe; development could proceed only in compliance with NEPA or the courts would intervene.

In January 1973, the Forest Service released its RARE DES. Preservationists immediately complained of the paucity of wilderness study recommendations—only 11 million acres out of 56 million inventoried. The Wilderness Society and the Sierra Club decried the RARE results, noting that large tracts of roadless lands were omitted from New Study Area status. The Wilderness Society specifically mentioned Montana as containing large unclassified tracts.\footnote{302} The DES results for Lolo National Forest seem to substantiate the preservationist’s point. Out of 717,549 RARE acres, only two areas, Hoodoo

\footnote{301}3 ELR at 20074.

\footnote{302}James Risser, "The Forest Service and its Critics," \textit{The Living Wilderness}, (Summer 1973), 8.
(the Montana portion of the Great Burn area) and Grizzly Basin, containing a scant 80,688 acres received New Study Area status.\textsuperscript{303} Preservationists were not the only segment of the population concerned with the RARE results. Despite the release of the overwhelming majority of roadless acreage to multiple use management, the timber industry expressed apprehension over the amount of timber excluded from the annual allowable cut by the New Study Areas. At a Missoula press conference, Jack Stevenson, President of Intermountain Corporation in Darby, Montana, questioned whether the initial DES classification would reduce the cut. Regional Forester Steve Yurich replied that until the final classification there would be no reduction. When the final classifications were set, then the Region’s cut would drop 55 MMBF per annum. Stevenson said he had no problem with the study areas as long as there was no drop in the annual allowable cut.\textsuperscript{304} However, Jean Warren, local Missoula representative for the Sierra Club, saw RARE as a victory for the commodity interests. She said, "I feel what we’ve seen today is quite a victory

\textsuperscript{303} Charles B. Tribe, Program Officer, Planning, Lolo National Forest, to Mike Comola, Northwest Citizens for Wilderness, March 8, 1977, RARE file, Headquarters, Lolo National Forest, Missoula, MT.

for the miners and loggers, . . . the wilderness resource has really been lost."\(^{305}\)

The Forest Service set an initial date of April 17, 1973 for comments on the DES. During the review of the DES, preservationists were able to prevail upon the Forest Service to include more areas as New Study Areas and when the new Chief Forester, John R. McGuire, announced the results of the FES on October 15, it contained added acreage. But, McGuire knew that RARE provided little to resolve the roadless area conflict, "The process of reconciling the many conflicting uses, and demands, on the National Forests will no doubt take years."\(^{306}\)

As a result of public commentary, Lolo National Forest's RARE New Study Area acreage more than doubled during the review of the DES. The Forest Service added the 102,991 acre West Side Swan- Monture area, adjacent to the west boundary of the Bob Marshall Wilderness. Wilderness management protected the RARE study areas from extractive uses. Raymond Karr, Information Chief for the Northern Region, said this protection would last until the areas' final status was determined by administrative study.

\(^{305}\)Ibid.

Chief of Timber Management John Milodragovich said that the Northern Region’s annual cut would shrink by 57 MMBF due to the study areas.\textsuperscript{307}

As the courts moved, through NEPA, to reform federal land management behavior, so too did Congress. The 1970s witnessed a flurry of environmentally based legislation.\textsuperscript{308} The most significant of these new laws were the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 and the National Forest Management Act (NFMA) of 1976.\textsuperscript{309} Traditionally, Congress seldom interfered in the Forest Service’s management of the national forests, and prior to 1974 the Forest Service’s basic legislative directive was the antiquated Organic Act of 1897, as amended by the Multiple Use Sustained Yield Act of 1960.\textsuperscript{310}

RPA attempted to reform the longstanding budgetary woes of the Forest Service by requiring long-term resource and budget planning. Every ten years the Forest Service was to prepare an assessment of the status of the renewable

\begin{itemize}
  \item \textsuperscript{307}Dale Burk, "43 Wilderness Areas Selected in Northern Region," Missoulian, October 16, 1973, 1.
  \item \textsuperscript{308}For an excellent overview of the 1970s legislation and the consequent effects on the U.S. Forest Service, see: Dennis C. Le Master, Decade of Change: The Remaking of Forest Service Statutory Authority During the 1970s, (Westport, CT: Greenwood Press, 1984).
\end{itemize}
resources of the nation’s forests and rangelands, and every five years the Forest Service would be responsible for a long-range resource plan with a forty-five year horizon. Additionally, every year the agency was to produce an annual RPA progress report. The President, in his annual budget request to Congress, would have to submit an explanation for all funding requests not consistent with his RPA required five-year Statement of Policy, which governs funding requests.\textsuperscript{311}

In practice, RPA has not fundamentally changed the Forest Service’s budgetary process.\textsuperscript{312} Budget proposals and appropriations have consistently lagged behind the goals contemplated by the required plans.\textsuperscript{313} But RPA has served the bureaucratic purpose of deflecting criticism of Forest Service inadequacies in funding the various multiple uses of the national forests.

Congress has the responsibility for appropriating funds for the various programs, including wilderness management funds.\textsuperscript{314}

Congress passed the National Forest Management Act to quiet the storm of protest over Forest Service management practices in places like Montana’s

\textsuperscript{311}Ibid, 39-40.

\textsuperscript{312}For a collection of essays about resource planning and RPA see: Charles E. Hewitt and Thomas E. Hamilton, Forests in Demand: Conflicts and Solutions. (Boston: Auburn House Publishing Company, 1982).

\textsuperscript{313}Ibid, 40.

\textsuperscript{314}Clary, 189-190.
Bitterroot National Forest and West Virginia’s Monongahela National Forest. In 1973, in the case *West Virginia Division of the Isaak Walton League of America, Inc. v. Butz* the West Virginia Division of the Isaak Walton League of America, Inc. sued the Secretary of Agriculture Earl Butz to stop the sale of timber in the Monongahela National Forest. The Isaak Walton League claimed that the Forest Service was in violation of the 1897 Organic Act with their methods of harvesting timber, namely clearcutting.\(^{315}\)

A literal reading of the Organic Act, still very much in effect in 1973, revealed language that prohibited many Forest Service timber management techniques. Trees had to be more than just mature enough to cut profitably, they had to be also physically mature and prior to harvest had to be marked individually with a slash of paint. These requirements made even-age management by the use of the clearcutting harvest method illegal. Accordingly, District Judge Earl Maxwell granted the League’s motion for summary judgement to enjoin all timber harvests not in compliance with the Organic Act.\(^{316}\)

The Forest Service appealed the decision. They claimed that to comply with the provisions of the Organic Act would be economically impossible. U.S.


\(^{316}\) Ibid.
Fourth Circuit Court of Appeals Chief Judge Field wrote that the language of the Organic Act was unambiguous; the law was clear on the methods to follow to harvest timber. Field realized the Appellate Court’s decision to affirm Maxwell’s ruling had severe consequences for the Forest Service and those dependent on public timber. Field wrote:

We are not insensitive to the fact that our reading of the Organic Act will have serious and far-reaching consequences, and it may well be that this legislation enacted over seventy-five years ago is an anachronism which no longer serves the public interest. However, the appropriate forum to resolve this complex and controversial issue is not the courts but the Congress.\(^\text{317}\)

A year and two months after the Monongahela decision, President Gerald Ford signed NFMA into law, on October 22, 1976.\(^\text{318}\) NFMA expanded upon the RPA’s directive to prepare land and resource plans. All contracts, permits, and other legal instruments involving the national forests had to conform to NFMA. NFMA guidance on timber harvesting borrows from the Church Guidelines, the congressional response to the clearcutting controversies of 1970. NFMA established clear limitation to the amount of timber that could be sold by the Forest Service. Most significantly, NFMA directed that National Forest

\(^{317}\)522 F. 2d at 955.

managers attempt to complete comprehensive ‘forest plans’ by 1985. NFMA planning would come to play a distinct role in wilderness planning.\textsuperscript{319}

Congressional guidance to the Forest Service in the form of legislation did not shelter the agency from all controversy as the 1970s advanced. The old sticking point of how to allocate the roadless areas still remained.\textsuperscript{320} As directed by the Conti decision from 1972 to 1977 the agency processed land allocations, both wilderness and non-wilderness, through the NEPA mandated EIS procedure. From the Forest Service viewpoint this process proved to be slow and tedious, and by 1977 they had allocated only five million acres of roadless land.\textsuperscript{321}

Development interests, such as the timber industry, were also frustrated at the slowness of the allocation process. Industry needed a stable timber base on which to base capital investments and plan for sales. These pressures, coupled with preservationist demands for more additions to the wilderness system, pointed toward another national attempt to resolve the roadless dilemma. This

\textsuperscript{319}Wilkinson and Anderson, 43. Wilkinson and Anderson’s treatment of NFMA in \textit{Land and Resource Planning in the National Forests} is the standard reference on the subject.

\textsuperscript{320}The term allocation refers to what management determination the Forest Service has made for an area. Some examples would be: timber base, wildlife, roadless, or combinations of two or more management techniques.

was speeded along when Jimmy Carter’s administration assumed office in 1977 and Dr. M. Rupert Cutler received the appointment as assistant Secretary of Agriculture for Natural Resources, the political head of the Forest Service.\footnote{Ibid.}

Cutler had served as a forestry professor at Michigan State University, and had held positions in the Wilderness Society. Upon assuming his new duties in the Cater Administration, Cutler determined to launch a new roadless area review and evaluation that came to be called RARE II. Cutler’s new inventory had two primary goals: first, to determine which roadless and undeveloped areas to recommend to Congress for wilderness designation; and second, identify those areas that should be released to non-wilderness multiple use management. Cutler set a deadline for the project’s FES at the end of 1978 but he realized that definitive decisions on all areas by that date were unrealistic. Therefore the familiar ‘study’ category of ‘further planning’ would suffice in the areas for which the Forest Service could not immediately make a decision.\footnote{M. Rupert Cutler, "RARE II: A Review of the Current Roadless Area Review and Evaluation," \textit{Western Wildlands}, (Fall 1977), 6-7; Karr, 121.}

RARE II involved three phases: inventory; evaluation; and recommendation. The inventory phase consisted of the identification and mapping of roadless and undeveloped areas.\footnote{Federal Register, United States Department of Agriculture, Forest Service, "Roadless Area Review and Evaluation (RARE II)," November 18, 1977.} Since the failure of the original RARE (I), the passage
of congressionally evaluated wilderness bills, such as those establishing the Scapegoat and Mission Mountains Wildernesses, and the recent passage of the Eastern Wilderness Act of 1975 all of which repudiated the Forest Service’s once-governing purity principle, the criteria for qualification was less severe than in the previous inventory in 1971.\footnote{Eastern Wilderness Act of 1975, 88 Stat. 2096. Passed over the objections of the Forest Service, this act established sixteen wilderness areas in the Eastern United States. Passage of this act implicitly rejected the purity principle, as all the areas had signs of human impact.}

The Forest Service encouraged public participation in the inventory phase, even before its completion, in 227 public workshops held during the summer of 1977, 17,000 people attended. The Forest Service officially welcomed suggestions for additions or deletions to the inventory.\footnote{Ibid.} However, preservationists criticized the Forest Service’s handling of this initial public commentary period. No evaluation of the roadless areas occurred at the meetings; the inventories had not yet been compiled at the time of the workshops. Preservationists complained that the input of the 17,000 attendees served no perceptible purpose other than public relations.\footnote{Tim Mahoney and Jody Bolz, "RARE II: A Test for Forest Wilderness," \textit{The Living Wilderness}, (Autumn 1978), 8.}

Lolo National Forest’s public workshop, held on August 2, 1977, drew 150 participants to Missoula’s Eagle’s Hall. The Forest Service asked these people
to provide written comments on their proposed inventory of local roadless areas.\textsuperscript{328} In response to public demand, RARE II staffers conducted a second workshop at Superior, Montana. At this meeting participants complained that the Forest Service left little opportunity for verbal commentary on the program.\textsuperscript{329}

The evaluation phase’s goal was to identify the "gaps" in the existing structure of the National Wilderness Preservation System, and to fill them with appropriate RARE II areas.\textsuperscript{330} To determine which areas were appropriate, the Forest Service employed an agency-devised system called Wilderness Attributes Ratings System (WARS). This evaluative system competitively rated roadless areas by assigning a numerical score to each area. The basis for each area’s score was a sum of separate ratings of each area’s wilderness attributes. These attributes stressed those qualities identified in the Wilderness Act: natural integrity, apparent naturalness, outstanding opportunities for solitude, primitive

\textsuperscript{328}Linda Robbins, "Public Comment Solicited at Roadless Area Hearing," Missoulian, August 4, 1977, 5.

\textsuperscript{329}Margie Hahn, "Questions about RARE II Remain Unanswered," Missoulian, August 28, 1977, 7.

\textsuperscript{330}Federal Register, November 18, 1977.
recreation, and outstanding ecological, geological, scenic, and historical features.  

During RARE II, Forest Service officials identified 28 roadless areas in Lolo National Forest comprising 686,000 acres. Additionally, five other areas were added to the inventory list because they were either pending in congressional wilderness legislation or received strong citizen support; these areas totaled 126,300 acres. Of these areas, those with the highest WARS ratings were the same areas proposed for New Study Area status during RARE I; Hoodoo (Great Burn) and the Swan-Monture. Those areas with low WARS ratings tended to be those highest in potential timber yield.

The final phase of RARE II, the recommendations, attempted to follow the NEPA process. With the release of the RARE II DES on June 15, 1978, the Forest Service provided a list of ten possible recommendation alternatives. Roadless area allocations ranged from all areas released to non-wilderness multiple use to all areas recommended for wilderness. One alternative proposed

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332 Charles B. Tribe to District Rangers and Program Officers, Subject: RARE II Inventory, November 10, 1977, RARE II Files, Headquarters Lolo National Forest, Missoula, MT.

333 Charles B. Tribe to District Rangers and Program Officers, Subject: RARE II Wilderness Attribute Rating System, February 17, 1978, RARE II File, Headquarters Lolo National Forest, Missoula, MT.
keeping the status quo, rendering RARE II invalid. Importantly, the Forest Service did not reveal its preferred alternative in the DES.334

Preservationists were not satisfied with the Forest Service’s list of alternatives and proposed one of their own—Alternative W.335 In Montana, Alternative W received support from the Montana Coalition for Wilderness, an umbrella group comprised of local chapters of the Sierra Club, the Montana Wilderness Association, and numerous smaller, local grass-roots groups. Alternative W responded to the preservationist perception that the Forest Service’s range of alternatives were heavily slanted toward development.336

With the release of the RARE II DES, another round of public commentary commenced. The Forest Service gave the public three and a half months to make their final comments on RARE II. The Montana respondents to the RARE II DES separated into polar interest groups. A review of the letters received at Region One Headquarters and Lolo Forest in Missoula seems to


335Alternative W proposed a separate list of locations for wilderness. In Lolo National Forest Alternative W recommended: HooDoo, Meadow Creek, Marshall Peak, Cube Iron Silcox, Rattlesnake, Burdette Creek, Garden Point, Lolo Creek, and MacGregor-Thompson.

336Bill M. Comola to Robert Torheim, Northern Region Forester, September 29, 1978, RARE II File, Headquarters, Lolo National Forest, Missoula, MT.
indicate equivalent support for wilderness and development.

Representative of the polarity of opinion, the Montana League of Women Voters wrote to urge the Forest Service to consider the economic and environmental costs of developing roadless areas. Also, echoing the concern of the Sierra Club, the League decried the lack of an adequate period for considering public opinion. In an opposing viewpoint, the Montana 4x4 Association, Inc., wrote to Lolo Forest urging the adoption of the alternative that allocated all roadless areas for non-wilderness use.

The University of Montana hosted a national conference on RARE II, held on August 4 through the 5, 1978. The National RARE II Symposium saw such notables as Assistant-Secretary of Agriculture M. Rupert Cutler, Chief Forester John McGuire, and Congressman Max Baucus (then also candidate for the U.S. Senate) in attendance. The conference brought together the widely disparate interests involved in the RARE II process, including the administration,

337 Priscilla Maclean, President, Montana League of Women Voters to Robert Torheim, Regional Forester, United States Forest Service, Region One, Missoula, MT., September 22, 1978, Lolo National Forest RARE II files, Headquarters Lolo National Forest, Missoula, MT.

338 Jerry L. Smith, Regional Vice-President, Montana 4x4 Association, Inc. to Lolo National Forest, Missoula, MT, September 21, 1978, Lolo National Forest RARE II files, Headquarters, Lolo National Forest, Missoula, MT.
Congress, industry, academia, and conservationists, to discuss the DES and the general progress of RARE II.339

Presenting the congressional perspective on RARE II, Max Baucus stressed the importance of basing land allocation decisions on the effects those decisions have on people. Baucus noted the demands of competing resource interests on a growing scarcity of resources. Wilderness could not be separated from the other related forest issues according to Baucus, and the RARE II process had to address the problems of scarcity and competition for resources. The soon to be senator (who would replace wilderness champion Lee Metcalf) offered no concrete opinion on the potential success of RARE II but said expectations that RARE II would solve the entire national roadless area issue in "one fell swoop" were unrealistic.340

In a prophetic speech, Douglas Scott, the Sierra Club's northwest representative and national RARE II coordinator, predicted the failure of RARE II. Calling RARE II "fundamentally misdirected," Scott railed against the Forest Service's quest for speed in solving the roadless question. The Sierra Club saw the Forest Service's efforts as unfair and the latest in a series of "quick and

339 Montana Forest and Conservation Experiment Station, School of Forestry, University of Montana, Proceedings: Professional Perspectives on RARE II Decision-Making for the Western United States, August 4-5, 1978, Missoula, MT.

dirty" attempts to resolve the roadless areas’ fate. Scott interpreted the preoccupation with rapidity as an effort to get back to the business of development.\footnote{Douglas W. Scott, "Views, Cares, Concerns From The Non-Development Perspective", Proceedings, pp.60-61.}

Speaking for development interests, William Mote, a geologist from the Northwest Mining Association, appealed to national security concerns for the necessity of developing Western public lands. Stating that the United States imported more than half its annual requirement of 18 (unspecified) critical, non-fuel minerals, Mote noted the existence of many of those critical minerals on Forest Service land. He stressed the danger of relying on foreign sources (1978 saw OPEC limit oil supplies to the U.S., resulting in the infamous gas lines) and the essential need for home supplies. Mote conceded the wisdom of preserving "truly outstanding wilderness," but emphasized the need to quantify that outstanding wilderness and return the remaining national forest roadless areas to multiple use.\footnote{William Mote, "Statement by Northwest Mining Association", Proceedings, pp.308-312.}

Once the time allocated for public commentary on the DES expired, the Forest Service went to work producing the FES. This document arrived, on schedule, in January, 1979. Contained in the FES were the agency’s recommendations to congress for the roadless areas. The preferred allocations emphasized high
resource outputs while adding to the wilderness system those areas with the highest WARS ratings. Nationally, this translated into 624 areas with 15,088,838 acres recommended for wilderness, 1,981 areas with 36,151,558 acres for non-wilderness, and 314 areas with 10,796,508 acres for further planning.\footnote{343 United States Department of Agriculture, Forest Service, "Summary-Final Environmental Statement: Roadless Area Review and Evaluation", January, 1979, pp.2-3.}

In Montana, the Forest Service recommended 35 areas totaling 603,381 acres for wilderness and 28 areas with 1,300,614 acres received further planning status. Non-wilderness roadless areas released to non-wilderness multiple use totaled 158 with 3,437,044 acres.\footnote{344 United States Department of Agriculture, Forest Service, "RARE II: Final Environmental Impact Statement", January, 1979, Appendix J, p.J-1.} Six Lolo National Forest areas received recommendations for wilderness: a Bob Marshall addition, Schley Mountain and Hoodoo (Great Burn), Clearwater-Monture, Quigg, and Dunham Point. These areas totaled 246,351 acres representing the creation of two new wildernesses, the Great Burn and Sliderock (Quigg), plus additions to the Bob Marshall complex and Selway-Bitterroot. One area just north of Missoula, the Rattlesnake, received further planning status.\footnote{345 Ibid, p.J-5.}
The FES proposed to President Jimmy Carter the legislative designation of wilderness for those areas recommended for wilderness. Non-wilderness area selections were to be released to non-wilderness multiple use management by April 15, 1979. Lands that fell into the further planning category were to remain essentially undeveloped until individual forest planning, under the provisions of NFMA, decided their ultimate fate.\footnote{Ibid, p.4.}

Front page headlines announced the release of the RARE II FES in Missoula on January 5, 1979. \textit{Missoulian} writer Don Schwennesen interpreted the results of RARE II as a victory for wilderness opponents because the FES supported the release of two-thirds of the nation's roadless areas to non-wilderness use.\footnote{Don Schwennesen, "Wilderness Foes Score a Victory in North Region", and "Wilderness Advocates Dismayed, Industry pleased by RARE II Results", \textit{Missoulian}, January 5, 1979, pp. 1-2.} Preservation groups blasted RARE II and the Forest Service. John Platt, Executive Director of the Oregon Environmental Council, expressed extreme disappointment over the results. The Sierra Club's Doug Scott frankly stated, "RARE II decisions in the Pacific Northwest are the worst in the nation."

Doug Jones, of Friends of the Earth, questioned the motives of the program,
claiming that "most of the areas proposed for wilderness have never been available [for resource development] anyway."^{348}

On April 16, 1979, after two and a half months of public review of the Final EIS, President Carter released his formal recommendation to Congress. Deviating little from the RARE II FES, Carter recommended 15.4 million acres for wilderness, 36 million acres for non-wilderness, and 10.6 million acres for further planning. Calling RARE II a "comprehensive nationwide review and evaluation" Carter hoped that his recommendations would end the controversy over the fate of the roadless lands.^{349}

Yet, far from ending the controversy, the RARE II Final EIS stirred up a hornet's nest of opposition from preservationists, Congress, and state government officials. Representing developers, Congressman Thomas J. Foley, Democrat from Washington, tried twice to get pro-development wilderness legislation passed. First, Foley introduced The National Forest Multiple Use Management Act of 1980. This act proposed the immediate release of the 36 million acres of roadless land not recommended for wilderness by RARE II. Additionally, those areas in the further planning category that had not had their

^{348} "Northwest Conservationists decry RARE Recommendations", Missoulian, January 7, 1979, p.3.

^{349} Ibid.
status resolved by January 1, 1985, reverted to multiple use planning. Foley’s bill had 54 co-sponsors and that was about all the support it received.350

Foley tried again with a second bill, a revision of his failed first, called the National Forest Roadless Areas Act. A compromise with preservationists, Foley’s second bill would have immediately conferred wilderness designations on the areas selected for wilderness by RARE II. Areas not selected for wilderness passed into non-wilderness multiple use planning. House of Representatives forces sympathetic to the preservationist cause also rejected Foley’s second bill.351

As the RARE II EIS became the topic of discussion among those interested in public lands issues, the state of California explored the possibility of judicial action to reverse the roadless area allocations of RARE II. Once again, NEPA would be used by preservationists to suspend temporarily an unpopular federal land management program. When RARE II failed to withstand the rigors of judicial review, future wilderness expansion was left to individual state congressional delegations and in Montana, this process has ground down into stagnation. Congress and the courts continued to influence wilderness policy during the 1980s. As the conservative Reagan Administration assumed office, environmentalist prepared to wage battle for the last remaining vestiges of wild

350 Allin, 164.

351 Ibid, 164-165.
country in America. The wilderness debate polarized between two philosophically opposed groups, environmentalists and a new, grassroots activist impulse— the utilitarian wise use movement. Caught in the middle of the political crossfire stood the U.S. Forest Service.

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CHAPTER FIVE: Judicial Critique, Congressional Stalemate, and Polarization

Congress and the courts continued to influence wilderness policy during the 1980s. As the conservative Reagan administration assumed office, environmentalists prepared to wage battle for the last remaining vestiges of wild country in America. The wilderness debate polarized between two philosophically opposed groups, environmentalists and a new, grassroots activist impulse— the utilitarian Wise Use movement. Caught in the middle of the political crossfire stood the U.S. Forest Service.

Assistant Secretary of Agriculture M. Rupert Cutler stated two goals for RARE II in 1977: to complete the National Wilderness Preservation system for the national forests, and to release those areas not selected for wilderness to multiple use management. With the distribution of the RARE II FES, wilderness advocates expressed deep dissatisfaction with the results. Far from resolving the future of wilderness allocation, RARE II produced a renewed

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effort from preservationists to save the remaining wild places. The Wilderness Society called for pressure on Congress; the State of California sued to enjoin the release of designated non-wilderness areas in that state; and in Montana, a grass-roots wilderness group struggled to designate a unique wilderness, just north of the Missoula city limits.\footnote{Tim Mahoney, "RARE II’s Results: Too Little Wilderness," The Living Wilderness, (January-March, 1979), 12.}


Looking back, the Forest Service’s record with NEPA and wilderness issues was not outstanding. RARE I had died in \textit{Sierra Club v. Butz}. In \textit{Wyoming
Outdoor Coordinating Council v. Butz, (1973) the court had enjoined two valuable timber sales; and in Minnesota Public Interest Research Group v. Butz, (1974), the court had issued an injunction to halt logging adjacent to a wilderness area. These cases revolved around the Forest Service's inadequate preparation of environmental impact statements. One might assume that by the time of RARE II the service would have ascertained the complexities of Section 102,(2),(C), but in 1980 a federal district court discovered that the service still had much to discover.

California's main point of contention in California v. Bergland centered on the Forest Service's alleged failure [to] "critically examine" the effect of its decisions on the wilderness quality of the RARE II areas. District Judge Lawrence Karlton replied to the California allegation,

My examination of the RARE II environmental statement has convinced me that the Forest service either never seriously considered the impact of its decision on the wilderness qualities of the RARE II areas, or that the Forest Service has simply failed to disclose the data, assumptions, and conclusions employed by it in such a consideration.359

Judge Karlton further criticized the RARE II EIS for not revealing what the service was to sacrifice (in terms of land) by releasing the preponderance of acreage to non-wilderness uses.360 Additionally, aside from accounting for

359483 F. Supp. at 470.

360Ibid.
the impact of a non-wilderness designation on an area, the proposed action still had to constitute a major federal action in order for NEPA to apply. Defining a major federal action as one that changed the status quo, Judge Karlton held that RARE definitely qualified as a major federal action.361 Indeed, the Forest Service never questioned the applicability of NEPA to RARE II.

NEPA’s Section 102, (2), (C), directs agencies to include in their EISs a list of alternatives to the proposed action.362 Judge Karlton recalled how the courts had found the duty to include alternatives as the "lynch pin" of the whole impact statement.363 Indeed, Judge Wright, in his Calvert Cliffs opinion, had found that using alternatives was the only way "the most intelligent, optimally beneficial decision will ultimately be made."364 The RARE II EIS listed 11 alternative courses of action. One alternative proposed to put all the Roadless areas into wilderness and the other ten proposed some form of development. Judge Karlton found the list heavily "skewed" toward non-wilderness options. He concluded that the Forest Service had "acted arbitrarily in its restriction of the range of alternatives."365 The all-wilderness option that the Forest Service

361Ibid. at 478.

362Public Law 91-190, Title I, Section 102, 2, C, iii.

363483 F. Supp. at 487.

364Quoted, Ibid. at 488, see also Calvert Cliffs, 449 F.2d at 1114.

365483 F. Supp. at 489.
relied upon to demonstrate that they considered a "broad range" of alternatives was neither serious nor acceptable under NEPA.\textsuperscript{366}

Perhaps the most serious shortcoming of the content of the RARE II EIS centered on the methodology of the evaluation of roadless areas. The Forest Service devised its rating system, WARS, to rate competitively individual roadless tracts. WARS assigned a numerical score to each area, with only the highest scores even considered for wilderness designation.\textsuperscript{367}

Judge Karlton found WARS to be deficient under NEPA; WARS did not supply the type of analysis required by the legislation. The courts interpreted NEPA to require that agencies take a "hard look" at their proposed actions, and the RARE II EIS did not accomplish the hard look. According to Judge Karlton, WARS "utterly failed" to consider the impact of a non-wilderness recommendation. Judge Karlton even found fault with the terminology used by the Forest Service to describe landforms. The terms used in the comments section on the WARS worksheet were too vague, inspiring a humorous footnote in the opinion: "One can hypothesize how the Grand Canyon might be rated: 'Canyon with river, little vegetation'."\textsuperscript{368}

\textsuperscript{366}Ibid.

\textsuperscript{367}WARS scores were based competitively on each area's naturalness, apparent naturalness, opportunity for solitude, and opportunity for primitive recreation. 483 F. Supp. at 485.

\textsuperscript{368}483 F. Supp. at 486, note 22.
RARE II betrayed a not too subtle bias toward resource production, according to the opinion in *California v. Bergland*. The EIS failed to address the impact of the decision not to classify an area as wilderness. However, the EIS spoke volumes about the costs of foreclosing development.\(^{369}\) The *Calvert Cliffs* opinion had clearly announced that compliance with NEPA involved a balanced analysis of all factors\(^ {370}\) yet the RARE II EIS never addressed the values lost or gained by the decision to develop a roadless area. NEPA demands full disclosure and full consideration of environmental factors.\(^ {371}\) The Forest Service published instead a resource commodities report.

Critical to Judge Karlton's rejection of the RARE II EIS was the lack of site specific analysis of the individual areas. The EIS contained just the numerical WARS ratings for each area listed in a computer print-out format. Forest Service counsel defended the EIS by arguing that if the agency included a written analysis of each RARE II area, the final document would be too "bulky."\(^ {372}\) The judge's response: "A statutory duty cannot be excused simply because it is difficult to perform."\(^ {373}\) The resultant difficulty in providing a

\(^{369}\)Ibid. at 485.

\(^{370}\)449 F.2d at 1113.

\(^{371}\)Ibid.

\(^{372}\)483 F. Supp. at 487.

\(^{373}\)Ibid.
site-specific EIS was not due to the statute but to the scope of the project that the Forest Service voluntarily took upon itself.\textsuperscript{374}

California also charged that the public commentary process on the RARE II EIS violated NEPA. The state raised three objections: first, the Forest Service failed to afford the public an opportunity to comment on the final EIS that contained the Forest Service's recommendations\textsuperscript{375}; second, the Forest Service never responded to site specific comments on the draft EIS, and third, the Forest Service changed its method of evaluating comments after the draft EIS\textsuperscript{376}, NEPA and the Council on Environmental Quality guidelines contemplated a reasonable opportunity for public commentary on proposed federal actions;\textsuperscript{377} Judge Karlton found that the RARE II EIS was at variance with this directive and held the California objections valid.

As interpreted by the courts, the RARE II EIS contained serious flaws and was beyond salvation. Accordingly, Judge Karlton granted a motion for an injunction against the development of the forty-seven non-wilderness areas in

\footnotesize\textsuperscript{374}Ibid.

\footnotesize\textsuperscript{375}The Forest Service received public comments only on the draft EIS, which did not contain any land use recommendations. The final EIS that did contain the recommendations had a limited circulation to mostly government entities, so the public never had a chance to comment on the specific proposals.

\footnotesize\textsuperscript{376}483 F. Supp. at 493.

\footnotesize\textsuperscript{377}Ibid.
California. Full compliance, including an adequate assessment of the wilderness values in a site specific analysis, had to occur before such development could proceed. RARE II, in California, suffered the same fate as its predecessor, RARE I.

As a federal district court dramatically identified the differences between RARE II and NEPA, a Montana wilderness example illustrated the differences in wilderness perception between RARE II and the Forest Service, the public, and the Congress. In the fall of 1974, newly retired Forest Service official William R. (Bud) Moore decided to spend his first winter of retirement trapping in the Welcome Creek drainage of the Sapphire Mountains. While on his trapping expedition, Moore maintained a journal that eventually would help establish a wilderness area.

Welcome Creek was a roadless island in patchwork of clearcut developments in Lolo National Forest’s southeastern section. Topographically not as spectacular as many existing wildernesses, such as the Bob Marshall, Welcome Creek’s 28,000 acres featured forested ridges, steep slopes, rushing waters, rock outcrops and cliffs. Welcome Creek was most widely known as a tributary of the famous trout fishery, Rock Creek. The Forest Service had ignored

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Welcome Creek during RARE I because of a ten-year old timber sale in the area and the presence of an intruding road in the area’s northeastern section. Nonetheless, a minor controversy developed over the Forest Service’s neglect of Welcome Creek during RARE I. Bud Moore remembers people repeatedly asking him his opinion of the area as interest in the roadless character of the creek drainage increased. By 1974, Moore’s fascination in Welcome Creek was aroused sufficiently to convince him to make a September scouting of the area’s potential for fur trapping. Moore’s reconnaissance turned up much evidence of small fur-bearing mammals such as marten and bobcat, and thus he decided to trap Welcome Creek that winter.

When Moore began laying his trapline through the Welcome Creek drainage, he noticed the tell-tale signs of impending timber harvest. Cruisers had left the distinctive paint slashes on trees, marking not only harvestable timber

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380 Interview with William R. Moore, telephone, December 2, 1992, notes.


382 Interest in the conservation of the entire Rock Creek draining increased during the 1970s. The Forest Service, in 1972, chartered the Rock Creek Advisory Committee to allow for the consideration of public opinion in the management of the drainage, Knox, vi.

boundaries but also road locations to support the harvest. Moore then conceived of his trip as more than a trapping venture; he kept detailed journals of his winter in Welcome Creek and thought his observations of the biotic diversity within the creek's natural setting might help the Forest Service to "step back" and reconsider their timber harvest plans.\textsuperscript{384}

Though lacking in towering peaks and reflective lakes, Welcome Creek displayed a unique wild nature to Bud Moore. He wrote in his journal:

Because Welcome Creek's canyon walls are steep, fall and winter sun rarely brighten its bottom land. Except for the creek's energetic music, I hiked alone in silence deepened by the mountain's shadow. Each intimate twist in the trail...there are many...opened sudden new vistas, mini worlds they were, each different than the last, expanding ahead then closing behind a rock point or a giant spruce tree as I ambled on through the spell of evening hush.\textsuperscript{385}

Moore's journal continually argues for land managers to consider the natural elements in their planning decisions:

I got to wondering if the timber marking foresters ever feel, as I do, that with each stroke of the paint gun the loggers are not only authorized to take wood out of the mountains but something priceless is lost forever.\textsuperscript{386}

\textsuperscript{384}Interview with William R. Moore, December 2, 1992; "Public Treasures," 2.


\textsuperscript{386}Ibid.
His descriptions of Welcome Creek are cast against the impending destruction caused by future commodity extraction. More than timber harvest threatened the wildness of Welcome Creek. Welcome Creek, historically, supported mining activity. Moore suggested ways to make future mineral extraction compatible with the wild character of Welcome Creek. He observed:

But what of the placer gold claims staked out along the creek? Given the mining history of the land, these somehow seem to fit into the scheme of an interesting future. If and when they’re worked, mud would flow in the creek as it did during the big gold mining operations years ago. But this could be minimized by settling ponds near the sluice boxes. The key it seems to me, is to keep the big machinery out of here when mining. Mining by hand would be tolerable with wild values here. It would, in fact, rekindle the rich history of yesteryear and add a new dimension to the Welcome Creek experience.\textsuperscript{387}

Moore’s journal, and the subsequent report he wrote based on his journals, painted a picture of the creek’s distinct wildness; the Welcome Creek drainage was a roadless area not deemed worthy by the Forest Service for consideration as wilderness. Even Moore did not originally support statutory wilderness designation for Welcome Creek, as his ideas on allowing mining indicate. Instead, he advocated some form of special management status that would allow for minor commodity extraction while preserving the drainage’s essential nature.

\textsuperscript{387}Ibid.
Moore took his report to Regional Forester Steve Yurich who paid little attention to it as he believed the timber sales should proceed.\textsuperscript{388}

The professional wilderness advocates, however, gave Moore's report great attention. First, Clifton Merritt called Moore to obtain a copy, and later Montana Wilderness Society representative Bill Cunningham received a copy. Moore's report fit in nicely with a new legislative measure in Washington, D.C. Wilderness advocates and sympathetic Congressional members, such as Lee Metcalf and California Congressman Philip Burton had drafted a bill to protect a number of western roadless areas as statutory wilderness. This multi-state omnibus bill, the Endangered American Wilderness Act, originally contained three Montana areas selected by Bill Cunningham: MacGregor-Thompson and Welcome Creek in Lolo National Forest and Mount Henry in Kootenai National Forest.\textsuperscript{389}

Moore's report had inspired Bill Cunningham to seek congressional support for the area's inclusion in the Endangered Wilderness bill. Another influential person in providing site-specific data on Welcome Creek, and instrumental in the area's successful designation, was University of Montana wildlife biology professor and Director of the Wilderness Institute, Bob Ream. Ream supplied

\textsuperscript{388}Interview with William R. Moore, December 2, 1992.

\textsuperscript{389}Interview with William R. Moore, December 2, 1992; interview with Bill Cunningham, December 1, 1992, Missoula, MT, notes.
key data on elk in the Welcome Creek drainage that helped to sway opinion.\footnote{Interview with Bill Cunningham, February 1, 1993, Missoula, MT, notes.}

By 1977, however, Welcome Creek ran into trouble from Congressman Max Baucus. Baucus opposed Welcome Creek's inclusion in the Endangered American Wilderness Act because he had pledged his support to another Montana wilderness bill, the Montana Wilderness Study Act of 1977.\footnote{The Montana Wilderness Study Act (Public Law 95-150), first proposed by Senator Lee Metcalf in 1974, classified nine areas, totaling almost a million acres, as wilderness study areas. This classification provided a less stringent (than statutory wilderness) protection for the areas until Congress decided on their future. Lorna Naegele, "Impasse over Montana Wilderness: An Environmental Perspective," professional paper, University of Montana, 1992, 20.}

Baucus forced the deletion of the three Montana wilderness proposals while the Endangered American Wilderness Act was in subcommittee.\footnote{Congressional Record- House, September 12, 1977, 28812.}

However, Welcome Creek benefitted from the usual animosities inherent in the Congress. California's Philip Burton was no friend of Max Baucus, and when the Endangered Wilderness bill reached the full Interior Committee, Burton amended the bill to include Welcome Creek. In a twist of political discourse, Montana's Republican Representative from the eastern district, who was no supporter of preservationist measures, Ron Marlenee supported Welcome Creek's inclusion. Marlenee hoped to embarrass Baucus, and Welcome Creek
stands as the only wilderness designation supported by Ron Marlenee during his long tenure in office. 393

Baucus did not discover that he had been politically outmaneuvered until the Endangered American Wilderness Act reached the floor of the House. When the bill reached the floor, the regular House rules were suspended, offering no chance of amendment. Baucus was livid; he said he would have offered an amendment to remove Welcome Creek if the rules had been in effect. Baucus then reiterated his opposition to the Welcome Creek Wilderness:

Mr. Speaker, it is true that I did object to it, and that there were two contestants. It is true that there is one area that was included within the First District of Montana, and I think that area should not be included. The full committee did include that portion. 394

Custom dictates, in wilderness politics, that the congressional delegation of a state in which there is a wilderness recommendation approve an area’s inclusion into the National Wilderness Preservation System. Rarely is this protocol breached, or if so, usually only over the objections of a minority party representative. Yet Baucus was a member of the majority Democratic party and he opposed a wilderness area located in his own district. Nevertheless, with the rules suspended, Baucus was helpless to prevent Welcome Creek’s inclusion in

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393 Interview with Bill Cunningham, December 1, 1992.

the bill. Baucus voted for the Endangered American Wilderness Act anyway, and on September 12, 1977, the House passed the bill.\footnote{Congressional Record- House, September 12, 1977, 28879.}

Concurrent with the congressional debate over the Endangered American Wilderness Act was the Forest Service’s RARE II. Due to administrative support, Welcome Creek was included in this inventory.\footnote{Charles B. Tribe to District Rangers and Program Officers, Subject: RARE II Inventory, November 10, 1977. RARE II File, Headquarters, Lolo National Forest, Missoula, MT.} However, the Forest Service rated the area low in its WARS summary, giving it only a 19, a low score indicating that through the RARE II recommendation process, Welcome Creek lacked any chance of recommendation.\footnote{Charles B. Tribe to District Rangers and Program Officers, Subject: RARE II Wilderness Attribute Rating System, February 17, 1978, RARE II File, Headquarters, Lolo National Forest, Missoula, MT.} Welcome Creek’s WARS rating indicated that the purity principle still exerted some influence on Forest Service wilderness policy and Welcome Creek’s extractive potential.

Forest Service plans to develop Welcome Creek were thwarted on February 24, 1978, when President Carter signed the Endangered American Wilderness Act into law. The act specified that the national interest required that lands such as Welcome Creek be protected from the pressures of a "growing
population" and increasing "large-scale and industrial growth." To
preservationists, the symbolic value of Welcome Creek was as a demonstration
that statutory wilderness, ultimately, would not be determined by programs like
RARE II but by the Congress. Wilderness did not have to be rocks and ice,
or spectacular scenery, but could encompass a more subtle and diverse ecology.

Despite the Endangered American Wilderness Act, Judge Karlton’s
decision in California v. Bergland, and public discontent, the Forest Service
attempted to salvage RARE II by appealing to the U.S. Ninth Circuit Court of
Appeals. Meanwhile, Congress began enacting statewide wilderness bills based
on RARE II. In Colorado and New Mexico, state bills passed in 1980. These
enactments contained ‘sufficiency’ language- a congressional declaration that the
RARE II EIS was sufficient for roadless area disposition in the states affected
by the legislation. Most importantly, the Colorado and New Mexico bills had
provisions written-in to preclude judicial review of the RARE II EIS for those
states’ bills.400

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398 Endangered American Wilderness Act, Public Law 95-237 (92 Stat. 40),
February 24, 1978, Section 1,a,(3),b.

399 Interview with Bill Cunningham, December 1, 1992.

400 Karr, 150.
Upon appeal, the Ninth Circuit Court of Appeals in the renamed *California v. Block* 401 reviewed the district court's findings that the RARE II final EIS did not contain a site specific analysis, that the EIS did not consider a sufficient number of alternatives, and that the public had an inadequate opportunity to comment on the project. 402

On the question of site specificity, the Ninth Circuit affirmed the district court. They agreed that the Forest Service had failed to conduct a "hard look" in their EIS. Moreover, the circuit court sustained the district's finding of undue bias toward resource production and an inadequate discussion of the implications of a non-wilderness designation. In summary, to refute the Forest Service's claim that site specificity was unfairly burdensome, Circuit Judge Tang said,

> We concede that conducting a detailed site specific analysis of the RARE II decision will be no simple task . . . The scope of undertaking here, however was the Forest Service's choice and not the courts'. NEPA contains no exemptions for projects of national scope. 403

The Ninth Circuit also confirmed the other two points on appeal, alternatives and commentary. On alternatives, the circuit declared that, [the EIS] uncritically assumes that a substantial portion of the RARE II areas should be developed .

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401 690 F.2d 753 (1982). The named defendant, Bob Bergland, Secretary of Agriculture, to which the Forest Service is a subordinate agency, was replaced by John Block as a result of the Reagan Administration's assumption of office.

402 Ibid. at 756.

403 Ibid. at 765.
An obvious barb to the resource production bias of RARE II, Circuit Judge Tang called the range of alternative actions presented by the EIS "unreasonable."

The requirements for public commentary prompted the district court to adopt a standard of "clearly articulated" in relation to the proposed action presented to the public. The Ninth Circuit, however, found this a standard that would produce an endless series of EISs even for minor adjustments in the original plan. This was too extreme, and therefore the court rejected the district’s standard. Instead, the circuit applied its own public commentary standard. This standard directed that,

An impact statement should provide the public with information on the environmental impact of a proposed project as well as encourage public participation in the development of that information.

Judged against this standard, the circuit court concluded that the Forest Service, by withholding the final recommendation until the final EIS and thereby shielding the recommendation from public scrutiny, violated NEPA. Also found

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404 Ibid. at 767.
405 Ibid. at 769.
406 Ibid. at 771.
407 Ibid. at 772.
insufficient was the service’s response to the public’s site specific commentary.\textsuperscript{408}

The effect of the Ninth Circuit’s substantial affirmation of Judge Karlton’s \textit{California v. Bergland} opinion extended the injunction of the development of RARE II areas to the entire Ninth Circuit jurisdiction, which covered much of the West including Montana and therefore most of the roadless areas. \textit{California v. Block} essentially rendered the objectives of RARE II invalid. As in Colorado and New Mexico, wilderness designation would have to go to Congress on an individual state-by-state basis; there would be no grand nationwide bill. Furthermore, the experiences of the Forest Service in the courts over NEPA provided a powerful indication that the courts would examine roadless areas’ EISs very closely.\textsuperscript{409}

Thus in the post-Wilderness Act era, the most successful methods of expanding the National Wilderness Preservation System became multi-state omnibus bills (multiple areas in multiple states designated as wilderness) and single-area bills. Representative of the latter method and of the new power of grass-roots activism in achieving statutory wilderness designation under these revised conditions, is the story of the enactment of the Rattlesnake Wilderness.

\textsuperscript{408}Ibid.

\textsuperscript{409}Wilkinson and Anderson, 353.
Situated less than five miles north of Missoula's city limits, the Rattlesnake Mountains were unique as a roadless area. An almost complete ecosystem, the Rattlesnake featured a full array of animal life, including top predators such as wolves and grizzly bears. Combined with steep slopes, 8,000 feet high peaks, glaciated topography, and cold, clear waters, this wilderness existed in a somewhat primitive state because of the Rattlesnake Creek drainage's value as Missoula's water supply.\textsuperscript{410}

The two main landowners of the Rattlesnake drainage were the Montana Power Company and the Forest Service. In the early part of the twentieth century, the area contained numerous homesteads, and early settlers built timber and rock dams in the high country for water supply. Montana Power bought 20,000 acres of the drainage to safeguard its investment in local water business. In the 1950s, the company decided to log some of its holdings in the Rattlesnake. A road was constructed along Rattlesnake Creek that climbed back into the forested slopes. Tributary sites along the upper creek were clearcut, and timber came rolling down the access road. Public criticism and the exhaustion

of the easily harvested commercial timber forced the company to suspend further developments.\footnote{Ibid, 10.}

After the 1950s development, the Rattlesnake became a popular recreation spot for local people, especially those who preferred motorized recreation such as snowmobiles and motorcycles. As increasing litter, trails and conflicts between hikers and riders developed during the 1960s and early 1970s, a local grassroots protective group formed called, Friends of the Rattlesnake. This group included notable conservationist Arnold Bolle, and sought originally to regulate the competing recreation uses. Later, under the leadership of Cass Chinske, it came to support wilderness designation for the area.\footnote{Don Schwennesen, "The Rattlesnake: Missoula's Urban Wilderness," \textit{Western Wildlands}, (Fall 1977), 11.}

The Forest Service inventoried the Rattlesnake roadless area during both RARE programs. Rattlesnake rated a meager 21 on the WARS scale during RARE II, suggesting that the checkerboard land ownership patterns and the substantial evidence of human activity precluded the area from wilderness designation.\footnote{Charles B. Tribe to District Rangers and Program Officers, Subject: RARE II Wilderness Attribute Rating System, February 17, 1978, RARE II Files, Headquarters, Lolo National Forest, Missoula, MT.} When the RARE II DES was released, Rattlesnake generated
more public commentary than any other area in the Northern Region.414

Friends of the Rattlesnake worked closely with interested citizens in Missoula to provide over 700 written site-specific comments on the Rattlesnake.415

In 1979 the final recommendations of the Forest Service’s RARE II program gave the Rattlesnake a ‘further planning’ recommendation.416 This meant that the area would be reevaluated for its future status during the forest planning (NFMA) process. This recommendation focused the Friends of the Rattlesnake’s determination to pursue statutory wilderness protection. Within the organization, wilderness advocates such as Arnold Bolle and Cass Chinske took over leadership, while original President Joe Musselman left the group because he opposed statutory protection.417

One of the big problems with wilderness protection for the Rattlesnake was the checkerboard land ownership pattern. Chinske proposed to Montana Power Company’s Board of Directors either a land purchase or trade with the Forest Service. Chairman of the Board Joe McElwain responded to Chinske and the

414United States Forest Service, Washington Office to Staff Directors, Forest Supervisors, and District Rangers, subject: RARE II, RARE II File, Headquarters Lolo National Forest, Missoula, MT.

415Interview with Cass Chinske, January 25, 1993, Missoula, MT, notes.


417Interview with Cass Chinske.
Friends that the Montana Power Company would like to sell its Rattlesnake holdings to the Forest Service for protection as wilderness. Especially enticing to McElwain was the hefty congressional purchase appropriation.\textsuperscript{418}

The Friends of the Rattlesnake now turned to the ultimate arbiters of what constitutes wilderness - the U.S. Congress. Bolle and Chinske contacted freshman Congressman Pat Williams for support; since Williams had earlier expressed support for wilderness protection for the Rattlesnake. Missoula's unique collection of wilderness interests and the proximity of the Rattlesnake roadless area to those interests attracted Williams to the idea of establishing a wilderness educational center along with wilderness protection.\textsuperscript{419}

The Friends of the Rattlesnake worked to build a solid local consensus behind the idea of statutory wilderness protection for the Rattlesnake. Along with the support of the Montana Power Company, local government officials, University of Montana professors and students, a large proportion of Missoula's residents expressed support for a Rattlesnake Wilderness.\textsuperscript{420} Timber industry opposition was de-fused by Lolo National Forest Supervisor Orville Daniels's testimony admitted Rattlesnake timber was an insignificant part of Lolo National Forest's

\textsuperscript{418}Matthew T. Blessing, "Grassroots Environmental Activism: A Case Study," M.A. Thesis, University of Montana, 1989, 96; Interview with Cass Chinske.

\textsuperscript{419}Blessing, 96-97.

\textsuperscript{420}Interview with Cass Chinske.
overall timber base. Only the motorcycle groups stood as organized opposition.

Pat Williams introduced a wilderness bill for the Rattlesnake on November 14, 1979, but was unable to advance it before the Christmas congressional break. Williams promised passage of a wilderness bill in 1980. During that interval, motorcyclists, operating as an organization called Rattlesnake Access Committee, approached Montana Senator John Melcher with a petition signed by 3,000 people opposing shutting off the Rattlesnake from motorized access. Melcher introduced a competing bill in the Senate that reserved an eight-mile access corridor along the old logging road along Rattlesnake Creek. Besides creating the 'Melcher Corridor', the Senate bill eliminated Williams’s education center.

Melcher’s amended proposal for the Rattlesnake earned him the lasting enmity of preservationists. His Rattlesnake plan would designate the northern 30,000 acres of the drainage as wilderness with the southern section managed as a National Recreation Area along with the access corridor penetrating eight miles into the wilderness area. The bill provided for the purchase of the

421 Blessing, 103.
422 Blessing, 111-112.
423 Ibid, 113.
Montana Power Company holdings, along with other land exchanges to consolidate the Rattlesnake in federal ownership.\textsuperscript{424}

Williams's bill passed the House on September 23, 1980, without the Melcher Corridor and including the education center. Two days later, and ahead of schedule, Melcher put his bill before the Senate Energy Committee. All sides wanted the Rattlesnake legislation wrapped-up prior to the general election of 1980; no one wanted to face the uncertainty of the brief post-election congressional session. Williams and Melcher met on October 1 to work out a compromise. Williams conceded his education center, but Melcher remained firm on the access corridor and yielded only a small 3,500 acre transfer from the recreation area to wilderness. Williams reported the compromise to Arnold Bolle and asked for an opinion; Bolle decided something was better than nothing and told Williams to go ahead.\textsuperscript{425}

President Carter signed the Rattlesnake Recreation Area and Wilderness Act of 1980 on October 21, 1980. The Rattlesnake became perhaps the most unique component in the National Wilderness Preservation System primarily because of its proximity to the urban enclave of Missoula. The Wilderness area afforded statutory protection to an area complete with rugged and scenic terrain, but also


\textsuperscript{425}Blessing, 113-115.
a diverse community of animal life— and all within a short hike from the Missoula city limits. The Rattlesnake represented a people’s wilderness based on a community consensus and again, Forest Service management plans had been thwarted by popular will.\textsuperscript{426}

RARE II’s nullification in the \textit{Block} decision led to wilderness recommendations coming from the state congressional delegations. Most Western states followed the lead of Colorado and New Mexico and worked fast to resolve the roadless area issue. Montana and Idaho, however were unable to achieve a quick-fix to the fate of de facto wilderness existing in their national forests. While the wilderness debate in Montana polarized along familiar lines, wilderness planning and management reverted to the Forest Service and its NFMA forest planning process.

Lolo National Forest planners conducted a re-inventory of all roadless lands within their forest’s boundaries in 1983, as part of the NFMA forest planning process. Originally, planners relied upon the RARE II recommendations for roadless area planning purposes: However, the \textit{Block} decision forced another assessment of the roadless areas’ wilderness potential.\textsuperscript{427} Included in the 1983

\textsuperscript{426}Interview with Cass Chinske.

\textsuperscript{427}Orville Daniels, "Roadless Area Inventory: Lolo National Forest," Forest Service Information Packet, September 8, 1983, RARE II Files, Headquarters Lolo National Forest, Missoula, MT.
inventory were former Unit Plan roadless areas that were excluded from the RARE II inventory. With the addition of the Unit Plan areas, and accounting for the changes in acreage in the RARE II areas in the six years since that inventory, the 1983 inventory was not a replica of RARE II.

The 1983 inventory reported 776,190 national forest roadless acres in Lolo National Forest. Unit Plan areas, such as the Petty Mountain Roadless Area (nearly 17,000 acres) west of Missoula, added to the total acres. Some areas, such as MacGregor-Thompson, located northwest of Missoula, were reduced by over 22,000 acres, as a result of timber harvest since RARE II. Besides recalculating acreage, the 1983 inventory recommended wilderness disposition for the upcoming forest plan.

After going through the NEPA mandated requirements, in 1986 Lolo National Forest released its Forest Plan. The Forest Plan recommended 289,220 acres of new wilderness for Lolo National Forest (a 44,000 acre increase over RARE II recommendations) in basically the same geographic locations- Great Burn, Bob Marshall additions, and Quigg Mountain (located in the Rock creek drainage).

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428 Planning conducted prior to NFMA was consolidated in Unit Plans, which were geographically categorized. Some Unit Plan areas contained roadless acreage and technically were managed according to the Unit Plan and thus exempted from RARE II.

429 United States Forest Service, Northern Region, "Roadless Area Inventory Report, April 25, 1984," Wilderness, Recreation, and Cultural Resources Office, Northern Region Headquarters, Missoula, MT.
These new proposed wilderness areas were to be managed in a manner that would preserve their wilderness characteristics until Congress decided their ultimate fate. An additional 169,982 acres of roadless land was placed in Management Area 11, a roadless management allocation code, under standards less restrictive than wilderness. The Forest Plan released the rest of the inventoried roadless acreage to various forms of development, including road construction and timber harvest.430

As indicated by the Block decision and in the forest plans, Congress would decide the future of the roadless areas in state-by-state wilderness bills. Montana’s congressional delegation introduced ten separate wilderness bills between June 1984 and September 1991.431 All ten bills failed to become law, and as of April 1993, Montana lacks legislation governing the final disposition of its roadless forested lands.432 Meanwhile, the individual national forest plans continue to manage the roadless areas.


431The last national forest wilderness area established in Montana was the 259,000 acre Lee Metcalf Wilderness Area, located in the Beaverhead and Gallatin National Forests in 1983, as a single area bill.

432Tom Donahue, Recreation Specialist for Northern Region, to author, March 23, 1993.
Standard post-RARE II wilderness politics require the unified support of the state's congressional delegation to pass a wilderness bill. In 1984, this consensus approach produced the proposed Montana Wilderness Act of 1984. The 1984 bill closely resembled a typical RARE II bill, complete with RARE II sufficiency language for the state of Montana. Areas not designated as wilderness, or as special management areas were released to the forest plans, and the Forest Service was precluded from considering them for wilderness without the approval of Congress. The 1984 proposal designated 747,178 acres of new wilderness in Montana. For Lolo National Forest there were to be two new wildernesses: Great Burn, 91,600 acres; Quigg Mountain, 44,160 acres; and the Bob Marshall Complex additions, 139,560 acres plus a small Selway-Bitterroot addition at 3,700 acres.

Since the 1984 bill so closely resembled the RARE II recommendations, preservationists took the lead in opposing the bill. During the early 1980s, polarization occurred not only between preservationists and utilitarians, but also within the preservationist community. Increasingly, environmental groups, such as the Montana Wilderness Association, opposed the congressional consensus formula, which to them seemed automatically to produce bad wilderness

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433 Naegele, 25.

Consensus politics required compromise—indeed, compromise generally reflects the entire history of statutory wilderness, but many groups opposed compromise because it meant that certain areas would be excluded from protection as a matter of course.

The 1984 Wilderness Act went nowhere in the 98th Congress. For Baucus, 1984 was an election year and he was in no mood to press an unpopular bill. The next attempt at a Montana bill occurred in 1986, initiated by Melcher. This bill designated over a million acres as wilderness, including the Great Burn and Quigg in Lolo National Forest. Sufficiency and release language in the 1986 bill closely paralleled the 1984 legislation. Again, like its predecessor, Melcher’s 1986 Montana Wilderness Act perished in the halls of Congress.

Montana came closest to a successful wilderness bill in 1988. In the summer of 1987, Senator Max Baucus and Representative Pat Williams introduced bills into both houses of Congress. By 1987, the consensus approach no longer restrained the Montana congressional delegation, with the exception of Melcher. Baucus fired first with his Senate bill designating 1,324,000 acres of wilderness.

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435 Interview with Bill Cunningham, February 1, 1993, Missoula, MT, notes.

436 Naegele, 25; Interview with Bill Cunningham.

with standard sufficiency and release language configurations.\textsuperscript{438} Williams introduced his own bill in the House, and by October it passed with nearly identical acreage slated for wilderness.\textsuperscript{439}

Senator Melcher opposed the Baucus bill in the Senate in 1987. By 1988, Melcher faced a reelection campaign, and attempted to craft the Baucus, and Williams, bills to suit his need to appear in control of the issue during his campaign. Melcher nit-picked on acreage that increased during the Baucus-Williams negotiations by 100,000 acres; Melcher wanted the original 1.3 million designation. With time running out on the 100th Congress in October 1988, Melcher drew up his version of the Baucus-Williams bills and rammed it through the Senate and House before the November election.\textsuperscript{440}

What Melcher had failed to consider in his mad dash for a wilderness bill in 1988 was the possibility of a presidential veto. As part of Republican strategy to defeat Melcher and replace him with conservative challenger Conrad Burns, President Ronald Reagan, no friend of wilderness designations, pocket-vetoed


\textsuperscript{440}United States Senate, 100th Congress, 2d Session, "Montana Natural Resources Protection and Utilization Act of 1988," S. 2751, October 18, 1988; Naegele, 26.
the 1988 bill. Reagan’s veto allowed Burns the opportunity to capitalize on the cumulative perceived failings of John Melcher to solve the divisive wilderness issue. Burns won the election, in part, as a result of the Reagan veto.441

Meanwhile, the Forest Service’s new Northern Region Forester John Mumma became intertwined in the process of the 1988 Montana Wilderness debate. Mumma and his staff responded to the demands of members of Congress who wanted immediate access to information on the Montana Roadless areas. Montana Representatives Pat Williams and Ron Marlenee, along with Minnesota’s Bruce Vento, toured the roadless areas with Mumma for a firsthand look at the subjects of their deliberations. Mumma then testified in support of the 1988 Montana bill, an unpopular position within the Forest Service since the 88 bill almost doubled the wilderness acreage recommended by the Forest Service in their separate forest plans.442

According to Mumma, he ran afoul of Montana’s Republican congressional representatives, timber industry officials, and the wise use movement, in part because of his support for the 1988 bill and his emphasis on wilderness management within Region One. Mumma funded pioneer wilderness education programs at Lolo National Forest’s historic Nine Mile remount depot, and

441Interview with Bill Cunningham, Naegele, 26-27; Interview with Tom Donahue, March 17, 1993, Missoula, MT, notes.

442Interview with John Mumma, February 10, 1993, Missoula, MT, notes.
established a wilderness management office at Northern Region headquarters. Mumma’s service on a wolf reintroduction committee and his refusal to cut the full allowable sale quantity of timber on Northern Region forests (and violate federal law) led to his forced reassignment to the Washington Office in November 1991. Rather than accept the transfer, Mumma created a sensation when he took an early retirement and publicly discussed his dismissal.**443**

With the election of Conrad Burns, and with the perennial reelection of staunch wilderness opponent Ron Marlenee to the eastern district seat in the House, Republicans held half the Montana congressional delegation after 1988. Stung by earlier legislative failures, Baucus and Williams approached the wilderness issue with caution in the early 1990s. Max Baucus faced reelection in 1990, and he clearly did not wish to deal with a wilderness bill during his campaign.**444** This political consideration by Baucus helped to negate a unique citizen’s attempt to contribute to a wilderness solution in 1990.

Montana organized labor had lost a friend in Congress when John Melcher lost in 1988, and they feared losing Max Baucus in 1990. Perceiving wilderness as a key contributory element in Melcher’s defeat, Montana state AFL-CIO Executive Secretary Don Judge wanted the issue resolved and removed from the election agenda. Consequently, Judge and the AFL-CIO approached Montana

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**443**Ibid.

**444**Naegele, 27.
environmental groups early in 1990 with a proposal to work out a compromise for at least two Montana national forests, the Lolo and Kootenai.\textsuperscript{445}

Without congressional or Forest Service interference\textsuperscript{446}, the millworkers and preservationists constructed a compromise reminiscent of what public lands legal and historical scholar Charles F. Wilkinson describes as the optimum method for resolving western lands disputes in his book, \textit{The Eagle Bird}.\textsuperscript{447} The political constituencies of the Lolo-Kootenai region were feasible for an accord because of the strong tradition of organized labor and of environmental activism. Groups of millworkers met face to face with preservationists to pore over roadless area data in a series of meetings. These meetings produced wilderness recommendations that were approved by the combined groups with a vote.\textsuperscript{448}

The product of this unprecedented dialogue were called the Lolo-Kootenai Accords. Actually, the agreement produced two separate accords. The Lolo Accord followed closely the old RARE II conservationist Alternative W

\textsuperscript{445}Interview with Bill Cunningham, March 31, 1993, Missoula, MT, notes; Interview with Don Judge, April 20, 1993, Missoula, MT, notes.

\textsuperscript{446}The Forest Service, conspicuously absent from the negotiations, provided map and informational support to the accords process.

\textsuperscript{447}Interview with Bill Cunningham; Charles F. Wilkinson, \textit{The Eagle Bird: Mapping a New West}, (New York: Pantheon Books, 1992), 145. Wilkinson argues that federal legislation should be the product of agreements that are made from the ground up. Congress should ratify local accords between competing interests.

\textsuperscript{448}Interview with Bill Cunningham; Interview with Don Judge.
recommendations with 355,500 acres designated for wilderness and 430,700 released to development. The Kootenai Accord was surprisingly somewhat stronger, recommending 430,610 acres for wilderness. Senator Baucus picked up the accords and introduced them in the Senate as a proposed wilderness bill in July 1990. When the bill failed to receive support from Senator Burns, and with his election in the balance, Baucus dropped his support of the accords. He won reelection.449

In 1991 Baucus once again introduced the Lolo-Kootenai Accords in the Senate.450 This time the bill failed because of the determined opposition of Kootenai area citizen activists opposed to any reduction in the local timber base.451 The timber industry looked with alarm at the anticipated 'lock up' of 2.2 billion board feet of timber contained in the proposed new wilderness areas. Timber industry officials resented not being included in the formulation of the accords, and questioned the participants' qualifications to make public land policy.452


451Interview with Bill Cunningham.

Local Libby, Montana, logging firm owner Bruce Vincent and his wise use activist group, Communities for a Great Northwest, led the fight against the accords. Local media were bombarded with letters opposing the idea and labor interests lost heart in the midst of fierce opposition from their fellow residents. Faced with outright local citizen opposition, Max Baucus again retreated from the accords and let his legislative proposal die. In retrospect, accords participant Bill Cunningham believes the accords were not "a politically viable vehicle," and that with the Kootenai Accord the participants attempted "too big a step in too short a time." However, the Lolo-Kootenai Accords stand as a national example of a way to escape the increasing polarization of western land use groups.

As citizen and congressional attempts to achieve a wilderness bill for the state of Montana in the post-RARE II era continually met with frustration, the citizens of Montana increasingly polarized into competing and intransigent positions. Significantly for the future of statutory wilderness, this polarization is not limited to the natural competing interests of preservation and utilization, but also exists within the environmental community. Representing the split within

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453 Interview with Bill Cunningham.
environmental groups in western wilderness politics is the rise in notoriety of
the Missoula-based Alliance for the Wild Rockies, formed in 1988.\footnote{An example of the split in the local western Montana environmental
movement is the Lolo-Kootenai Accords process. The Alliance was not included in the negotiations primarily because of their no-compromise stand on wilderness preservation.}

The Alliance formed to offer an alternative to the standard congressional
method of state delegation control of wilderness legislation. Disillusioned with
the paralysis in achieving meaningful, scientifically grounded wilderness
protection for the northern Rocky Mountains ‘ecoregion’, the Alliance sought a
national audience and constituency. In 1990, the Alliance’s director Mike Bader
announced the group’s crafting of a Northern Rockies Ecosystem Protection Act
(NREPA).\footnote{Sherry Devlin, "Five State Wilderness; Advocates go for Broke with National Appeal to Preserve 25 Million Acres," Missoulian, March 1, 1990, B-1, B-2.}

NREPA posits the protection of wilderness, irrespective of political
boundaries, that is instead based on scientifically determined ecosystems and the
relatively new idea of ecosystems management. NREPA recognizes three major
ecosystems in the Northern Rockies: the Greater Glacier/Continental Divide; the
Greater Yellowstone; and the immense Greater Salmon River area. Smaller
ecosystems and connecting corridors round out this futuristic multi-state plan.
Missoula lays geographically in the middle of the triangular ecosystem plan.
NREPA seeks the protection of most remaining roadless areas as wilderness, six million acres in Montana alone.\textsuperscript{456} In pursuing an ecosystem based wilderness proposal, and by appealing to a national constituency, the Alliance might very well represent the future of statutory wilderness.

The Alliance conflicts with traditional preservationist groups by its rejection of operating within the existing confines of congressional wilderness politics. Mainstream groups resent the no-compromise attitude proffered by the Alliance. During the Kootenai-Lolo Accords process, the Alliance chose not to participate in what they determined was a compromise endeavor. Congress's latest attempt to solve Montana's wilderness dilemma ended like all the previous attempts- in failure. Senator Burns became involved in wilderness politics in 1990 when he initially introduced a bill that would release 3 million roadless acres to development with RARE II scope recommendation for new wilderness. Baucus followed up Burns with a proposal of his own, with a by now familiar package of wilderness recommended. These competing bills in 1990 (they went nowhere in Congress), plus the residual effects of the failed Lolo-Kootenai Accords

\textsuperscript{456}The Alliance for the Wild Rockies, "The Northern Rockies Ecosystem Protection Act," informational bulletin, March, 1990; Public Meeting of the Alliance the Wild Rockies, November 17, 1992, Missoula County Public Library, Missoula, MT, notes.

The 1992 bill represented a compromise between Senators Burns and Baucus, one that left preservationists of all positions decidedly unsatisfied. The compromise bill recommended only 1.1 million acres of wilderness and contained unacceptable release language (the compromise bill came with a strict release provision that precluded many forms of judicial review and foreclosed many future wilderness designation opportunities). Once Burns and Baucus agreed to the compromise, they refused to discuss changes.\footnote{United States Senate, 102nd Congress, 2d Session, "Montana National Forest Management Act of 1992," S.1696, September 6, 1991.}

Problems arose with the Burns Baucus compromise when it went to the House.\footnote{The Senate passed the original compromise version on April 21, 1992.} Representatives Williams and Bruce Vento amended the bill to increase the acreage to 1.4 million acres and reform the hard release language. This version of the wilderness bill was palatable to mainstream preservationist groups such as Montana Wilderness Society and for the most part to Senator Baucus, who fashioned an additional compromise with Williams, with an
impending electoral recess closing in. Incensed, Burns felt Baucus had abandoned him and had made a separate deal with Williams without his input. Burns offered his further modifications of the bill, which Baucus rejected. Perceiving himself shut-out of the new bill, Burns opposed it and waited for the next Congress. Baucus’s attempt to bring the bill to the floor of the Senate for approval was frustrated by a logjam of senate business and by the opposition of five Republican senators led by Alan Simpson of Wyoming, and the bill died.

The post-RARE II attempt to pass a wilderness bill for Montana is a long, complicated story of political stagnation and polarization. Parochial politics, in which state congressional delegations hold near absolute power over a bill’s success or failure, have been consistently unable to rise above the din of competing interests and pass a bill. RARE II’s failure to provide a national solution provided for the opportunity to designate wilderness areas such as Missoula’s Rattlesnake, but it also engendered an increasingly hostile, institutionalized polarization within the citizens and visitors to Missoula and Montana.

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460 Conrad Burns to David Jackson, November 2, 1992, copy in possession of author.
CONCLUSION

Western Montana’s forest history, centered on Missoula, echoes the profound dilemma of how to manage the nation’s forests to account for all competing uses. The Forest Service tried to be all things to all people with their Multiple Use philosophy and has failed to please anyone. Now the once-proud agency of Gifford Pinchot struggles to define its mission in an era when no public consensus on what that mission should be seems possible. Complicating this situation is a growing scarcity of both wild places and natural resources; scarcity breeds polarization that makes an accommodation about the future of Montana’s forests a remote happening.

People who depend upon the land to earn a living live in and next to the forests of western Montana. These people sometimes are multi-generation Montanans who have logged, mined, and grazed the national forests and in the process created a way of life and communities linked to the gainful use of the forest. With increasing scarcity of commercial timber available for harvest, these people’s traditional existence is in jeopardy and they are angry. People and jobs, family and community, should come first before the land can be locked away for some spiritual and aesthetic purpose.

Others, both long-term Montanans, recent arrivals, and regular visitors, see a scarcity of traditional American wild land heritage. Economic exploitation,
driven by capitalistic excess, threatens the one element of American uniqueness, that of unspoiled expanses of wild, untamed wilderness. This resource is a necessity to provide an alternative to the rigors of civilized life. With the wilderness extracted away, and its dependent biological life exterminated, humankind as a whole will face destruction. Wilderness preserves a means to measure the health of humankind and an outlet for the nourishing of souls.

When polarization occurs because of such fundamental considerations, a solution seems impossible. The history of wilderness in western Montana, Missoula, and Lolo National Forest reflects win-lose scenarios, count the number of forest use/wilderness controversies. Montana is unique in its composition of competing interests, nowhere more so than in Missoula. This reality makes controversy more intense and passionate; Missoula is an exposed nerve ending for wilderness issues.461

Given its history, Missoula perhaps might be the place to look for a solution to the wilderness dilemma. If a solution can be found in the atmosphere of animosity that surrounds wilderness politics in Missoula, then that solution will be a viable model for the nation as a whole. Missoula both reflected and made wilderness and forest history; the small Rocky Mountain city is both unique and representative of an American West dominated by the presence of federal public

461Interview with Thomas Payne, November 5, 1992, Missoula, MT, notes.
lands and containing the last vestiges of a wilderness that once covered the continent.
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