Montana Wilderness Study bill: A case history

Christopher Marsh Roholt

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THE MONTANA WILDERNESS STUDY BILL - A CASE HISTORY

By

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Presented in partial fulfillment of the requirements for the degree of

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UNIVERSITY OF MONTANA

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Passage of the Montana Wilderness Study bill would require that the Forest Service study the nine undeveloped areas listed therein and report to Congress as to their suitability for Wilderness classification. The purpose of the study is to place the bill within the historical context of preservation and to determine how the nine areas in the bill were chosen. A narrative approach is employed in the study.

The Wilderness Act established the statutory basis for the preservation of some Federal lands. The Act established fifty-four Wildernesses from administratively preserved areas, previously dedicated by the Forest Service. It also created the mechanism for future additions. The mechanism has been modified judicially, statutorily, and administratively. The Act contained a dichotomy. The Department of Interior was required to inventory all their reserved lands for undeveloped entities, perform Wilderness studies, and formulate recommendations for Congress. In contrast, the Forest Service, in the Department of Agriculture, only was required to perform Wilderness studies and formulate recommendations for a group of lands (primitive), which constituted only three percent of their nonwilderness lands. The resolution of this dichotomy, called the dual standard, has occurred in three interrelated and overlapping generations. The first dates from the passage of the Wilderness Act in 1964 and was characterized by ad hoc Wilderness bills. The second generation dates from 1971 and was a Forest Service inventory and selection of undeveloped areas to be studied for Wilderness suitability. The third generation dates from 1974 and is characterized by Wilderness study bills. The Montana Wilderness Study bill is the first bill of the third generation.

The areas in the bill were chosen on the basis of their viability in the political arena, the probability of the degradation of their wild attributes, their spatial distribution, and their niche in the history of Montana preservation controversies. These are different, but not necessarily lower, criteria than used by the Forest Service in the second generation.
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Finally, the help and friendship of Connie Krautter, my parents, and Sarah Roholt is much appreciated.
CHAPTER ONE

INTRODUCTION

Passage of the Montana Wilderness Study bill would require the United States Forest Service to study nine undeveloped entities in Montana and report to Congress their suitability for Wilderness. The dedication of entities, for the purpose of preservation, called Wilderness has been the province of Congress since the passage of the National Wilderness Preservation System Act in 1964. For a century, the balance of responsibility for preservation on federal lands had oscillated between the legislative and executive branches. Subsequent to the passage of the Wilderness Act, hundreds of bills were introduced pertaining to various Wilderness dedications.

Two questions are considered in the thesis: first, how did the bill fit into the historical context of preservation, and second, of many suitable land entities, what was the basis for the selection of the nine areas in the Montana Wilderness Study bill.

To assume that the first question has a meaningful answer implies that a mechanism for preservation of lands in their undeveloped state exists and that it is the evolutionary product of earlier processes. Fortunately, not only has its existence been demonstrated, but its evolution has been described in considerable detail and a general explanation of its evolution has been provided.
A narrative approach is used in answering the second question—the basis for the selection of the nine areas in Montana—although the answer could conceivably be derived from a rigorous application of the mechanism described in the answer to the first question.

The objectives of this study are:

1. To describe (without an explanation of why it occurred) the evolution of the Wilderness classification mechanism
2. To provide a descriptive history of the attempted and realized reservations of undeveloped lands in Montana, particularly those in the Montana Wilderness Study bill
3. To link the history of the bill described to meet objective two, with the evolution process described to meet objective one

A historical perspective is used to meet the first objective. The method of analysis for objective two is a case study. The linking of the first two objectives meet the third objective. Information to meet objective one is extracted from more theoretical works. The information for objective two is obtained from correspondence and personal interviews.

Chapter two describes the evolution of the mechanism for Wilderness classification at the national level. A special consideration is the aspect of the balancing of power between the executive and legislative branches.

A narrative of what occurred in Montana with respect to reservations of undeveloped areas is discussed in chapters three, four and five. This corresponds to the framework of chapter two.
Chapters six, seven and eight comprise a narrative of events related to the Montana Wilderness Study bill during the Ninety-third, Ninety-fourth, and Ninety-fifth Congresses, respectively.
CHAPTER TWO

PRESERVATION - THE NATIONAL SCENE 1872-1974

Introduction

This chapter is a description of the evolution of the mechanism, at the national level, by which undeveloped lands are preserved. Mechanism means the collection of processes at any given time that are necessary for the administrative or statutory preservation of an entity of land. Evolution means the ways in which these processes change through time. Preservation means the decision to maintain an entity of land in a relatively undeveloped state.

It is essential to briefly examine the perspectives of other studies about preservation. A historical analysis of the American conception of Wilderness was approached from a philosophical perspective by Nash.

"The subject . . . is the delineation and interpretation of the changing American conception of Wilderness."\(^1\) America, where industrializing man most dramatically confronted undeveloped natural resources (land), highlights the shifting values that are attributed to Wilderness. Nash traced the evolution of these conceptions from Western civilization to America in the 1960s. An important conclusion is that during settlement

by Europeans the wild characteristics of land were considered to have disutility and only later began to have utility.¹

As the value of wilderness shifted through time, so too did the goals of society shift. And the institutions of society have, to some degree, evolved to meet the goal of preservation. Given that the goal of preservation conflicts with other goals, a comprehensive examination of wilderness can best be viewed from the perspective of economics.

Duffield, in an economic study of enormous scope, approached the subject of wilderness as a case study in resource allocation.² The evolution of the process of land allocation (or more correctly, the distribution of entitlements to the land) in the United States occurred in four stages. The first stage was the determination of the boundaries of national sovereignty followed secondly by the distribution of lands between Federal and nonfederal ownership. Third, the distribution of Federal lands between public and reserved lands took place. Finally, the allocation of reserved lands within administrative land management agencies is occurring in the current stage. Duffield noted that the

¹In a personal conversation (April 1975), John Krutilla made the point that the historical written record is biased, accentuating the disutility. In the seventeenth century, Georgia may have been heaven to an illiterate former prison inmate. In contrast, to an educated and literate clergyman, Boston may have appeared to be a threatening wilderness. Nevertheless, Nash's conclusion stands.

²John Duffield, "Wilderness: A Political and Economic Analysis" (Ph.D. dissertation, Yale University, Mqy 1974). Several paragraphs cannot do justice to this study. However, my appreciation for the theoretical aspects of wilderness has been most influenced by this study. Hereafter, Duffield, "Wilderness."
traditional approach to the economic analysis of natural environments, and especially Wilderness, had been to treat their destruction as the depletion of a stock. Of particular interest had been the incorporation of the assymetrical effects of technology (on incompatible streams of products that can be produced from the same natural environment) with benefit/cost analysis. However, a major question posed by Duffield necessitated a far more ambitious approach. He asked, "what is the optimal organization of the resource allocation process for this 'sector' [Wilderness]."¹

In part one, Duffield examined allocative processes, focusing on collective choice. The criteria chosen for evaluating the organization of the resource allocation process was efficiency.² "In part two the efficiency model is used as an explanation of the evolution of the wilderness . . . [allocation mechanism]."³

Through time, the valuation of undeveloped land increased, leading to the collective decision to preserve some of it. Also, the nonhomogeneous development of the United States provided the opportunity for such preservation. A conclusion is that "increasingly accurate and costly collective choice processes are justified."⁴ In part three, those costs are shown to have increased. Also, the criterion for inclusion of land in the Wilderness System, as established by the Wilderness Act, is shown to have evolved. The original criterion was to classify as

¹Ibid., p. 11. ²Ibid., p. 512. ³Ibid., p. 513. ⁴Ibid., p. 211.
Wilderness all lands suitable for Wilderness. However, a quasi benefit/cost criterion with a suitability (minimum) constraint had evolved. This was partially due to the consideration of de facto Forest Service lands. The omission of these lands in the original Act had resulted in a dual standard between the Departments of Agriculture (Forest Service) and Interior.

Part two of his study is more relevant to this paper in that it "provides an historical account of wilderness policy evolution in the U.S."\(^1\)

The last important wilderness-related study to be discussed is that of Gilligan.\(^2\) Gilligan meticulously traced the conduct of the Forest Service in the formation of policy and management of administrative allocations of natural environments.

The purpose of this chapter is to provide a national perspective of the evolution of the wilderness allocation mechanism for the generally Montana specific case study that follows this chapter. In contrast to the theoretical treatment provided by Duffield, this chapter will be descriptive.

\(^1\)Ibid., p. 149. Italic s mine.

Statutory and Presidential Reservations
from the Public Domain

At the inception of settlement by Europeans, all America was considered wilderness to be conquered. By the early nineteenth century the characteristic of wildness was becoming valued. While a value of the West was that it provided seemingly unlimited opportunity for development, population expansion and wealth, its values of wildeness were becoming recognized. The first spokesman who explicitly articulated this value was Thoreau.¹

For the most part, the islands of undeveloped land remained in the ownership of the Federal government and were a residual of the development process. It is not surprising that the first and subsequent efforts to preserve wildness focused on government lands. However, a necessary condition was that government assume the role of creating reservations from the public domain.² Two early examples were the national reservation of the Arkansas Hot Springs in 1832 and the ceding to California of 6,000 acres of Yosemite Valley for a state park in 1862.³

Early Statutory Reservations

"The world's first instance of large scale wilderness preservation in the public interest occurred on March 1, 1872, when President Grant signed an act designating over two million acres of northwest Wyoming

¹Nash, Wilderness, pp. 8-85.
²Ibid., pp. 105-106.
³Ibid., p.
as Yellowstone National Park." The United States District Attorney in Montana, Cornelius Hedges, was the first, in 1870, to suggest that the Yellowstone area "be set apart as a great National Park." Actually, the establishment of the Park was attained largely due to the financial and political power of Jay Cook and associates. They believed that the Park would lure travelers for whom they had a transportation monopoly, a railroad. However, the rationale evolved of maintaining Yellowstone in its pristine state for the attribute of wildness.

In 1885, Adirondack State Park was established in New York through a coalition of preservationists wanting to stop development and timber harvest and commercial interests wanting to maintain the watersheds which fed the Erie Canal.

The first area established singularly for its preservation was Yosemite National Park in 1890. It was contiguous to Yosemite State Park. Sixteen years later California ceded their portion of Yosemite Valley back to the Federal government as part of the National Park.

1Ibid., p. 108.
2Ibid., p. 110, citing Langford, Discovery of Yellowstone.
3Ibid., p. 111. 4Ibid., pp. 113-116. 5Ibid., pp. 116-121.
6Ibid., pp. 130-132. This was due primarily to the efforts of Muir, who was instrumental in forming the Sierra Club two years later.
7Ibid., p. 106.
Presidential Creation of Forest Reserves 1891-1907

Some of the same arguments advanced for the establishment of the two National Parks and the Adirondacks were also utilized in efforts to establish the Forest Reserves. The proponents (Muir; Sargent, Fernow, and several scientific organizations) were a coalition whose philosophies were a blend of preservation and scientific forestry. Their efforts resulted in section 24 of the General Revision Act of 1891. This created the mechanism which permitted the President to establish "public reservations . . . by public proclamation . . ."1

The first Forest reservation established was adjacent to and south-east of Yellowstone Park. This area was a component of the Yellowstone ecosystem which also contained the Park. As such, it enhanced its preservation and was at least part of the objective of establishing it.2 Presidents Harrison and Cleveland created seventeen Reserves totalling eighteen million acres by 1896. Whether these lands were withdrawn from any form of commercial use or just sale and occupancy remained unresolved until Cleveland added thirteen new Reserves of 21,000,000 acres. The resulting furor by Westerners, who had rather casually and extensively used the public domain, led to the Forest Administration Act of 1897.3 This organic act was a significant departure from the views of Muir toward these of Fernow.

2Ibid., pp. 41-42.
3Ibid., p. 43.
The jurisdiction of the by then sixty-three million acres of Forest Reserves was transferred from the Department of Interior to the Bureau of Forestry in the Department of Agriculture in 1905 due to the maneuvering of Gifford Pinchot.\(^2\) Having obtained a land base, Pinchot spent the next five years building a decentralized management bureaucracy.

In 1907, the Forest Reserves were renamed National Forests.\(^3\) More significant, however, was the transferral of the power to create National Forests in nine western states from the President to Congress.\(^4\)

The goals that the Forest Service espoused were protection of the timber and water resources from fire and insects. These were consistent with the Organic Act and Pinchot's philosophy. Considerations for recreation and noncommodity values were treated only cursorily by the Forest Service. Yet those values, as espoused by Muir and his disciples, were still alive.

What was needed more than a land base which provided the opportunity to enjoy those values, was a visible cross in the form of an agency that legitimized their values. It materialized in 1916 when the Park Service was created to manage eighteen National Monuments and the fourteen National Parks totalling 4,750,000 acres.\(^5\) The first Director of the Park Service attempted and sometimes proceeded to enlarge the land base

\(^1\)Ibid., p. 48.  \(^2\)Ibid., p. 48.

\(^3\)Act of 4 March 1907, 34 Stat. 1269 and 34 Stat. 1271. This Act was later rescinded for one of the nine states (Montana) Act of July 20, 1939, 53 Stat. 1071. The Act was totally repealed in the B.L.M. Organic Act, P.L. 579, 94th Cong., 2d sess., 1976.

often at the expense of the Forest Service which caused considerable interagency friction.

**Forest Service Dedications within National Forests**

It might be assumed that the divergence between the two agencies would continue, because of their different roles. Such was not the case. In 1918, Aldo Leopold, a Forest Service employee, opposed a road into a virtually unroaded area of the Datil National Forest. In 1921, he generalized his arguments to suggest a system of large unroaded areas on the National Forests.\(^1\) Leopold's efforts led to the creation in 1924 "of the Gila Wilderness on the [Datil] forest recreation plans."\(^2\) By 1925, five similar areas were established and called roadless areas.

Leopold reflected many of the original views that led to the formation of the reserves and was in resonance with the concurrent view that recreation, and particularly wilderness recreation, had a place on Forest Service lands. For example, in 1924, the National Conference on Outdoor Recreation recognized "recreation as a resource on the National Forests" and their Joint Committee on Recreational Survey of Federal Lands sought from the Forest Service a wilderness policy in 1926.\(^3\)

Forester Greeley and the Assistant Forester in charge of Lands, L.F. Kneipp, formulated a wilderness policy for the Forest Service in December 1926 after Kneipp had conducted an inventory of potential wilderness areas. Kneipp's inventory, using a minimum size of 203,400

\(^1\)Ibid., pp. 86-91.  \(^2\)Ibid., p. 85.  \(^3\)Ibid., pp. 93, 100.
acres (ten townships), revealed that there were 74 acres of a total acreage of 55 million acres, the largest of which was 7 million acres. He noted that if all planned roads were constructed, the figures would be reduced to 61, 34 and 3 respectively.

Gilligan argued persuasively that this policy was part of the politics of an interbureaucratic rivalry between the Forest and Park Services. If the Forest Service classified an area as wilderness, then the Park Service would have more difficulty in successfully claiming it for the protection afforded by the National Park status. Also, the policy may have elicited support from preservationists, at the expense of the Park Service, some of whom were becoming disenchanted with Mather's development of Parks to woo a motorized clientele. Mather responded to the Forest Service policy by establishing primitive areas in some National Parks.

The "L" Regulations

If Leopold was the father of the Forest Service wilderness system, then L. F. Kneipp was the midwife. By 1928, the forests had over five million acres of designated roadless or wilderness...
on recreation plans.\(^1\) Kneipp developed regulations from the 1926 policy and in 1928 sent them to the Districts for review.\(^2\) They were not well received. Therefore, somewhat less restrictive regulations were promulgated in 1929 under the new Forester, R. Y. Stuart in 1929. On July 15, 1929, these regulations (L-20) became effective. They provided for the designation of primitive areas and research reserves, but were a year later modified to substitute experimental forests, experimental ranges, and natural areas for the latter. At this time the Park Service renamed their primitive areas as wilderness areas.\(^3\)

By July 1933, the distribution of number and acreage of various size classes of National Forest primitive areas was as follows:

<table>
<thead>
<tr>
<th>Size</th>
<th>Number</th>
<th>Total Federal Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 100,000</td>
<td>41</td>
<td>1,803,701</td>
</tr>
<tr>
<td>100,000 - 500,000</td>
<td>17</td>
<td>3,232,158</td>
</tr>
<tr>
<td>500,000 - 1,000,000</td>
<td>4</td>
<td>2,542,113</td>
</tr>
<tr>
<td>1,000,000 - plus</td>
<td>1</td>
<td>1,087,744</td>
</tr>
<tr>
<td>Total</td>
<td>63</td>
<td>8,665,716</td>
</tr>
</tbody>
</table>


\(^1\) Ibid., p. 121.


\(^3\) Ibid., pp. 126, 157.
Gilligan suggested that the paucity of large areas and was due to a predilection by the Forest Service to consider large areas as being for single use by a minority and the proliferation of small areas as a gambit to prevent further acquisition of Forest Service lands by the Park Service.¹

If the latter was an objective of the Forest Service, it was only partially successful. In 1933, President Roosevelt transferred sixteen National Monuments from the Forest Service to the Park Service. In 1940, he transferred almost a million acres to enlarge the Olympic Park and to create Kings Canyon Park.²

The total acreage of the primitive system was less than a quarter of Kneipp's inventory and the management practices were not quite so stringent as originally proposed. However, for most Forest Service personnel, the regulations were sufficiently stringent and the total acreage adequate. As early as 1930 Kneipp had worked to tighten the regulations and after 1933 he devoted most of his efforts to that end.³

¹ Ibid. See pp. 135-136.
² Ibid., p. 166. Kings Canyon Park was created from the General Grant Park plus 450,000 acres of the High Sierra primitive area.
³ Ibid., pp. 138-147.
In contrast, while sharing Kneipp's trepidations about management, Bob Marshall chose to emphasize the other shortcoming of the primitive system. He devoted the last nine years (1930-39) of his life to enlarging the system with particular emphasis on large areas. His first impact occurred while he was working on the recreation portion of the National Plan for American Forestry (The Copeland Report). The report was a thinly veiled attempt to further enlarge the acreage of the National Forests. The recreation portion discussed types of recreation land zoning as well as specific recommendations for wilderness areas. Of the twenty-two Forest Service portions of unroaded area inventoried by Marshall, five already contained primitive areas. When the maps from which the data was developed were sent by Marshall to Kneipp, he forwarded them to the Districts. Marshall subsequently worked for the Bureau of Indian Affairs, and he was instrumental in establishing the Wilderness Society in 1935, which enhanced his effectiveness. In 1936, he sent another set of maps which now emphasized the potential for large

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1 Ibid., p. 176.

roadless areas in Forest Service lands to Kneipp, who again forwarded them to the Regions.¹

After Marshall took an interest in the primitive system, it grew by 2.8 million acres, although this cannot all be attributed solely to him.

The shadow of Bob Marshall must have been quite evident to Chief Forester Silcox, who for a variety of reasons, hired Marshall as Chief of Recreation and Lands in 1937.² Marshall continued his mission inside the Agency. While there, he was almost singularly responsible for the addition of 2.7 million acres of which the largest primitive area was the Selway-Bitterroot of 1.9 million acres.³ He also sensitized the lower echelon of the Forest Service to the values of primitive areas.

The "U" Regulations

Marshall continued to become concerned about developmental degradation in the primitive areas and so was instrumental in

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¹Ibid., p. 185.

²Ibid., p. 189. The term Forester was changed to Chief Forester and the Division of Lands was renamed Recreation and Lands in 1935. Marshall's employment by the Dorest Service was concurrent with an attempt to comprehensively provide recreation opportunities. Much of this was undoubtedly due to Marshall's prior efforts while he was outside the agency.

promulgating the much more restrictive "U" regulations. These regulations established, just before Marshall's death, wilderness areas (over 100,000 acres, U-1), wild areas (less than 100,000 acres, U-2), and recreation areas (U-3). Later, a proliferation of management regulations occurred.

The reclassification of the primitive areas to wilderness or wild proceeded slowly. The "U" regulations stated in 1940 and reiterated in 1940 and 1947 that the primitive area boundaries could not be modified without permission from the Chief Forester. However, intrusions did occur. The number of areas increased, but the total acreage declined. Acreage was eliminated in the transfer from L-20 to "U" classification because of existing developments and due to the existence of merchantible timber land.

In the period that the U-1 and U-2 regulations were in effect, thirteen wild areas (three east of the Mississippi) and a small portion of the Boundary Waters canoe area, but no wilderness areas, were dedicated where no primitive areas had existed.  

\[1\] Ibid., pp. 197, 205.

\[2\] Derived from The Living Wilderness, Spring-Summer, 1964 (vol. 86), pp. 19-23. Their total acreage was 510,675 acres in 1964 with a mean size of 36,478 acres. The addition of small areas could not be explained by interagency competition. The events leading to the dedication of one of these areas will be examined in Chapter III.
Statutory Preservation within Reserved Lands

Various conservation organizations believed that the trends of both the reclassification of the primitive areas and the addition of new areas were proceeding too slowly.

Although a Wilderness bill had been introduced in Congress as early as 1940, a concerted effort arose only after the exhilarating defeat of the proposed Echo Park dam, which would have backed water into Dinosaur National Monument. The first bill (S. 4013) that was to lead to the National Wilderness Preservation System Act was introduced by Senator Humphrey and eight other Senators.

The Forest Service which had an informal policy of five multiple uses (but no comprehensive legislative legitimacy for it), argued against the Wilderness bill as a dominant use. However, even after passage of the Forest Service Multiple Use-Sustained Yield Act in 1960, the fight for a Wilderness Act continued. After sixty-five bills and with other notable detours, the Act passed on September 3, 1964 in a torrent of other "Great Society" legislation. The major effect of the act was to establish Congress as the arbiter and the agencies as participants, which was a reversal of the previous formal roles.

1 Nash, Wilderness, p. 201. Chapter 12 is a good summary of the climate during the fight for the act.


3 Duffield, "Wilderness," chapter eight discusses this change comprehensively.
The Wilderness Act should be examined, particularly with respect to the processes of classification of Wilderness. Subsection 2a declares a policy of preservation for some federal lands and establishes a mechanism to attain that end: "no Federal lands shall be designated as wilderness areas except as provided for in the Act or by subsequent Act." Subsection 2c is the definition of Wilderness or more realistically of ideal wilderness. As a yardstick for what is suitable for Wilderness, the definition is not very specific. The gist of the subsection is that Wilderness must be Federal land that has not been developed and that natural processes have been unfettered by man.

The statutory mandate to the agencies is contained in Section three. Subsection 3a designates all Forest Service wilderness, wild, and canoe areas if they had been so designated before August 4, 1964, as components of the National Wilderness Preservation System. In effect this created a base of 9.1 million acres. Subsection 3b is a mandate for the Secretary of Agriculture to "review, as to its suitability or non-suitability for preservation as wilderness... each primitive area." Subsection 3c is a mandate for the Secretary

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1 McCloskey, "Wilderness," pp. 301-314, deals with this subject. Also see Brandborg, "Interpretation of the Wilderness Act" in Living Wilderness, Spring-Summer, 1964 (vol. 88), pp. 23-25.

2 Act of September 3, 1964 The Wilderness Act, 78 Stat. 890; 16 U.S.C. 1131-1136. Wilderness is a generic term. This work adheres to the tradition of referring to that administratively designated as "wilderness" and that statutorily classified as "Wilderness."
of Interior to "review every roadless area of five thousand contiguous acres or more...in the national park system...and the national wildlife refuges and game ranges...as to the suitability or nonsuitability...for preservation as wilderness."¹ These recommendations are to be submitted via the President, to Congress.

Note that while the Department of Interior was required to inventory all roadless island larger than 5,000 acres and review them for suitability, the Forest Service had to review only primitive areas. That the Forest Service was not required to inventory nonprimitive lands for additional roadless areas was labeled the "dual standard" by Duffield.²

Management goals are discussed in section 4, subsection 3b and 3c require that management be consistent with preservation. However, subsection 4d then lists numerous exceptions.

Upon passage of the Wilderness Act the Wilderness Society implied that the maximum area studied for the system for all three agencies would be at most 60 million acres. Senator Clinton Anderson, a strong

¹Ibid.

²This point was raised by John Duffield in discussion. It is not related to the dual economy model described in his thesis.
backer of the bill, believed that the system would probably increase to 35 to 40 million acres.¹ The apparent response of the Wilderness Society to enlarge the 9.1 million acres of the Wilderness System was fairly modest. In fact, it was little more than an enumeration of areas that were required to be studied under the act.²

| TABLE 2 |
| ACREAGE OF AREAS TO BE STUDIED UNDER THE WILDERNESS ACT |
|----------|-----------------|-----------------|
| Agency   | Lower 49 States | Alaska          |
|          | acreage         | acreage         |
| USFS     |                 |                 |
| primitive areas | 35 5,580,185 | 0 0             |
| National Park Service |          |                 |
| National Parks | 30 11,603,514 | 1 1,939,493     |
| National Monuments & other | 26 4,064,604 | 2 4,972,185     |
| National Wildlife Refuges and Ranges | 11 2,104,003 | 8 18,907,206    |
| Totals   | 102 23,352,306  | 11 25,818,884   |


¹ Living Wilderness, Spring-Summer, 1964, p. 25.

The First Generation - Ad Hoc Wilderness

While their early interpretations indicate that the initial task was to participate in the agency mandate intent of the Act, conservationists realized that the Wilderness system would be "composed of those appropriate federally owned areas which are designated as wilderness areas." Within four months, this suspicion was given credence by Wilderness classification legislation which pertained to nonprimitive Forest Service lands. In the Eighty-ninth Congress, Montana Senators Metcalf and Mansfield, introduced S.107 to "authorize and direct the Secretary of Agriculture to classify as wilderness... an area [contiguous and south of the Bob Marshall Wilderness Area] known as the Lincoln Back Country." 2

This was followed by a Forest Service announcement of the first public hearing, scheduled in November 1965, for the purposes of formulating a Wilderness proposal for the San Rafael primitive area. Two of the four Forest Service objectives articulated then were: "To redefine the boundaries, in order to effect a more workable administrative unit. This generally involves establishing boundaries along natural physical features..., where topography aids in defining the area ; and to include areas rich in wilderness values, and to

1 Stuart Brandborg, "Interpretation of the Wilderness Act," The Living Wilderness, Spring-Summer 1964, pp. 23-25.

2 U.S. Congress, Senate, Lincoln Back Country Wilderness Area, Montana, S 1 p b i l l 89-107, 89th Congress, 1st Session, 1965. This controversy will be treated more comprehensively in Chapter 3.
exclude areas not predominately valuable for wilderness purposes.\textsuperscript{1} The reconciliation of these objectives in every subsequent study was to be a continuing source of controversy. The preservationists attempted to modify (generally enlarge) Forest Service primitive and Department of Interior Wilderness proposals at two levels of the hearing process.\textsuperscript{2}

Congress was deluged with other citizen initiated \textit{de facto} Wilderness proposals in the West similar to the Lincoln Back Country. A second group of nonprimitive Forest Service \textit{de facto} Wilderness proposals was for areas in the East. The Forest Service argued that the areas in the East were not suitable for Wilderness due to past developments. In contrast, the Forest Service conceded that the Lincoln Back Country was suitable for Wilderness, but that Wilderness was not the best use for the area. The agency proposed a statutory status that would allow less pure standards of suitability for the Eastern areas and legitimatize very high standards of suitability for areas in the West. Congress eventually passed laws resolving both controversies. They reinforced Congress' role as the arbiter of both which areas were suitable for and which areas should be Wilderness.

\textsuperscript{1}The \textit{Living Wilderness}, Summer 1965, Volume 29, No. 89, p. 37.

\textsuperscript{2}See Duffield, "Wilderness" for a comprehensive framework for preservation in development allocations and a thorough study of this component of the process, chapters 9-11.
Matters that the Forest Service felt were much their own prerogative found their way into the courts too. The most notable result was that Forest Service land suitable for Wilderness and contiguous to primitive areas would remain undeveloped until Congress decided on whether to classify them as Wilderness.¹

The significance of the first generation is that Congress and the courts interpreted the Wilderness Act mechanism so as to allow some attenuation of the dual standard.

The Second Generation - Selection of New Study Areas

The Forest Service response to the dual standard was to implement an inventory of undeveloped nonprimitive and nonwilderness National land and select New Study Areas. These New Study Areas were to "be protected from developmental activity until they are given further study if they should or should not be recommended to the Secretary of Agriculture for additional to the National Wilderness Preservation System."² The Forest Service position was that the authority to


conduct such a process is vested in the Organic, Weeks, and Multiple Use-Sustained Yield Acts. The process was subject, as a significant action, to provisions of the National Environmental Policy Act (NEPA).

The filing of the "Roadless and Undeveloped Areas within the National Forests" draft Environmental Impact Statement (RAUA-DEIS) demarcates two phases of the process, called the Selection of New Study Areas from Roadless and Undeveloped Areas on the National Forests (S-NSA-RAUA). The first three parts of the first phase occurred at the Forest and Region levels and involved the Roadless Area inventory, public involvement, and Regional recommendations. The inventory identified 1448 Roadless Areas. Datum for each of nine variables for each Roadless Area was determined. The nine variables were:

1) Quality Index (QI) - a measure of quality for each Roadless Area and based on quality, isolation, and variety
2) Area (A) - acreage in acres
3) Timber Cost (tah) - contribution of each area to the annual allowable harvest
4) Opportunity Cost (C) - more comprehensive cost variable than tah
5) Population Index (P) - derived from gravity model

RAUA-FEIS, p. 5
6) Acres of National Parks and National Wildlife Refuges within 25 miles (INT-25)
7) Acres of Wilderness or primitive areas within 25 miles (EXWP-25)
8) Contiguous to existing primitive areas (APS)
9) Contiguous to existing wilderness areas (AOS)

The interpretation of public involvement was interpreted as:
1) for selection of RA as NSA, 2) against selection of RA as NSA, 3) divided, 4) no information.

The Regional Foresters either recommended or did not recommend that each area be a NSA. These were completed by 30 June 1972 and consisted of 181 acres totaling six million acres.

The fourth and fifth parts of phase one were the Roadless Area Review and Evaluation (RARE) and the publication of the RAUA-DEIS respectively. These were accomplished in the Washington Office, using a cost-effective approach to select New Study Areas from the Roadless Areas. The 1448 Roadless Areas were placed in one of three strata. The Most Desired List included a total of Roadless Areas already committed to study; areas which had been recommended by the Regional Foresters and had a public involvement code equal to one or had a QI greater than 155 or were contiguous to existing Wilderness or primitive areas; areas characterized by unusual ecosystems; Eastern areas; or otherwise desirable areas. The Most
Desired List contained 201 Roadless Areas of a total acreage of 9.7 million acres.\(^1\) However, 61 of the Roadless Areas totaling 4.7 million acres were previously committed to study for Wilderness.\(^2\)

The Lowest Priority List included 315 areas of 6 million acres of Roadless Areas that were less than 10,000 acres and INT-25 or EXWP-25 greater than zero; with costs greater than one million dollars and a Quality Index less than 110; Roadless Areas with a QI less than 80 and area less than 30,000 except those further than 100 miles from National Parks or Refuges or Wilderness or primitive areas; or commitments to nonwilderness use that would reduce their area to less than 5,000 acres.

The Intermediate Desirability List was composed of the remaining 932 areas of 41.3 million acres.\(^3\)

The yellow list was ranked to meet five objectives for anticipated additions to the green list. The criteria used for ranking were:

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\(^1\) "RAUA-DEIS," pp. 26a-28a.

\(^2\) Ibid., p. 1.

\(^3\) Ibid., pp. 26a-32a. The Most Desired, Intermediate, and Lowest Priority lists were called Green, Yellow and Red lists respectively.
Criterion 1) Effectiveness/Cost - The effectiveness for each area was defined as the produce of QI and A.

Criterion 2) Geographic Dispersion - 1448 Roadless Areas from the ranking by criterion #1 which were within 100 miles of areas explicitly treated in section 3 of the Wilderness Act were removed. Thirty Roadless Areas remained.

Criterion 3) Ecosystem Representation - Roadless Areas containing ecosystems not already represented in Forest Service Wilderness and primitive systems or the Green list were chosen. Only one such area met the criterion. The remainder of the Yellow list was ranked by criterion 1.

Criterion 4) Effectiveness/Allowable Harvest - The Yellow list was ranked by E/I/tah. Almost one-quarter of the Roadless Areas and one-eighth of the acreage had tah equal to zero.

Criterion 5) Effective-Population/Cost - The Yellow list was ranked by P (E/I/C).

Effectiveness and cost curves were plotted upon total acreage for each of the five ranked lists.¹

¹ Ibid., pp. 32a-38a.
"The ranking processes in the Yellow Lists were discarded because no rationale could be found for deciding where to cut off the list... and due to reservations about the limitations of the rankings."¹

A much more visceral technique was used. The Chief met with the nine Regional Foresters in Washington in December of 1972. The Green List was used as a base list for the selection of New Study Areas. Six uncommon ecosystem Roadless Areas on the Green list were deleted as being insufficiently uncommon.

Then three combinations of criteria were applied to the Red and Yellow Lists resulting in the enumeration of three subsets. Each Roadless Area in each subset was then discussed at the conference and added or not added to the Green List. Of forty-one Roadless Areas which had been recommended by Regional Foresters and had not fallen in the Green List, twenty-seven were added. One area not recommended by Regional Foresters, but with public involvement code 1 and QI greater than 155 and E/C index greater than 100 was added. In the last step, eight of fifteen Roadless Areas were added which had QI greater than 155 and public involvement code 1 or 3 or 4 and E/C less than or equal to 100² (see Table 3).

¹ Ibid., p. 39a.

² Ibid., pp. 42a-48a. EI is the product of QI and cost. E/C is one of the five criteria discarded earlier.
"The resulting proposed New Study Areas list contained 235 areas with eleven million acres."¹

<table>
<thead>
<tr>
<th></th>
<th>I</th>
<th>II Corrected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadless Areas</td>
<td>1448</td>
<td>1449</td>
</tr>
<tr>
<td>Green list</td>
<td>201</td>
<td>204</td>
</tr>
<tr>
<td>Step 1</td>
<td>6</td>
<td>-2, -6</td>
</tr>
<tr>
<td>Step 2</td>
<td>27</td>
<td>30</td>
</tr>
<tr>
<td>Step 3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Step 4</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>231</td>
<td>235</td>
</tr>
</tbody>
</table>

**SOURCE:** Forest Service, RAUA-FEIS.

Conservationists realized that the inventoried Roadless Area acreage totalled about fifty-six million. Their immediate concern was that some might be logged prior to the final selection of New

Study Areas or thereafter that nonselected Roadless Areas would be logged too quickly for further consideration. On August 29, 1972 Federal District Judge Samuel Conti, granted a preliminary injunction restraining the Forest Service and others from:

(a) Cutting timber, building roads or taking any action or allowing any other persons to cut timber, build roads, or take a action which will change the wilderness character of any roadless or undeveloped areas which were listed in inventories of the Forest Service completed between January 1, 1971, and June 30, 1972, except pursuant to contracts entered into by the Forest Service prior to July 1, 1972;

(b) Entering into any contract, on or after July 1, 1972, which will permit cutting timber, building roads or taking any action which will change the wilderness character of any roadless or undeveloped areas which were listed in inventories of the Forest Service completed between January 1, 1971, and June 30, 1972, unless and until a N.E.P.A. Environmental Impact Statement is filed and acted upon, ..."

On December 1, 1972 a pretrial agreement resolved the major portion of the preliminary injunction. The Forest Service agreed to "file environmental impact statements before letting any future timber-cutting contracts in any roadless area in a national forest."¹

Phase two of the process involved public involvement and re-analysis of the proposed New Study Area to develop the list of

² "Agreement Covers Major Points of Sierra Club-USFS Lawsuit Missoulían, 2 December 1972, p. 1."
New Study Areas by modifying the Green List, which was renamed the Most Desirable List. However, errors of omission first had to be reconciled (Table 3, Column II). The reanalysis was done in eight steps labeled A through H. (See Table 4).

The RAUA-FEIS contained 213 areas from the Green List and 61 areas from the Yellow List yielding a total of 274 New Study Areas of 12.3 million acres.

_Bureau of Land Management Organic Act_

The Bureau of Land Management evolved from the original Land Office, the purpose of which was for the disposal of public lands to citizens, corporations, state governments, and federal reservations. However, by the end of the nineteenth century the disposal of the public lands effectively ended. Despite the evolution of the Bureau of Land Management into a _de facto_ land management agency, the maturation to this role was not legitimized until 1976. What finally precipitated this legitimization was the plans for the transAlaska pipeline proposal. This project necessitated the resolution of two long standing claims. The natives argued in the courts that the United States had not obtained fee title in the Alaska purchase. Therefore, indemnity for the pipeline would involve lengthy litigation. Also, the state of Alaska argued that the traditional, but not universal, custom of granting territories gaining statehood public domain lands had not been effected.
### TABLE 4
NUMBER OF FINAL NEW STUDY AREAS

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Added</th>
<th>Deleted</th>
<th>Areas Considered</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>New Study Areas contiguous to primitive areas:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Areas already studied</td>
<td>21</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To be studied</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Analysis &amp; data correction</td>
<td>8</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>C</td>
<td>Public recommended deletion</td>
<td>0</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>D</td>
<td>Public recommended changes in size</td>
<td>3</td>
<td>1</td>
<td>12</td>
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<tr>
<td>E</td>
<td>Congressional interest</td>
<td>2</td>
<td>0</td>
<td>21</td>
</tr>
<tr>
<td>F</td>
<td>Interior recommendations</td>
<td>0</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>G</td>
<td>Public recommended addition*</td>
<td>37</td>
<td></td>
<td>162</td>
</tr>
<tr>
<td>H</td>
<td>Other</td>
<td>5</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>61</strong></td>
<td><strong>22</strong></td>
<td><strong>218</strong></td>
</tr>
</tbody>
</table>

**Source:** Forest Service, "RAUA-FEIS".

*Step G involved a refinement of the inventory of Phase One. Of the 162 Roadless Areas considered for New Study Area status, 26 had not previously been identified. The discovery of these 26 Roadless Areas brought the total to 1475.

**Since some areas would qualify as New Study Areas under several different steps, the total of 218 considered is not the total of the areas considered in each step. In fact, the distribution of the 61 areas added and 22 areas deleted among the 8 steps would have changed had the steps been considered in a different sequence.*
Congress responded with the Alaska Native Claims Act. This Act established the mechanism for redistributing most of the Bureau of Land Management lands in Alaska. The Bureau of Land Management commenced to argue persuasively that their role as a disposal agency had been fulfilled. Congress responded with an Organic Act in 1976. It included, in Section 603, a mandate to inventory all roadless entities of 5,000 acres or more, study, and recommend to Congress for suitability or nonsuitability for Wilderness.

**Summary**

The reservation of Parks by Congress and Forest Reserve lands by the President from the public domain was both to a large extent due to preservation sentiment. After 1907 both could be created from public domain only by Federal legislation, but National Forest lands could be transferred to the Parks by Presidential order. This acerbated an era of interagency rivalry characterized by efforts of the agencies to expand their land bases. The Forest Service, which had emphasized commodity production, drifted towards explicitly providing recreation and wilderness opportunities.

The administrative era dates from 1924, when the Forest Service first demargated large roadless areas on recreation plans. Nevertheless, the Forest Service still provided dispersed recreation and protected associated wild values as a residual of commodity oriented use. Similarly, the Park Service, by interpark and intrapark
stratifications, provided dispersed recreation and associated values as a residual of recreation oriented development.

Preservationists, dissatisfied with the performance of both Agencies in administrative efforts to maintain wilderness values, took their case to Congress in 1956. The Wilderness Act, which passed in 1964, cut across agency lines, established a Wilderness base, and most significantly, created the mechanism for classification of additional Wilderness. The mechanism not only required the participation of Congress, but established it as arbiter. Thus 1964 was the end of the administrative era and the beginning of the shared legislative administrative era of preservation.

The mechanism evolved in response to the dual standard in Section 3 of the Wilderness Act between the Departments of Interior and Agriculture. Attenuation of the dual standard occurred in two generations. The first was characterized by the ad hoc classification of Forest Service nonprimitive lands as epitomized by the Scapegoat Wilderness. The Forest Service responded with an inventory and selection process, which constituted the second generation of the attenuation of the dual standard. This administrative process also considered nonprimitive Forest Service lands for Wilderness. In effect, it strengthened the Forest Service's role as participant in the Wilderness mechanism, and usurped power from Congress. The eight million acres of noncommitted New Study Areas delineated constitute less than one-sixth of the fifty-two million acres of noncommitted Roadless Areas.
Three other important refinements of the mechanism of the Wilderness Act occurred. The Federal Courts, in Parker versus U.S., expanded Section 3b of the Wilderness Act. The Eastern Wilderness Act reemphasized Congress' broad interpretation of suitability criteria, as derived from Section 2c of the Wilderness Act. Finally, Section 603 of the Bureau of Land Management Organic Act constituted an amendment to Section 3 of the Wilderness Act.
Introduction

Chapter three is Montana specific and treats the period demarcated by the initial reservation (Yellowstone National Park) and the passage of the Wilderness Act. The reservations from the public domain are treated briefly in the second section. The third section focuses on United States Forest Service administrative designations within the forest reserves and the national forests.

The administrative allocations fall into three groups: 1) those areas delineated on recreation plans, 2) primitive areas, and 3) wild and wilderness areas. The subsections of section three correspond to those three groups. The recreation plan allocations are briefly considered. Since the primitive, wilderness, and wild areas are the only Montana Forest Service lands mentioned in the Wilderness Act, an understanding of the subsequent evolution of the statutory Wilderness allocation mechanism requires an understanding of those designations.

The primitive area allocations largely shaped the administrative dedications and constitute subsection two of the third section. They are treated in three groups. The first five primitive designations were prior to the Copeland Report and the inventory of Bob Marshall associated with it. The second group of allocations occurred subsequent
to and were partially due to the efforts of Bob Marshall. The third group consists of refinements of the previous primitive allocations.

The third subsection of section three details the wilderness and wild dedications. This period is significant, not due to what was, but rather due to what was not dedicated. Beginning in 1939, the Forest Service was to restudy the primitive areas for possible rededication as wilderness or wild areas. First, the rededication of the South Fork-Pentagon-Sun River primitive complex as the Bob Marshall is discussed. Then, four appeals to the Forest Service by citizens to augment the wilderness system by dedicating nonprimitive areas will be discussed. Third, four more redesignations from primitive to wilderness or wild status just prior to the passage of the Wilderness Act will be discussed.

The significance of the third subsection is that the status of the areas on August 4, 1964 discussed in this chapter determined their place in the Wilderness Act mechanism. Of course, the wilderness and wild areas and the primitive areas fell under sections 3a and 3b of the Wilderness Act respectively. However, three of the four citizen-initiated nonprimitive dedication attempts later represented significant steps in the evolution of the statutory mechanism of Wilderness classification.

The Preadministrative Era in Montana and Reservations from the Public Domain

The first three forest reserves created in Montana were the Bitter Root, Lewis and Clarke, and the Flathead, all as part of Cleveland's
indiscreet proclamation.\textsuperscript{1} The selection of the Bitter Root was almost certainly due to timber theft from the public domain.\textsuperscript{2} Five more forest reserves were created before the reserves were transferred from the Department of Interior to the Department of Agriculture in 1905. Following the transfer, fifteen reserves were created before March 4, 1907 when the creation of forests in the West effectively ended.

The area that is now Glacier National Park had first been proposed as a forest reserve in 1884 by Senator Edmonds of Vermont. George Grinnell is considered the originator of the idea, in 1891, to create a national park.\textsuperscript{3} In 1895, the land east of the continental divide that presently contains the east side of Glacier Park and a portion of the Lewis and Clarke Forest was sold by the Blackfoot Indians for $1,500,000.\textsuperscript{4} However, in 1897, before park status was achieved, the area was dedicated as part of the Lewis and Clarke Reserve.

\begin{itemize}
  \item \textsuperscript{1}U.S.D.A., Forest Service, Establishment and Modification of National Forest Boundaries: A Chronological Record 1891-1973, October 1973, p. 2. Hereafter referred to as Forest Service, National Forest Boundaries. The spellings were changed to Bitterroot and Lewis and Clark in 1907 and 1908 respectively.
  \item \textsuperscript{2}See for example, E.W. Butcher, "Early Timber Depredations in Montana" (Master's thesis, University of Montana, 1967).
  \item \textsuperscript{4}For a comprehensive treatment that includes present manifestations of this transaction, see Chris Ashby, "The Blackfeet Agreement of 1895 and the National Park Service: A Case Study of Administrative Behavior" (Master's thesis in progress, University of Montana). Entitlements for hunting, water use, and timber for personnel use were retained by the Blackfeet.
\end{itemize}
The first bills to classify the area as a national park occurred in 1908 and resulted from the efforts of Grinnell. The proposed park would have been entirely west of the continental divide. Authority to manage it would have been vested with the Secretary of Agriculture. Bills introduced later, with similar authority vested with the Department of Interior, passed on May 11, 1910. Other factions of the coalition which secured passage were the Sierra Club and James Hill of the Great Northern Railway.¹

"Glacier Park was not really a park, in the proper sense of the word, but a sort of hybrid national forest with a few park features, and it was at first administered as such."² The first superintendent reflected the poor resolution of objectives after establishing a saw mill and stating, "in a short time . . . . lumber will rank first among the sources of revenue."³ Another mill was blown up by dynamite in 1925 after several court orders to shut down were ignored by the owners (Great Northern Railway). The Great Northern Railway lodged over 50% of the guests in the early years.⁴ The major development was the completion of the Going to the Sun highway in 1933 which split the Park into north and south halves.

¹Ise, National Park Policy, pp. 173-175.
²Ibid., p. 175.
³Ibid., p. 176.
⁴Ibid., p. 176.
The case of Glacier highlights the often juxtaposed entitlements and land allocations between parks and forest reserves as a result of yet uncrystallized goals of preservationists, conservationists, and the agencies.

The presidential proclamations creating the twenty-three forest reserves prior to 1908 constitute the present 16,700,000 acres of Forest Service lands in Montana. There had been proclamations prior to 1907 and numerous proclamations, executive orders, and public laws since that have changed national forest boundaries. Reaggregations have reduced the number of national forests totally or partially in Montana to ten.\(^1\) Other boundary adjustments have been necessitated by transfers of Forest land to the Department of Interior. The first of these occurred when a large part of the Blackfoot Forest was transferred for the creation of Glacier National Park.\(^2\) In 1919, portions of the Gallatin, Absaroka, and Shoshone Forests were transferred to Yellowstone Park.\(^3\) And in 1932, portions of the Absaroka were transferred to Yellowstone.\(^4\) On June 29, 1939 national forest land was transferred to the Big Hole National Monument.\(^5\)

\(^1\)Forest Service, *National Forest Boundaries*.
\(^2\)Ibid., p. 30.
\(^3\)Ibid., p. 59.
\(^4\)Ibid., p. 65.
\(^5\)Ibid., p. 73.
Forest Service Administrative Era 1924-1964

The administrative era of preservation is demarcated by the establishment of the Gila Wilderness area in 1924 and passage of the Wilderness Act in 1964. The arguments for designation of undeveloped area within forest reserves and the reservation of forest reserves and national parks from the public domain several decades earlier were similar. The establishment of roadless areas on recreation plans had barely begun before the promulgation of primitive area regulations. These evolved into regulations for the establishment of wilderness and wild areas. In this section all dedications considered under these regulations in Montana are discussed.

Roadless Areas 1924-1929

Apparently, the only roadless area established on forest recreation plans in Montana prior to the L-20 regulations was the Clearwater.\(^1\) When Greeley formulated his wilderness policy and suggested that the Districts apply it in 1926, the Montana District Forester was particularly recalcitrant.\(^2\)

\(^{1}\)Gilligan, "Primitive and Wilderness," pp. 85-86.

\(^{2}\)Ibid., p. 105.
The "L" Dedications in Montana 1929-1939

Three areas in Montana suggested for wilderness by the National Conference on Outdoor Recreation provided a base list for primitive areas.

<table>
<thead>
<tr>
<th>TABLE 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MONTANA WILDERNESS RECOMMENDATIONS</strong></td>
</tr>
<tr>
<td><strong>NATIONAL CONFERENCE ON OUTDOOR RECREATION 1928</strong></td>
</tr>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Whitefish Range</td>
</tr>
<tr>
<td>Flathead</td>
</tr>
<tr>
<td>Beartooth</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>


The Beartooth as used here included what eventually became the Beartooth and Absaroka primitive areas. The Flathead contained parts of both the Middle Fork and South Fork drainages.

The "L" regulations were submitted to the Districts and became effective July 15, 1929. The District personnel had some familiarity with them due to prior exposure during their review. Even prior to the effective date of the L-20 regulations an area had been suggested for dedication. The Lewis and Clark Forest Supervisor proposed dedication

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of the 400,000 acres in the Sun River and Spotted Bear State Game Reserves.\(^1\)

**The First Five Primitive Areas**

Three of the first five primitive areas dedicated in Montana had been suggested in the National Conference on Outdoor Recreation.

**South Fork Primitive Area**

The first primitive area in Montana was the South Fork (of the Flathead River). About one-quarter million of the 625,000 acres overlapped with the Spotted Bear State Game Reserve. Only the upper drainage of the South Fork, above Spotted Bear, was included in the area. Besides being held in high esteem by residents there would "probably be no demand on the timber products for three to five decades . . . No special provisions are necessary to control the utilization of the timber, forage, or water resources."\(^2\)

**Mission Mountain Primitive Area**

The Mission primitive area was established on the east side of the Mission Mountains with the west boundary being the hydrologic divide. This is also the east boundary of the Federated Salish Kootenai Indian Reservation. National monument status had been suggested for the

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\(^1\)Lockhart, letter to District Forester, 17 June 1929, Northern Region, United States Forest Service files; hereafter referred to as R-1 files.

\(^2\)U.S.D.A., Forest Service, Dedication for South Fork Primitive Area, 17 February 1931, R-1 files.
area earlier, but did not materialize.\textsuperscript{1} Thirty percent of the 67,000 acres was owned by the Northern Pacific.

Absaroka Primitive Area

The Absaroka primitive area was the third created in Montana. It lay contiguous to and north of Yellowstone National Park. It was a 68,000 acre portion of the National Conference on Outdoor Recreation recommendation for the Beartooth.

Spanish Peaks Primitive Area

The Spanish Peaks primitive area was established on April 11, 1932. This relatively small area of 50,000 acres is located twenty miles southwest of Bozeman in the Gallatin National Forest. The formal process of classification took less than two months and was initiated and directed by the Regional Forester, Stuart.

Members of this office have for some time, felt that the Spanish Peaks country in your Forest is admirably adapted to establishment as a primitive area . . . Unless you have objection to the designation of this area . . . please submit a brief report upon which to obtain Forester's approval. I have indicated on the attached map . . . an approximate boundary of the Spanish Peaks area. Please let me have your report not later than March 15.\textsuperscript{2}

The supervisor submitted his report in less than two weeks and made two additions. The purpose of the first was "to include all of the mountain sheep . . . [range and the second was] because of

\textsuperscript{1}U.S.D.A., Forest Service, Dedication for Mission Mountains Primitive Area, 31 October 1931. R-1 files. Also see Gilligan, "Primitive and Wilderness," p. 140.

\textsuperscript{2}M.H. Wolff, letter to Whitman, 18 February 1932. R-1 files.
its unsuitability for grazing and its natural wilderness aspect."\(^1\) A mining claim and possible timber sales were the basis of two exclusions. The boundary could have been extended further, but this "would have broken into a grazing allotment to an extent not considered advisable at this time."\(^2\) Some of this appears to have been added later at the Regional level, however. The assessment of public sentiment by the Supervisor was changed from "favorable to establishment..."\(^3\) to "warmly enthusiastic" by Stuart.\(^4\)

Beartooth Primitive Area

The Beartooth primitive area was established east of the Absaroka, but not contiguous to it. The Stillwater River formed a corridor between them. The area was not contiguous to Yellowstone National Park nor the North Absaroka (in Wyoming), but separated from them by the Cooke Soda Road.\(^5\)

\(^1\)Whitman, letter to District Forester, 29 February 1932, R-1 files.

\(^2\)Ibid.

\(^3\)Ibid.

\(^4\)U.S.D.A., Forest Service, Dedication for Spanish Peaks Primitive Area, 11 April 1932, R-1 files.

\(^5\)The relationships are from dedication maps of the Absaroka and Beartooth Primitive Areas, R-1 files. The Cooke Soda Road later became the Cooke City Highway.
Five areas had been established in Montana within three and one-quarter years after the promulgation of the "L" regulations.

### TABLE 6

MONTANA PRIMITIVE AREAS 1928 to 1932

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Federal Acreage</th>
<th>Total Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Fork</td>
<td>20 May 1931</td>
<td>537,500</td>
<td>625,000</td>
</tr>
<tr>
<td>Missoula Mountains</td>
<td>31 October 1931</td>
<td>46,900</td>
<td>67,000</td>
</tr>
<tr>
<td>Absaroka</td>
<td>4 April 1932</td>
<td>64,000</td>
<td>64,000</td>
</tr>
<tr>
<td>Spanish Peaks</td>
<td>11 April 1932</td>
<td>49,000</td>
<td>50,000</td>
</tr>
<tr>
<td>Beartooth</td>
<td>15 October 1932</td>
<td>230,000</td>
<td>230,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>885,400</strong></td>
<td><strong>1,036,000</strong></td>
</tr>
</tbody>
</table>

**SOURCE:** Calculated from the dedications for each of the primitive areas, R-1 files.

The total acreage represented 10.5 percent of such areas in the United States. One of the areas, the Mission Mountains, had been mentioned for park status. The Absaroka Primitive Area was contiguous to Yellowstone National Park. This completed the classification of areas originally envisioned under the "L" regulations by the Forest Service and the National Conference on Recreation.
The Second Five Primitive Areas

The creation of the next "series" of primitive areas was at least indirectly the result of the efforts of Marshall. While working as a Forest Service employee on the Copeland Report, Marshall wrote to Assistant Forester Kneipp, urging the creation or enlargement of areas included in the report. This was forwarded to all the Regions. All of the Forest Service areas in Montana recommended in this report had already been established. However, Marshall was suggesting enlargement of the South Fork primitive area by 400,000 acres.¹

<table>
<thead>
<tr>
<th>Name</th>
<th>Acreage</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Fork</td>
<td>1,050,000</td>
<td>Forest Service</td>
</tr>
<tr>
<td>Beartooth</td>
<td>225,000</td>
<td>Forest Service</td>
</tr>
<tr>
<td>Mission Mountains</td>
<td>200,000</td>
<td>FS and BIA</td>
</tr>
<tr>
<td>North Glacier</td>
<td>550,000</td>
<td>National Park</td>
</tr>
<tr>
<td>South Glacier</td>
<td>400,000</td>
<td>National Park</td>
</tr>
</tbody>
</table>


Although working for the Bureau of Indian Affairs, Marshall continued to encourage creation of additional primitive areas. Also, efforts of Assistant Chief of Recreation and Lands Kneipp to tighten the "L" regulations had obviously filtered down to the Regional level.¹

Please note that the Regional policy . . . is now appreciably more restrictive than that set forth in the Manual. No lands within which we intend to build roads, even for protection only, are to be included in a primitive area. Also, the grazing of range stock ordinarily is not to be permitted. In fact, it is contemplated that on the whole there will be no utilization whatsoever of the economic resources within the areas to be set aside in the Region.²

Sun River Primitive Area

The District Office in Missoula initiated the effective expansion of the South Fork primitive area to the east into the Middle Fork of the Flathead and over the continental divide into the Sun River and other Missouri River tributaries.

None of the Sun River Game Reserve had been dedicated as primitive concurrent with the South Fork, which was contiguous to the west. The Lewis and Clark Supervisor had reservations about the boundary for the Sun River primitive area because of summer home development.³ The next year, in 1930, the Lewis and Clark submitted to the Regional office a very brief report proposing a 267,262 acre primitive area. The proposal


²M.H. Wolff to Willeg, 14 March 1932, R-1 files. This letter is reference to establishment of the Sun River primitive area.

³Lockhart, memo to District Forester, 17 July 1929, R-1 files. Lockhart was the Lewis and Clark Forest Reserve Supervisor.
was tentative pending two hunting lodge applications along the east boundary.¹

Almost two years later Wolff informed Supervisor Willey that the South Fork had been designated primitive, but had not been made public.² In what must have been a heavy hint, Wolff enclosed a copy of the South Fork proposal as "an Example . . . [of how to proceed with the Sun River area proposal]".³ Willey must have been more tactible than Lockhart, because a month later he submitted to the Regional Office a proposal for a 146,000 acre Sun River primitive area. He noted that there was good local public support, but some pressure to open roads across the continental divide into the South Fork.⁴

If Supervisor Willey seemed uncertain, there wasn't yet a consensus in the Regional Office either. The intent and efficacy of the L-20 regulation was questioned.

We have decided to create a wilderness area on the South Fork Flathead and Sun River - a real area which will mean something and not just camouflage like most of the others.⁵

Wolff lent credence to Lockhart and later to Willey's numerous references to hunting lodge applications and lent some insight into the intent and generality of the regulation.

¹Lockhart, letter to District Forester, 12 May 1930, R-1 files.
²M. H. Wolff, letter to Willey, 14 March 1932, R-1 files. Willey replaced Lockhart as Lewis and Clark Supervisor. Actually, the South Fork proposal was not signed by Forester Stuart until a week later.
³Ibid.
⁴Willey, letter to Regional Forester, 16 April 1932, R-1 files.
⁵L. C. Stock, memo, 1933, R-1 files.
If such leeway—(keep out roads but allow occupancy uses under conditions as above)—*is provided* I will have no further objection. To preclude summer homes, simply because of a primitive area whose purpose is to preclude roads, *[is unwarranted].*¹

Also, there was opposition to primitive dedication at the Regional level due to the existence of hunting lodges near the east boundary of the proposed Sun River primitive area.

As you know, I'm not at all hopped up about this primitive area—I guess that I'm lacking in vision—can't see anything to it but least good to greatest number in the long run.²

However, apparently the Regional personnel arrived at some consensus, because Wolff wrote Supervisor Willey:

> It has been concluded that the Region favors a primitive area in the Sun River along the lines depicted in the map attached as originally suggested by Major Kelley.³

Wolff was very solicitous of opinions concerning the east boundary expressed by a guest ranch operator, Mrs. Allen, whose ranch was on the proposed boundary. In fact, Wolff instructed Willey to "make a special trip if necessary . . . [and consult with Mrs. Allen]."⁴

After four years of intraagency controversy, the Regional Forester issued a mandate:

> Put the jacks under that Wilderness Area . . . Let's get it cleaned up.⁵

---

¹M.H. Wolff, letter to Helley and Stocks, 26 August 1933, R-1 files. Italics mine.

²F.J.J., memo to M.H. Wolff, 1933, R-1 files.

³M.H. Wolff, letter to Willey, 31 August 1933, R-1 files.

⁴M.H. Wolff, letter to Willey, 22 September 1933, R-1 files.

⁵E.W. Kelley, letter to Wolff, undated, R-1 files.
The dedication for the 240,000 acre area was signed at the Forest level on September 26, 1933 and the Washington level on February 23, 1934.¹

Pentagon Primitive Area

The Pentagon was the third primitive area established just south of Glacier National Park along the continental divide. The boundary largely coincided with those of the upper drainage of the Middle Fork of the Flathead River. The Middle Fork was known affectionately as "Big River" by many of the local sportsmen. In fact, during the preliminary stages of agency planning the proposed primitive area was referred to as the Big River primitive area.² Just as with the Sun River, pressure was exerted by the Regional Office.

Subsequent to your discussions with Major Kelley on the recent trip and considerations in this office, it has been concluded that a primitive area should be established in the Big River country in the territory indicated on the attached map. It is desired to rush this matter along to the Forester and get it cleaned up.³

¹U.S.D.A., Forest Service, Dedication for Sun River Primitive Area, R-1 files. Actually, the Washington Office signature of Silcox is dated February 23, 1933. This is undoubtedly an error. The dedication form was typed at the Forest Office level and signed by Willey on September 26, 1933. Spaces were denoted for the date and signatures at the Regional and Washington level, the latter with the year "1933" typed. Kelley signed (twice, probably in his eagerness at finally seeing the proposal) and dated it September 29, 1933. The following year (on February 23) it was signed by Silcox, but the year was not corrected. This error has been perpetuated by Gilligan, Primitive and Wilderness, p. 107.

²U.S.D.A., Forest Service, Big River Report, 6 September 1933, R-1 files.

³M.H. Wolff, letter to Wolfe, 29 August 1933, R-1 files. Wolfe was the Flathead National Forest Supervisor.
Supervisor Wolff returned the map with some modification.

You will note that I have excluded the Big River Meadows from the primitive area. This is necessary since this area has long been grazed by cattle from the Lewis and Clark side.¹

This exclusion was consistent with the spirit of Regional interpretation of national policy. However, Wolff's recommendation was overruled at the Regional level and the meadows were included. Another major alteration which occurred at the Regional level was the change of the name from Big River to Pentagon primitive area.

The dedication of the South Fork, Pentagon and Sun River primitive areas created one entity of 960,000 acres.

Cabinet Mountain Primitive Area

The earliest efforts to preserve the Cabinet Mountain area occurred in 1915 in the form of a proposed national park. The next effort occurred in 1931 when the area was recommended as a game refuge.² It was in 1932 that momentum seemed to be growing to dedicate the area as primitive. The Cabinet Mountains was the first area proposed in the Region which spanned two Forests.³ The area was a good candidate for primitive as "marketable sized timber will remain commercially inaccessible for many years. Principal values are watershed and ornamental."⁴

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¹M.H. Wolff, letter to Willey, 14 March 1932, R-1 files.
²Abbot, letter to Regional Forester, 14 June 1932, R-1 files.
³The superintendents involved were A.H. Abbot and C.S. Webb; the latter was at Libby, Montana in the Kootenai National Forest.
However, there was some concern about the eventual working of mining claims in the area which would require road access. The Regional Forester cautioned the Kootenai Supervisor not to intend to build roads into any area proposed. "Altho of course if future mining developments require roads such construction by mining interests will in no way be discouraged . . ."¹

It remains unclear if Kelley was suggesting that such roads would be allowed in primitive areas or that portions of the area might be declassified, so that roads could be built.

However, the area had not yet been classified. The task of marshalling public support either fell on or was assumed by Webb. It was a task not without pitfalls. A somewhat uninformed enthusiast had recommended primitive classification for the Cabinets before the Missoula Commercial Club, which had voted the motion down. Webb notified Kelley that he was going to address the Club "... and assume that with a full understanding the Commercial Club will heartily approve of creating the area."²

However, a similar incident occurred in Libby:

The matter of establishing a primitive area in the Cabinet Mountains was brought up here February 20, before the Rod and Gun Club by a local citizen while I was at Missoula [on other business]. He could answer none of the various questions raised and the proposal was rejected. Before recommending the establishment of the area I felt it would be better to secure the endorsement of local people. . . .³

¹E. Kelley, letter to C.S. Webb, 4 March 1932, R-1 files.


³C.S. Webb, letter to E. Kelley, 2 May 1932, R-1 files.
The supervisors had different notions as to what constituted rationale for exclusion of portions of an area being considered for primitive dedication. Abbot recommended the exclusion of Devil's Club Creek due to a "considerable volume of Whitepine timber."\(^1\) Webb was "reluctant to include [Granite Creek, but had] . . . no real objection to leaving [the timber] stand for future generations to take a glimpse at . . ." Webb felt that the timber would not be harvested irregardless of whether it was included in the primitive area and also suggested that the boundary be drawn on section lines.\(^2\)

The report that resulted excluded most of both Granite and Devil's Club Creeks and allowed roads for legitimate mining activity. The report remained at the Regional level for more than a year before being signed and sent to the Washington office.\(^3\)

Selway Bitterroot Primitive Area

Marshall had organized the Wilderness Society in 1935 and the first issue of its Living Wilderness magazine contained an article on the road developments in three western Regions. The area spotlighted in Region One was the Selway Salmon River Area.\(^4\) Marshall had also written directly to Chief Forester Silcox and proposed "the maintenance of primitive

\(^{1}\)A.H. Abbot, letter to Regional Forester, 3 June 1932, R-1 files.

\(^{2}\)C.S. Webb, letter to Regional Forester, 28 December 1933, R-1 files.

\(^{3}\)U.S.D.A., Forest Service, Dedication for Cabinet Mountains Primitive Area, 4 April 1935, R-1 files.

conditions within . . . the Upper Priest River Area and the Selway Area."¹ As a result, Kneipp forwarded the maps to Kelley and requested Kelley to enumerate the impacts of a classification of the areas as primitive.²

In November of 1935, Marshall and Silcox mutually agreed to the establishment of a Selway primitive area. Silcox wrote to Region One requesting a report and suggesting no road construction in the interim.³ The area was dedicated July 3, 1936 of which 290,000 acres (15.5 percent) were in Montana. At Kelley's insistence, the dedication included in the special provisions a list of roads and truck trails which could be completed despite classification.⁴

Anaconda Pintler Primitive Area

The establishment of the Anaconda Pintler area was due to the direct intervention of Bob Marshall: "The boundaries are substantially as agreed upon by Mr. Marshall and me."⁵ Like the Cabinet area it was proposed that the area span the common boundary of two Forests. In

¹L. Kneipp, letter to Kelley, 10 June 1935, citing letter from Bob Marshall to Silcox, R-1 files.
²L. Kneipp, letter to Kelley, 10 June 1935, R-1 files.
³Ed Slusher, memo to files, 25 November 1958, citing letter from Silcox to Region One dated 21 May 1936, R-1 files.
⁴U.S.D.A., Forest Service, Dedication of Selway Bitterroot Primitive Area, 3 July 1936, R-1 files.
⁵E. Kelley, letter to Chief, 12 June 1936, R-1 files.
this case, they were the Deer Lodge and Bitterroot Forests. The assessment of potential public support on the west side was cautionary because of heavy sheep grazing interests on the East Fork of the Bitterroot.\(^1\)

In contrast, on the east side the proposed area was heavily supported. The Forest Service proposal was for 50,000 acres, but citizens were urging even larger acreages.

Heavy pressure exists for dedication of this primitive area from all civic and semi public organizations in the city of Anaconda. A greater acreage in primitive area is urged then is possible to establish: mining men are passive.\(^2\)

These organizations included the "Kiwanis, Rotary, Anaconda Sportsmen, Business Men and Boy Scouts of America."\(^3\)

However, in the Regional Office there was a mixed reaction. After conceding that the area was little used, magnificent, rugged and of high grandeur, one intraregional memo continued:

Frankly, I cannot see much advantage in the reservation of it as a primitive area as its far from the beaten path of Eastern tourists and vacationists.\(^4\)

This was partially rebutted by the Assistant Forester in Recreation and Lands:

\(^1\)G.M. Brandborg, letter to Regional Forester, 17 June 1936, R-1 files. Brandborg was the Bitterroot National Forest Supervisor.

\(^2\)Tentative Anaconda Pintler proposal, undated, R-1 files.

\(^3\)R.T. Ferguson, letter to Regional Forester, 13 October 1936, R-1 files. Ferguson was the Deer Lodge National Forest Supervisor.

\(^4\)F.K.S., initialled memo, undated, R-1 files.
The fact of little use is one of the advantages. The more of these we dedicate, even tho they would be the same without dedication the better satisfied are the Bob Marshalls.\(^1\)

However, the real pressure came from local citizens:

We are very desirous of having that proposed Primitive Area created soon. Referring to a letter from R.T. Ferguson, November 6, 1935, something was to be done about this in 60 days. We are wondering why nothing has been done. The Fish and Game Commission are going to create a Game Reserve including this area soon.\(^2\)

Despite the pressure from the Deer Lodge Forest for the creation of the primitive area, strenuous opposition was predicted to result on the Bitterroot Forest side if grazing were eliminated as part of the dedication procedure.\(^3\) The larger 145,000 acre area was therefore dedicated with a general provision which allowed the status quo with a natural phase out for grazing.\(^4\)

After the tenth primitive area established in Montana, the scene became relatively quiescent with respect to allocation. This brought the total acreage of lands dedicated as primitive to 1,896,000 acres.

The five year period since Marshall's memo to Kneipp suggesting enlargement of the primitive system had seen an 83 percent acreage increase in Montana. While it has been documented that he only had a local and direct role in the last two, he was undoubtedly influential in all of them.

\(^1\)M.H. Wolfe, memo to F.K.S., undated, R-1 files.

\(^2\)Business and Professional Men to Wolfe, 12 October 1936, R-1 files.

\(^3\)G.M. Brandborg, letter to Regional Forester, 18 May 1937, R-1 files.

\(^4\)U.S.D.A., Forest Service, Dedication for Anaconda Pintler Primitive Area, 2 October 1937, R-1 files.
### TABLE 8
MONTANA PRIMITIVE AREAS 1932-1937

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Nonfederal Acres</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pentagon</td>
<td>18 October 1933</td>
<td>0</td>
<td>95,000</td>
</tr>
<tr>
<td>Sun River</td>
<td>23 February 1934</td>
<td>0</td>
<td>240,000</td>
</tr>
<tr>
<td>Cabinet</td>
<td>4 April 1935</td>
<td>100</td>
<td>90,100</td>
</tr>
<tr>
<td>Selway</td>
<td>3 July 1936</td>
<td>Unknown</td>
<td>290,000</td>
</tr>
<tr>
<td>Bitterroot</td>
<td></td>
<td></td>
<td>(in Montana)</td>
</tr>
<tr>
<td>Anaconda</td>
<td>2 October 1937</td>
<td>0</td>
<td>145,000</td>
</tr>
<tr>
<td>Pintler</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>Unknown</td>
<td>860,000</td>
</tr>
</tbody>
</table>

**SOURCE:** Data developed from dedications of these areas; R-1 files.

The "South Fork Elk Airplane Problem"¹

A controversy which erupted in the fall of 1937 must have made evident to Regional Forester Evan Kelley that classification of an area as primitive didn't preclude management. As part of reclassification and in concert with local citizens, three government airfields in the South Fork primitive area had been closed to public use except for emergencies.² The motivation had been to prevent various lakes and

¹Bob Marshall, letter to Kelley, 7 September 1937, R-1 files.

streams from being overfished. The main source of public support for this regulation was the horse users who maintained "no primitive country can be much commercialized or damaged by the sportsman who goes in on horseback."¹

An overabundance of elk in the South Fork of the Flathead in 1937 had precipitated the controversy. The browse was so depleted that it was likely there would be a severe winter kill. The proximity of the State Game Reserve, despite recently having been opened to hunting, undoubtedly exacerbated the elk build up. A solution suggested by the flying groups was to reopen the government fields to allow increased hunting access.²

After explaining the situation, Kelley queried the Washington Office as to the existence of national regulations regarding airplanes. The reply was disillusioning. In short, the rationale of regulation number four was questioned.

It is our belief that the Forest Service should confine its regulation to seeing to it that hunters camps are properly licensed and distributed and that packers' and guides' camps are located and operated satisfactorily. We do not see why the Service should undertake to exercise any control over what licensed planes should be allowed to land within the area, . . .³

¹Howard Toole, letter to Burton K. Wheeler, 10 April 1933, R-1 files. Wheeler was a Montana Senator.

²Bob Marshall, letter to Elers Koch, 27 July 1937; and Elers Koch, letter to Bob Marshall, 7 August 1937, R-1 files. Koch was against allowing airplanes into the government airstrips.

³Granger, letter to Kelley, 21 July 1937, R-1 files. Granger was Acting Chief of the Forest Service.
The indirect second person response of the Chief of Recreation and Lands, Bob Marshall, did not strengthen Kelley's position.  

[I spoke] with Marshall in San Francisco and we both agreed that the use of airplanes was desirable, under the circumstances. I do feel, however, that the matter of control of the Elk herd is the important thing, but if . . . interest which have in the past been sympathetic rise in opposition the matter should be dropped.¹

It was decided by Kelley to declare an emergency due to the winter kill. Forms and procedures were devised for citizen application for use of the government field. In fact, Shantz' prognostication was correct, as numerous sportsmen and business groups did oppose the decision. The most notable was a resolution passed at the Dude Ranchers' meeting. None other than Bob Marshall signed the resolution opposing airplanes in the South Fork primitive area.² To add insult to injury, the meeting was at the Canyon Hotel in Yellowstone National Park. Somewhat lamely, Marshall finally made his position explicit in a letter written the same day as the meeting. I did not understand that I was supposed to give my opinion on the South Fork Elk Airplane problem, and have been trying to avoid giving an opinion on as much as possible during my first few months in the Service until I get better oriented . . . I do not think the area should be opened to commercial airplanes . . . in any event.³

The local opposition to airplane use as well as the position of Dude Ranchers and Marshall either allowed or caused Kelley to reverse gracefully the declaration of emergency.

¹H.P. Shantz, letter to Kelley, 2 September 1937, R-1 files.
²Dude Ranchers' Association, resolution passed 7 September 1939, R-1 files.
³Bob Marshall, letter to Kelley, 7 September 1937, R-1 files.
The controversy must have had an influence on Marshall and been partially responsible for the efforts to tighten the "L" regulations. Just three months later Marshall revealed: "Personally, I have long criticized the present Forest Service standards. They are so broad as not to be very significant." ¹

**Primitive Area Boundary Refinements 1934-1939**

**Absaroka Beartooth**

Five years after the dedication of the Absaroka primitive area, a citizen's petition requested an enlargement of the Beartooth and Absaroka primitive areas to eliminate the corridor between them.² The aversion of agency personnel to dude ranchers' commercial interests was evident.

The petition was apparently gotten out by B.L. Kratz who is a dude rancher on the Stillwater River (in the corridor) and circulated for signature among persons interested in the dude ranch business from a commercial standpoint.³

Others did, however, have an interest:

In addition to the dude ranchers Kratz, Iherman, Branger, Waldo and Mapes, I find that a number of ranchers in the Stillwater country have signed the petition, and in fact No. 23 is the signature of R.B. Hudson, a sheep man. H.C. Sailer is a Deputy State Game Warden. And then there are . . . a great number that have no particular interest in the matter except that they believe it would be nice to have lots of game. . . ." ⁴


²W.J. Derrick, letter to Regional Forester, 15 May 1934, R-1 files. Derrick was Supervisor of the Custer National Forest.

³Ibid. "Ibid."
The major action necessitated by acquiescence to the petition would have been the elimination of the grazing of 4,000 sheep. Furthermore, Supervisor Derrick asserted that the additional range freed by eliminating the sheep would not be utilized by elk. Finally, "in addition to the area within the Park there has been a tract of some 90,000 acres set aside (mostly in the Absaroka Primitive Area) on the Absaroka Forest for summer range for elk." Almost as an afterthought, Derrick concludes that mining activity in the area precludes most of the area from being considered.

Pentagon-Sun River-South Fork Complex

In 1936, Wolff noted a gap in the Pentagon, Sun River, and South Fork complex of primitive areas, and recommended closing the gap as in the map below.

Figure 1. Pentagon-Sun River-South Fork Addition

\footnote{W.J. Derrick, letter to Regional Forester, 15 May 1934, R-1 files.}
\footnote{Ibid.}
\footnote{M.H. Wolff, memo, 20 March 1936, R-1 files.}
Three years later Assistant Regional Forester Wolff wrote Flathead Supervisor Urquhart:

"Attached is a report on the proposed adjustment of boundaries of the Pentagon Primitive Area to include the areas agreed upon. The addition to the South Fork Primitive Area, as formerly proposed, has not been included since we agree with you that such action may later prove inadvisable."^1

The addition was approved on July 5, 1939 and enlarged the Pentagon complex by 30,900 acres.

Mission Mountains

The Mission Mountain addition was the last and the smallest of the L-20 areas established in Montana. The Regional Office was rather casual about the classification:

"Since this addition to the Wilderness Area is comparatively small the public will probably be unconcerned."^2

The "U" Regulation Era 1939-1964

A Bob Marshall Memorial

The same month the new regulations ("U") for wilderness areas were approved, Marshall came out of the mountains in the State of Washington where he had been exploring a potential wilderness area and suddenly became seriously ill. Two months later [November 1939] he died at the age of thirty-eight.^3

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^1 M.H. Wolff, letter to Urquhart, 10 May 1939, R-1 files.

^2 U.S.D.A., Forest Service, Dedication for Mission Mountain Wilderness Area Addition, 29 May 1939, R-1 files. While Marshall was with the Bureau of Indian Affairs, he helped establish a system of roadless areas on Indian Reservations. The only example of this system in Montana was a 115,000 acre area on the west face of the Mission Mountains contiguous to the Mission Mountain Primitive Area.

That same month Regional Forester Kelley suggested to the Chief that the Selway Bitterroot be reclassified under the "U" regulation as wilderness and renamed the Bob Marshall.¹ It may have been appropriate that a wilderness bearing Marshall's name be located in Region One. Marshall had once worked at the Research Laboratory in Missoula and, at least from the point of view of the personnel in Region One, he had a heavy influence on the establishment of primitive areas.

However, correspondence six months later indicated that the initial suggestion may have come from the Washington level.² In any event, Kelley was having doubts as to the wisdom of choosing the Selway Bitterroot for Marshall's memorial. This was due to the specter of management problems inevitable due to miles of roads and uncontrolled airplane use within the area. With the advent of the "U" regulations and the Washington Office suggestion of renaming the area after Marshall, there had been pressure from the Clearwater and Bitterroot Supervisors to exclude roads by redetermining the boundaries. At this time, the Regional Forester felt that 1,525,000 acres or 82 percent, of the primitive area should be rededicated as wilderness.³ However, Kelley argued persuasively for naming the South Fork-Sun River-Pentagon complex instead:

The Selway-Bitterroot has as a whole insufficient distinctiveness except for a monotony of color, character of topography, burned-over land, hot canyons, poor soil and lack of grass and lakes.

¹Kelley, letter to Chief, 22 November 1939, R-1 files.
²Kelley, letter to Chief, 27 June 1940, R-1 files.
³Regional Forester, letter to Chief, 28 March 1940, R-1 files.
The territory has in past years not attracted visitors to any appreciable degree and even its designation and advertisement as a special primitive or roadless area have not brought about an increase in use.\(^1\)

Kelley's attempts to substitute the large complex straddling the continental divide by derogation of the Selway Bitterroot continued by noting that the scenery was in very small part unusual, the only good scenery was "Max Parrish" like box canyons on the eastern boundary, and there was a lack of wildlife and good fishing.\(^2\)

Finally, the coup de grâce from Kelley's point of view was that "[it] should be borne in mind too that the landing of private airplanes is not prohibited within [the Selway Bitterroot] area."\(^3\)

The Washington Office's motives were based on political expediency rather than considerations of long term management.

The Secretary's office has expressed the desire to take action on the proposed Bob Marshall Wilderness Area before Secretary Wallace leaves late this month.\(^4\)

Kelley forwarded the necessary documents for dedication of the South Fork-Sun River-Pentagon complex after 10 August 1940 and in less than a week they were signed by H.A. Wallace, the Secretary of Agriculture. So the 960,000 acre area that was so tortuously pieced together over an eight year period became a year later the first wilderness area in the United States.

\(^1\)Regional Forester, letter to Chief, 28 March 1940, R-1 files.

\(^2\)Ibid.

\(^3\)Ibid. The memory of the "South Fork Elk Airplane" problem must have still been vivid in Kelley's mind.

\(^4\)John Sieker, letter to Region One, 6 August 1940, R-1 files. Sieker was Acting Chief of the Forest Service.
Four Citizen Proposals 1939-1963

World War II interrupted both the redesignation of primitive areas as wilderness and the designation of *de facto* wild or wilderness areas. With respect to the latter designation, citizens appealed to the Forest Service to designate four entities as wild or wilderness. An examination of those efforts follows.

Gates of the Mountains

In the summer of 1944 it was assumed by the American people that while the commencement of World War II was uncertain, there was no doubt as to the outcome. Many individuals and organizations were preparing for the transition from war to peace. It was in this spirit that a Ranger in the Helena National Forest forwarded a proposal suggesting the creation of a wild area on the east side of the Missouri River about thirty miles north of Helena, which was to be a peripheral portion of a larger integrated facility. There already existed a tour boat service managed by the Helena Boat Club. The tour was from Helena to the picnic ground in Merriweather Canyon, which was near the Gates of the Mountains.¹ These conspicuous mountains on the Missouri gained their name from the journals of Lewis and Clark. To complement the tour and also lure other visitors it was proposed that a state park be established across the river from the proposed wild area. Improvements contemplated included

¹A.O. Moir, letter to the Regional Forester, 1 August 1946, R-1 files. Moir was the Helena Forest Supervisor.
resurfacing roads, installing picnic tables, and improving wells and sanitary facilities. The only reservation in the otherwise euphoric proposal was that the district could "ill afford" a cleanup once a week which would be necessitated by the anticipated increase in use.¹

The report was reviewed in the Regional Office by Recreation and Lands where an ominous observation was made by Harmon regarding the local "politics" of the situation.

Chief Justice Howard Johnson of the State Supreme Court with the Boat Club Association, is one of the prime movers for sound development and stimulation of enjoyment here.²

Included was a caution regarding overly commercial developments. This may have been a subtle and rather wise warning concerning Forest Service personnel being coopted by local interests. But if the predilections of Harmon were uncertain, those of the other members of the Regional staff were not. A fundamental assumption appeared to be that wilderness classification precluded other uses or in fact was mutually exclusive of multiple use.

The Assistant Regional Forester in Fire Control commented that with respect to fire control, classification would be immaterial.

However, I can't see a lot of justification for designating this as a wild area. It is similar to the Snake Canyon between Oregon and Idaho. Multiple use there has been satisfactory to all types of users.³

¹J. Robert Jansson, letter to Helena Supervisor, August 1944, R-1 files. Jansson was the District Ranger.

²Harmon, letter to Wolff, 1944, R-1 files.

³Handwritten comment initialled A.S.C.—Fire Control, undated, 1944, R-1 files.
The Acting Regional Forester who had just a decade earlier been one of the Forest Supervisors involved with classification of the Cabinet primitive area said: "I am opposed to throwing large areas in "wilderness" with exclusion of range, timber and other uses . . . That is OK for inaccessible spots like Upper South Fork perhaps." Another comment reflected the belief that wilderness classification would be superfluous:

That chunk of country has remained wild since Lewis and Clark were there and it will stay that way regardless of designation or otherwise.2

However, Justice Johnson and the Helena Boat Club were not the only proponents of classification. The Helena Chamber of Commerce had passed a resolution which noted:

This Chamber [is going] to take steps, along with the Gates of the Mountains Boat Club, to promote increased tourist traffic by water . . . 3

Of course, one way to promote tourist traffic was to have a wild area in the proposed complex. In 1948, a 28,582 acre Gates of the Mountains wild area was dedicated.

Hilgard Hold

A controversy which centered on an area northwest of Yellowstone and grew into the Hilgard Hold issue started rather inauspiciously. In

1 C.S. Webb, memo, undated, R-1 files. The "Upper South Fork" undoubtedly refers to that portion of the Flathead River reclassified as a part of the Bob Marshall. Italics mine.

2 Unsigned comment, undated, R-1 files.

3 Helena Chamber of Commerce, resolution, 30 October 1945, R-1 files.
late 1953 correspondence between John Sieker and Howard Kelsey discussed the problem of jeeps in the Hilgard area.\(^1\) Kelsey was associated with the Nine Quarter Circle Ranch in Gallatin Gateway, Montana. Kelsey felt that anti-jeep legislation sponsored by the Western Montana Guides and Outfitters was imminent, but redundant due to Forest Service regulations. He continued:

Can you please tell me what steps are necessary to create a Wilderness area? We have a thing in mind and would like to proceed, under your guidance.\(^2\)

Harmon replied that Kelsey should discuss the matter with local Forest Service personnel and went on to add:

Several years ago we established the Gates of the Mountains Wild Area which was sponsored jointly by the local people and the Forest Supervisor. It was not considered necessary to hold any public hearings and the establishment of the area was approved by the Chief of the Forest Service without question.\(^3\)

While encouraging, Harmon's statement was not particularly candid with respect to the grave reservations that had existed at the Regional level regarding Gates of the Mountains.

Surprisingly, the tentative boundaries for a proposed wild area had already been drawn by another individual and the Gallatin Forest Supervisor!

\(^1\)Management of the Hilgard Hold Area, R-1 files. Unsigned typewritten log of Forest Service correspondence.

\(^2\)Kelsey, letter to Harmon, 15 January 1954, R-1 files. Harmon was Assistant Regional Forester in Lands and Recreation.

\(^3\)Harmon, letter to Kelsey, 19 January 1954, R-1 files.
Last fall tentative boundaries of a proposed wild area, . . . were drawn up by Mrs. Miller and myself. The area under consideration at present comprises 52,000 acres.¹

In consideration of competing uses, the Miller-Urquhart boundary was refined by Urquhart.

By revising the tentatively proposed boundary . . . we could eliminate the 15 most easterly sections; the oil and gas leases, experimental seeding area, and the most valuable sheep range. [In fact] the remaining sheep range could be closed without undue loss. However, a committee to promote the Gallatin wild area proposal has been appointed by the Gallatin Sportsman's Association . . . . The proposed boundary comprises approximately 250,000 acres which includes 61 sections . . . of Northern Pacific [land].²

The fifteen sections were the area most used by jeeps, which of course, was the raison d'être of the issue.

Urquhart appears to have been quite responsive to the Gallatin Gateway interests. However, opposition to such a position was endemic within the agency. Specifically, there existed "misgiving about the motifs [sic] behind the movement . . . [More generally,] to continue to add more and more areas of this type 'cheapens' our exciting [sic] areas; makes the defense of our existing areas more difficult and etc [sic]."³

¹Urquhart, letter to Regional Forester, 8 February 1954, R-1 files. Urquhart was the Gallatin Forest Supervisor; Mrs. Miller was associated with the Elkhorn Ranch. Three individuals, Kelsey, Miller and Vic Benson (Covered Wagon Ranch) were each associated with guest ranches in Gallatin Gateway and were the early proponents of U-1 and U-2 classification of the Hilgard area.

²Urquhart, letter to Harmon, 25 February 1954, R-1 files.

³Floyd Iverson, letter to Ray Harmon, 31 March 1954, R-1 files. Iverson was Assistant Regional Forester in Grazing and Wildlife.
Even if these boundaries turn out to be irreproachable from a timber standpoint, I feel sure a careful investigation is essential so the investors in the timber industry can be reassured.1

In a response to Harmon's suggestion of a review on the ground, Urquhart organized a five day trip that would allow "sizing up the situation and discussing the matter in order that we may be prepared for any eventuality."2 However, it was obvious that some candidates for the trip had already made significant judgments.

There is a vast difference (190,000 acres) between the area shown on the 2/25/54 map and the 6/24/54 map. The latter is inclusive of too many multiple use values, including timber. They already have Yellowstone Park.3

The Forest Service chose to study the area for possible dedication under the "U" regulations. The upper Hilgard area was judged by the agency to be suitable for wilderness and informally created a moratorium regarding roads or development in the area. The two years that followed constituted a relatively quiescent period. Pack trips were taken into the area, ostensibly for the purpose of examining the suggested boundaries on the ground. It was a tacit assumption by both the agency and the citizen proponents that some agency wilderness proposal would result. During planning for such a summer trip, an Assistant Regional Forester noted that the trip "will be of much value... to determine a boundary for the proposed wilderness..."4

1Lindh, letter to Ray Harmon, 2 April 1954, R-1 files.
2Urquhart, letter to Regional Forester, 24 June 1954, R-1 files.
3A.G. Lindh, letter to Ray Harmon, undated, R-1 files. Lindh was Assistant Regional Forester for Timber Management.
4Harmon, memo to files, 26 May 1955, R-1 files. Italics mine.
In the spring of 1958, the proponents developed a strategy and a resolve to implement it. Kelsey had organized a meeting and pack trip with the Olaus Muries and Howard Zahniser. The Supervisor noted that "[it] appears that the group have had a huddle and have decided what they want in the way of wilderness area boundaries in the Upper Gallatin."¹ Then he added, somewhat plaintively, that he hadn't been "invited to participate in their discussions."² The meeting was held on September 7, 1958 with representation from organizations: The Upper Gallatin Sportsmens' Association, the Montana Wilderness Association, the Wilderness Society (represented by Olaus and Margaret Murie), the Forest Service, and the Northern Pacific Railway. Duvendack suggested that if each of the three preservationist groups wrote to the Regional Forester, he would institute a "hold" which would preclude logging and development, but not motorized vehicle use.³ This would allow the Forest Service to "go ahead and make the study and come up with a proposition for a Wilderness Area or similar classification."⁴ This position was approved in a letter from the Regional Forester.⁵

¹George Duvendack, memo to Regional Forester, 29 May 1958, R-1 files. Duvendack was now the Gallatin Forest Supervisor.

²Ibid.

³Minutes of meeting, 7 September 1958, R-1 files.

⁴Ibid.

⁵Tebbe, letter to Ken Baldwin, 17 October 1958, R-1 files. Tebbe was the Regional Forester.
The proponents of wilderness classification felt the first skirmish had been won. They had every reason to believe that a comprehensive study of the area would lead to some portion being classified as wilderness. In the interim, the much larger area was in a development moratorium, which would prevent any degradation of the *de facto* wilderness resource.

The study progressed slowly. Four years later, in 1962, it surfaced under the coordination of the Regional Office. There it remained in limbo until 1965.¹

The Battle of Bunker Creek (South and Middle Forks of the Flathead) ²

The classification of the Bob Marshall had identified only a one million acre pocket of wilderness within a much larger (approximately three million acres) *de facto* wilderness entity. This surrounding area was not only used as, but considered to be, wilderness by many of the local citizens. This surrounding "buffer" had been eroding away since the genesis of the Bob Marshall wilderness. However, the significant and conspicuous pressures did not commence until after World War II.

In 1950, a spruce beetle outbreak occurred within the northwestern portion of the Bob Marshall and spread over the boundary into Bunker Creek, a tributary of the South Fork. Insect attacks were considered in

¹The remainder of the controversy will be covered in subsequent chapters.

²Also see Chris Roholt, "The Battle of Bunker Creek" unpublished paper, 1971.
severity second only to fire. The conditioned response of Forest Service personnel at that time was to log the area of infestation.

This infestation warranted the particular attention of the Spotted Bear Ranger, Charlie Shaw. His response was to propose in 1953 a timber sale of 100,000,000 board feet in the Bunker Creek drainage, a project of gargantuan proportions. To place it in perspective, it would not have been less than one-eighth of the timber cut in all of Montana during 1951, although of course the sale would not have been harvested in one year. It was "always Charlie's dream to have the biggest sale in Region One. He wanted the harvest from ridgetop to ridgetop from one end to the other."\(^1\)

If the agency considered the proposed sale large, the local sportsmen considered it preposterous. After some initial skirmishes concerning the merits of the sale, the various sportsmen's groups decided what they wanted. At the February 11, 1954 meeting of the Flathead Wildlife Association,

Forrest Rockwood . . . introduced a motion objecting to any roads above Spotted Bear Ranger Station and proposed that the present Bob Marshall Wilderness Area boundary be revised to include the Bunker Creek drainage as well as a general boundary adjustment to extend the Bob Marshall Wilderness Area down to the Middle Fork to approximately the railroad station at Jawa.\(^2\)

\(^1\)Rollie Saylor, interview at Spotted Bear Ranger Station, May 1971.

\(^2\)F.J. Neitzling, letter to Regional Forester, 11 February 1954, R-1 files.
The Flathead Forest Supervisor, Fritz Neitzling, had attended the meeting and attempted to mollify the membership. He was unsuccessful. They had decided that the best strategy was to ask for wilderness. "The group understands the procedure necessary to expand the wilderness area boundary and is preparing a campaign with that objective."¹

The conciseness of the letter from Supervisor Neitzling to the Regional Forester belied the intensity of the conflict.² After the meeting in which Neitzling and Charlie Shaw faced 600 irate elk hunters and cutthroat trout fishermen, Neitzling stood outside the front door literally crying and querying, "How could you boys do this to me?"³ However, Neitzling sat down with one of the leaders, Cliff Merritt, two weeks later and discussed the situation.

I informed him that it was the policy to undertake a study of at least one wilderness area in each region each year, but that I could not give him any plans for Region One this year.⁴ Merritt's cohort, Dallas Eklund, had submitted a petition requesting that the area be classified wilderness. The Forest Service response from the Washington level was that "this petition should be treated as an appeal against the construction of a road into the area . . ."⁵

¹ F. J. Neitzling, letter to Regional Forester, 11 February 1954, R-1 files.
² Ibid.
³ Dallas Eklund, interview, 1971.
⁴ F. J. Neitzling, memo to Regional Forester, 11 February 1954, R-1 files.
⁵ John Seiker, memo to R-1, 8 March 1954, R-1 files.
This preference of the Forest Service to consider the precipitating action rather than the spirit of the petition was apparent in a letter to the president of the Wilderness Society, which had no official connection with the local group.

[A] few locally prominent men have fished and hunted there annually for several years. Hence, they have a proprietary interest, and their dominating influence is quite largely responsible for the Flathead Lake Sportsmen's Association position.

In a very brief report, the suggestion of an addition to the Bob Marshall was rejected. A history of the dedication of the three primitive areas that were later amalgamated into the Bob Marshall was briefly discussed. "Consequently, the present boundary represents a study by the Forest Service on three different occasions. In each instance the Bunker Creek area was seriously considered and omitted."\(^1\)

Admittedly, the area was considered three times, but not in the establishment of the Sun River primitive area, which was never intended to extend west of the continental divide. Areas recommended for wilderness in the petition may have been considered in the three dedications of the South Fork, Pentagon, and Pentagon Addition. If the facts concerning quantity were misstated, the question of the quality of the earlier studies was never broached. Certainly the cursory studies done earlier were not an adequate reason to not reconsider the Bob Marshall boundary.

\(^{1}\)F.J. Neitzling, letter to Howard Zahniser.

\(^{2}\)Ibid.
However, a week later Neitzling was forced to concede "that the Forest Service would study the entire matter, particularly the boundaries in 1956."¹ A reanalysis of the precipitating action (the sale) found that "unless . . . offsetting factors or improved markets became apparent at a later date, . . . that the project should be cancelled."²

The wilderness "study" essentially proposed classification of more wilderness in the Middle Fork of the Flathead for declassification of existing Bob Marshall wilderness on the South Fork (see figure 2).

This was not implemented. In 1959 John Craighead requested that the area be classified as wilderness but was rebuffed. In 1960, Merritt was transferred to Helena and in 1964 he went to Denver to work for the Wilderness Society. In 1964, a much more modest Bunker Creek sale was placed on the Flathead Forest timber plan.

Lincoln Scapegoat

The Lincoln Backcountry Protective Association (LBCPA) was formed in 1950 by residents of Lincoln.³ The focus of their concern was the maintenance of the wilderness of an area south of and contiguous to the Bob Marshall wilderness. In 1963, a Long Range (development) Plan on

¹Neitzling, memo to Regional Forester, 17 March 1954, R-1 files.
²John R. Castles, memo to the Record, 23 November 1954, R-1 files. Castles was the Regional Forester.
Figure 2. Bunker Creek - Middle Fork proposed wilderness

the Lincoln District of the Helena Forest was explained at the Lincoln Lions Club, where it was not well received. Of 177,262 acres in the Plan, only 26,000 acres were slated for nondevelopment. Cecil Garland solicited the advice of George Weisel and Don Aldrich, of the Western Montana Fish and Game Association. They made an inspection of the area

1Don Aldrich, interview, 11 March 1976.
and recommended to the Chief that the area be managed for dispersed recreation. For almost a year the controversy dwelt on the Long Range Plan, but in February of 1964 the LBCPA proposed wilderness classification for the area.\(^1\)

Of the four controversies that resulted in citizen initiated *de facto* wilderness proposals, only the Gates of the Mountains controversy was due to efforts to achieve a "tourist magnet" effect. The other three controversies were simply opposition to inroads of development or motorized recreation that evolved into wilderness proposals. Yet these three were the areas that had been used as and considered *de facto* wilderness. In contrast, the area that was lowest in wilderness quality and hardly considered to be suitable for wilderness, if only by virtue of small size, was the only one classified under the U-1 or U-2 regulations. Furthermore, it was the only area in which the agency felt the opportunities for development were nil. Even so, it is unlikely that the area would have been classified, had not a member of the agency (albeit of the lowest echelon) made commitments to the public for classification. Whether local support is needed for classifying an area is unknown, but it was definitely not sufficient under the "U" regulations.

**Three "L" Area Reclassifications 1961-1964**

Despite a rather continuous stream of L-20 areas studied and reclassified as U-1 or U-2 in the nation, none had been reclassified in Montana since the Bob Marshall wilderness was created. In 1956, \(^{1}\)

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1Kendall, "Lincoln Backcountry." Since this controversy is atypical and chronologically more consistent with the material in the next section, it will be treated there.
wilderness bills added impetus to the task of reclassifying primitive areas. In the period after the Multiple Use Act (1960-1964), this was probably because it was evident to preservationists and sympathetic Forest Service personnel that there would be instant wilderness created from the existing wilderness (U-1) and wild (U-2) areas.

Selway Bitterroot "U" Reclassification

The general boundary of the Selway Bitterroot primitive area had been determined by Bob Marshall despite the presence of and plans for roads within it. The most notable of these were the roads on Deep Creek, a fork of the Selway, and Nezperce Creek, a fork of the West Fork of the Bitterroot. They formed deep intrusions in the southern portion of the primitive area and eventually transected it. This situation was to be the basis of a series of controversies that led to rededication of the primitive area as wilderness in 1963, which in turn spawned another controversy after the passage of the Wilderness Act.

In 1946, after World War II and the aborted efforts to rededicate the area and rename it for Marshall, two Supervisors renewed their efforts. Three years later the Nezperce Forest Supervisor recommended

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1Myrick, memo to Regional Forester, 22 March 1946; Brandborg, memo to Regional Forester, 12 August 1946, cited in Slusher, "Selway Bitterroot File Review," pp. 3-4 (hereafter, Slusher, "Selway Bitterroot File Review"); William Cunningham, "The Magruder Corridor Controversy - A Case History" (Master of Science Thesis, University of Montana, 1968), hereafter referred to as Cunningham, "Magruder Corridor." Cunningham treats this subject more comprehensively. Since it was read after my research on the Regional files, they will be cited. Except where noted, Cunningham, "The Magruder Corridor" contains all the references in this section.
five exclusions, four of which were for road corridors.\textsuperscript{1} For four years there was an amorphous and diffuse wilderness study. However, what precipitated an earnest effort was the proposed construction of Penny Cliffs dam. It was to be built on the Selway River and would back water over the west boundary eight miles into the primitive area.\textsuperscript{2} The Washington Office left the burden on the Regional Office, but noted "that Forest Service should not make issue of wilderness invasion that would happen with construction of Penny Cliffs dam."\textsuperscript{3}

Just sixteen days later, the Regional Forester called for a wilderness study of the Selway Bitterroot.\textsuperscript{4} Apparently, the machinations of the Forest Service during the previous sixteen years only constituted a partial study. Representatives of the Wilderness Society had been notified of the dam proposal and been invited to the Region to review problems of primitive areas.\textsuperscript{5} After a trip in September 1955 by Howard Zahniser and five council members, the Wilderness Society submitted

\textsuperscript{1}Cockrell, memo to Regional Forester, 28 January 1949, cited in Slusher, "Selway-Bitterroot File Review," p. 4. Cockrell was Nezperce Forest Supervisor.


\textsuperscript{4}Hanson, memo to Harmon, 18 February 1954, cited in Slusher, "Selway-Bitterroot File Review," p. 5.

general recommendations for reclassification of the Selway Bitterroot primitive area.¹

In April of 1956, the Regional Office distributed to the Forests a suggested wilderness boundary.² A significant difference of opinion existed between the agency and the Society regarding whether the corridor containing the transecting road should be excluded from the proposed wilderness. The agency recommended exclusion. The Society recommended that the area south of the road be established as a new wilderness and the area north of the road be included with the Selway Bitterroot wilderness.

In May of 1957, a preliminary draft of a prospectus for reclassification was circulated within the agency. It recommended declassification of 497,801 acres, or more than one-fourth, of the 1,868,356 acre primitive area.³ Revised, it was distributed at six public presentations until February 1958.⁴ After examining a large collection of alternatives, a final report was submitted to the Washington Office on 28 January 1960. This proposal recommended 1,163,355 acres, or sixty-two percent, of the primitive area as wilderness and 207,000 acres south


of the road for retention as primitive area.\textsuperscript{1} This would have resulted in declassification of twenty-three percent of the primitive area and contained essentially the same boundary north of the Magruder road as recommended four years previously.

The Wilderness Society responded by formulating their own proposal, which was similar to Zahniser's proposal of 1956. This was followed in February 1961 by a wood products industry proposal for a much smaller acreage. It was released just prior to the Forest Service hearings. Three hearings were heard in March of 1961 in Missoula, Montana and Lewiston and Grangeville, Idaho. The Region revised their proposal, but the degree of disagreement even within the agency was evident when the Recreation and Lands branch of the Washington Office released a proposal. It appeared to be a compromise between the Regional and Wilderness Society proposals and was virtually identical to the Wilderness Society proposal with respect to areas E, S-2, and B. A third Regional proposal, similar to the Recreation and Lands proposal, but still recommending declassification for the corridor, was completed by December 28, 1962. By January 11, 1963 this final proposal was signed by Secretary of Agriculture Freeman.\textsuperscript{2}

Anaconda Pintlar "U" Reclassification

The Forest Service plans to reclassify the Anaconda Pintlar primitive area were fairly perfunctory.\textsuperscript{3} A summary of the report was

\begin{quote}
\textsuperscript{1}Cunningham, "Magruder Corridor," pp. 49-50. \textsuperscript{2}Ibid., p. 54.
\end{quote}
released June 1961 and a public meeting was to be held February 20, 1962 in Butte. The proposal noted two significant reasons for changes in the boundary of the Anaconda Pintlar primitive area. The boundaries of the primitive area were on unsurveyed section lines which were difficult to locate in the field. A proposed new boundary following ridgelines necessitated eight inclusions and seven exclusions. An offer of the Anaconda Company to exchange 660 acres of land allowed a ninth inclusion of 1,140 acres to be recommended. Even so, 1,278 acres of private land, of which 1,257 were owned by Anaconda, remained in the proposed boundary. The net effect of the eighteen proposed changes in the boundary was to decrease the area by 6,605 acres to 159,081 acres.¹ A possible enlargement of 4,840 acres, that would have included the highest peak (Mount Evans) in the Anaconda Range and was contingent upon another land exchange, was not included in the proposed wilderness.² Nor was the area to the north.

The Anaconda Range on the Continental Divide, which forms the backbone of the proposed wilderness area, has been characterized as a true 'Sierra'. . . The Sapphire Range, with lower mountains and less abrupt slopes, joins the Anaconda Range near the west end of the proposed wilderness.³

¹Forest Service, Report on Anaconda Pintlar, p. 4. Prior to this study, the primitive area acreage had been considered as 114,940. A reassessment of the area determined that the area was 164,408 acres. The proposal resulted in a net decrease of 4% in the measured acreage.

²Ibid., p. 29.

³Ibid., p. 13.
The hearing in Butte was significant only in that it did not lead to any changes in the Forest Service proposed boundaries. Representatives of various conservation organizations and some individuals lauded wilderness in general and endorsed the proposal specifically. There was no mention of enlarging the proposal in any way. The Farm Bureau was categorically against the reclassification.¹

Mining opposition was predicated on the absence of a thorough geological survey by the Forest Service. When a mining geologist noted the existence of a Wilderness bill in Congress the hearing officer interceded and said, "I think if we can omit discussing the bill we could have a better hearing. There is no relation [as this is an administrative hearing]."² The Inland Empire Resources Council had no objections to the proposal and recognized that the highest value of the area was as watershed.³

The area was reclassified from primitive to wilderness with no changes by the Secretary of Agriculture on December 12, 1962.


²Ibid., pp. 48-49.

Cabinet Mountains "U" Reclassification

The process of reclassifying the Cabinet primitive area began in 1959.1 By 1962, a proposal was formulated which recommended a 94,272 acre wild area with the boundaries redrawn on topographical features. A road had been built up Rock Creek after the dedication of the primitive area, for which an exclusion was recommended.2 There existed a total of thirty-three mining claims by two companies in the proposed area. The noninclusion of Granite Lake was again recommended although for different reasons.

I strongly favor leaving Granite Lake outside the area as it now is—we need a few outstanding scenic high lakes for enjoyment of elderly and incapacitated people reachable by road.3

The reclassification would change the acreage from 88,786 to 94,272 acres.4

Apparently the Forest Service intended to reclassify the area as wild without a public hearing. However, after Thatch Hubbard aggressively requested a hearing, one was held on February 27, 1964.5 Proposed

1 Ed Slusher, memo to files, 27 March 1959, R-1 files.


4 Ibid., table 4, p. 4. The study must have reassessed the acreage from 90,000 to 88,786 or mining acreage may have been removed for the Rock Creek road. The recommended acreage was later listed as 94,314.

5 Don Aldrich, interview, 11 March 1976.
additions of nonprimitive area totalled 16,061 acres, including 5,624 acres on Granite Creek. The net increase of 5,528 acres was due to exclusions totally 10,533 acres.  

The Cabinet hearing had a more diverse geographical mix of witnesses than the Anaconda Pintlar hearing. Again, the Inland Forest Resource Council supported and the Farm Bureau opposed the Forest Service proposal. The various preservation groups did not support the proposal per se. The mining region exclusion was questioned because "an area of primary wilderness value should not be excluded because of the remote possibility that a non-operating mining claim might open . . . ."  

The support for the proposal by the timber industry was denigrated: "Why should the logging companies object to this reclassification. They get 10,533 acres of timber for 16,061 acres of goat rock and burned over land." Michael McCloskey noted that local conservationists felt that peripheral nonprimitive areas should be considered, allowing a further enlargement of 7,100 acres. These peripheral areas included the east sides of Mount Snowy and Big Loaf Mountain as well as a proposed lookout road corridor up Scenery Mountain. Also, the addition of 5,624 acres on Granite Creek was considered insufficient.  

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2U.S.D.A., Forest Service, Hearing Record for the Cabinet Mountains, February 1964, R-1 files.
3Ibid., citing Bob Sykes. Italics mine.
4Ibid., citing Thatch Hubbard.
Nevertheless, reclassification, unchanged from the proposal, was signed by the Chief on June 26, 1964. This was seventy days prior to the passage of the Wilderness Act. Section 3a of earlier versions of the Wilderness bill had specified that areas classified as wilderness or wild ninety days prior to the passage of the act would become instant wilderness. This was amended to thirty days at the request of the Forest Service.¹

Summary and Comments

The choices of areas for Forest Reserves in Montana were characterized by preservationist goals. The Glacier Park example best typified the common goals embraced by individuals working for the establishment of National Parks or Forest Reserves. The first five primitive dedications in Montana were to a large extent due to the Forest Service acting from within. While the choice of areas may have been a response to the National Conference of Outdoor Recreation, the Forest Service went beyond the level suggested. There is no direct evidence that potential encroachment by the Park Service was responsible for the choice of the Missions. Furthermore, Marshall's portion of the Copeland Report did not suggest the addition of any new areas, but rather only the enlargement of the South Fork primitive area. The effective enlargement of the South Fork primitive area by the addition

¹Ed Slusher, interview, Missoula, Montana, May 1975.
of the Pentagon and Sun River areas was initiated by M.H. Wolff prior to, although accelerated by, the efforts of Marshall.

Of the last three primitive areas dedicated, two were practically chosen by Marshall himself. Even so, only very strong local pressure assured the dedication of one of these (the Anaconda Pintlar).

Wolff and Kelley exerted strong pressure on sometimes reluctant District Foresters and later Forest Supervisors to dedicate areas. This suggests that the choice of areas to be dedicated was made at the Regional level. This differs from Gilligan's conclusion that it was at the National level.

While the Forest Service felt pressure from local guides and outfitters, a surprising amount of the support was from the general citizenry. This was most evident in the Beartooth Absaroka corridor, the Anaconda Pintlar, and the "South Fork Elk Airplane" controversies.

Often the exclusion of a portion of a proposed area was due to sheep grazing permittees. This suggests that the most remote single commercial use of an area was sufficient for exclusion from dedication.

The dedication of additional primitive areas died with Bob Marshall and World War II.

In the period between 1939 and 1962 only three of the ten primitive areas were reclassified as wilderness and that was as one entity. Of four citizen initiated de facto wilderness area proposals, only one (the Gates of the Mountains) was classified under the "U" regulations in a controversy in which the Forest Service's conduct was rather sordid. In the Hilgard Hold controversy, the wilderness advocates had a Forest
Supervisor as an ally, but his efforts were nullified by the Supervisor whose Forest shared some of the proposal. In this case, the potential of conflicting commercial use on a portion of an area was sufficient for exclusion of the entire area from wilderness dedication. Furthermore, the Regional Office personnel were categorically against wilderness classification, in contrast to the strong support demonstrated prior to 1939.

The reclassification of three primitive areas to wild or wilderness status occurred in the very short period from 1962 to 1964. The reclassifications were supported, even initiated, by preservationists. However, the dominant characteristic was that these rapid reclassifications at best maintained the status quo with respect to the size of the areas.
CHAPTER FOUR
THE LEGISLATIVE-ADMINISTRATIVE ERA
FIRST GENERATION

Introduction

Upon passage of the Wilderness Act, five Forest Service wilderness areas in Montana became instant Wilderness under Section 3a of the Act. These were the Bob Marshall, Gates of the Mountain, Cabinet, Anaconda-Pintlar, and the Selway-Bitterroot, most of which was in Idaho. Section 3b mandated Forest Service studies of the Wilderness recommendations for the Mission Mountains, Absaroka, Spanish Peaks, and Beartooth primitive areas. The act also required roadless inventories and Department of Interior recommendations for Yellowstone and Glacier National Parks and four fish and wildlife areas. The dichotomy that Interior was required to consider all their lands and the Forest Service only primitive areas became obvious with the introduction of the Lincoln Backcountry bill in the Senate on 6 January 1965.

The boundaries of the Bob Marshall, the first of the U-1 areas in the United States, had been hastily determined twenty-five years previously. It was and continued to be a virtual island in a much larger unroaded entity. Therefore it is not surprising that the first legislation to redress the dichotomy of the act dealt with
unroaded area contiguous to this great Wilderness. However, it was something of an accident. Legislation could just as reasonably have been expected regarding the area north of the Bob Marshall after the Battle of Bunker Creek or even the Hilgard Hold. The reviews of the four primitive areas will be discussed followed by five citizens' initiated statutory Wilderness proposals. This latter group were precursors of the second generation.

**Forest Service Primitive Studies**

In Montana, four primitive areas were to be studied under the mandate of section 3c of the Wilderness Act. Region One personnel had some experience with primitive area studies. After all, three had been reclassified as wilderness in the four-year period prior to passage of the Wilderness Act. Nevertheless, the new role of Congress as reviewer of the Forest Service studies meant that something different from the previous primitive studies was required.

**Spanish Peaks**

The Spanish Peaks primitive area was the first in Montana for which a recommendation was released. That Forest Service proposal was released in the fall of 1965. It was in the form of a map which illustrated proposed changes in the primitive boundary prior to making a recommendation to Congress. To the east, the boundary was changed from section lines to topographic features resulting in deletions
of some of the primitive area. This was to create a more recognizable boundary and reduce the influence of Highway 191 on the proposed Wilderness. To the southwest, the topographical boundary of the primitive area was extended to section lines, which abutted with Northern Pacific railroad land. This addition and one much larger to the northwest, which was to include additional Forest land suitable for Wilderness, resulted in additions of 15,500 acres. The exclusions of 9,500 acres resulted in a 56,000 acre Wilderness proposal.

Local conservationists developed a proposal of their own and met with Lamb on 28 January 1966 in Bozeman. The group, led by Ken Baldwin, desired to discuss the differences between the two proposals and convince the Forest Service to enlarge their proposal still more. The significant difference was the addition to the north and northwest of the primitive area. The conservationist group recommended extending the boundary west to the Madison Range and north to that of the Forest boundary. This constituted an addition of thirty thousand acres.

This meeting precipitated intraagency discussion and disagreement between the Regional and Gallatin Forest offices. However, this

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1 Earl M. Welton, letter to the files, 21 January 1966. Welton was on the Gallatin Forest Recreation and Lands staff.
didn't directly concern the large addition to the northwest. Rather, Lamb wanted to contract the southwest boundary that had been extended back to the original topographic primitive boundary. Lamb argued that this would remove the inconsistency of the Forest Service switching from a section line to a topographic boundary on the east exclusions and to a section line from a topographic boundary on the western additions. However the real motive was to make the proposal smaller and to remove the argument of conservationists for extending the boundary to the northwest on section lines.

The Regional Office defended their rational:

We certainly agree with you [Lamb] that a boundary along a ridge top is in most cases much preferred to one established on legal subdivisions. This was one of the main reasons why the boundary was changed along the east side of the Spanish Peaks Primitive Area. However, this should not be a hard and fast rule. Our boundary criteria should be flexible enough to provide for various situations.

If we were to place the west boundary along the top of the Madison Range, we agree it would be most easily recognized at this location. We do not agree, however, that this location will make the best boundary for the west side of the Spanish Peaks Wilderness Area.

In a wilderness as small as the Spanish Peaks, we believe both sides of the mountain peaks deserve protection in order to preserve the wilderness atmosphere for those visitors who use and enjoy the peaks as well as the lakes and alpine basins.

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Where a buffer is considered necessary to protect essential features of an area, the policy is to place this buffer inside the wilderness boundary. We think that this kind of protection will best meet the tests of time and technology.1

If Wenbam's assertion that both sides of the range were to be protected was accepted, it was not easy to determine the extent to which the boundary should be extended to the west.

A four page analysis written by Ed Slusher in the Regional Office noted that a related consideration for extending the boundary west of the Madison Range (on section lines) was the "use by pressure groups of decisions made here to influence other boundary decisions or bolster support for northward extension of the proposed boundary."2

It was noted that if the boundary was to be west of the Madison Range, a contour boundary was advantageous to the proposed section line boundary due to "the minimum inclusion, one which could be kept entirely in the high area zone."3

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1 James L. Wenbam, memorandum to Gallatin Forest Supervisor, 25 March 1966. R-1 files.

2 Edward Slusher, memorandum to Edward Barry, page 2, 5 April 1966. Slusher was employed in the Regional branch of Recreation and Lands with responsibility for primitive studies. Barry was the Assistant Regional Forester in charge of Recreation and Lands.

3 Ibid., p. 2. Italics mine. The high area zone was a zone in the timberland stratification system that was least productive with respect to timber.
Also, the approach used with the Spanish Peaks primitive reclassification had implications for other areas.

The identification of the features which constitute the reason for establishing a particular wilderness and establishing a boundary to protect their sic wilderness character seems to me to be the strongest position we can have for defending the Service from pressure for large areas of unroaded land with no particular wilderness attraction. (Will be particularly appropriate for the Hilgard.)

Nevertheless, Slusher recommended that the original section line boundary should be maintained.

The Forest Service hearing as required in the Wilderness Act was held in Bozeman on 9 September 1966. Testimony was overwhelmingly for reclassification of the primitive area. A large majority favored the conservationists' January 1966 proposal. However, at the hearing, precisely what Lamb feared concerning further extension of the boundary to the west occurred. A significant number of witnesses testified for the citizens' proposal and an additional thirty thousand acres.

However the only modification made by the Forest Service of its proposal was the inclusion of 7,472 acres of deleted primitive area and nonprimitive additions were enlarged by 1,034 acres for a net increase of 8,506 acres. However, about 50,000 acres of suggested

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Ibid. Slusher was simply exploring arguments, but they reflected the views of some Forest Service personnel.
additions were not incorporated in the agency recommendation. The northern periphery was not recommended because of a lack of "outstanding wilderness characteristics."\(^1\) The area to the northwest had extensive signs of man, and the Jack Creek area to the west, while embodying wilderness qualities, was forty-six percent private land.

The Mission Mountains

As early as August 1963, the Flathead Forest had announced that studies for reclassification of the Mission Mountain primitive area as wild were in progress.\(^2\) Four years later, in December 1967, comments were solicited for a study of the primitive area.

In August of 1968, there was uncertainty in the Regional Office as to whether any of the Mission Mountain primitive area should be recommended for Wilderness. Optimum management for existing and expected use was thought to be incompatible with the Wilderness Act. "The patterns of management proposed is one which does not conform

\(^1\) Ibid., p. 2. Inability to resolve the location of the western boundary has led to no action in Congress on the administrative proposal.

\(^2\) "MISSION MOUNTAIN PRIMITIVE (WILD) AREA, HISTORY-STATUS-MANAGEMENT", (mimeograph), 1 August 1962. Wilderness Institute Files, School of Forestry, University of Montana; hereafter W. I. files.
to the Wilderness Act as we have interpreted it.... The real question may be whether it should be classified as Wilderness or classified and hope for amendments to the Act to make Wilderness more nearly an 'unroded recreation area' than a 'natural area'." The lack of a Regional or Service-wide policy was noted and one advocated. Slusher argued that such a policy would facilitate the primitive studies and allow for dedication of \textit{de facto} Wilderness.

The following year, a booklet was released containing a brief description of the area and five alternatives "to help stimulate thinking on this [Wilderness study] situation." The alternatives ranged from all to none of the primitive area being recommended for Wilderness. It was obvious that the Forest Service had reservations about managing three heavy use corridors as Wilderness. They were considered for Backcountry in an alternative that was substantially Wilderness. Six intrusions had occurred in the primitive area in 1954 when a beetle infestation had been salvage-logged. No specific boundary recommendations were made in any alternative reflecting this,

\footnote{Edward Slusher, memorandum to Edward Barry, 22 August 1968. R-1 files.}

although one Wilderness alternative excluded some of these intrusions.

At the major public hearing, held in Kalispell on September 9, 1970, the Flathead Forest personnel broached a formalized enclave concept for dedication of the six timber harvest intrusions. The only conservation group, national or local, which did not oppose the enclave concept was the Wilderness Society. Support for the minor additions and opposition to the enclaves was unanimous among the remaining conservationists.

The recommendation was signed by Chief Edward Cliff on 17 May 1971. He recommended that 71,927 acres of the 73,945 acre primitive area and an additional 1,280 acres be reclassified as Wilderness. The 2,018 acres of primitive area not recommended were the six enclaves. Two months later, the Flathead Forest published a Final Environmental Statement to accompany the proposal. As the process was initiated prior to the passage of the National Environmental Policy Act, the Forest argued that the "Possible Management Alternatives" constituted a draft environmental statement.

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The Beartooth and Absaroka

In 1967, The Forest Service established a Coordinated Resource Management Planning Unit that spanned three National Forests in Montana and Wyoming. The Unit was north and east of and contiguous to Yellowstone National Park. It contained two primitive areas, the 64,000 acre Absaroka and the 230,000 acre Beartooth. The study was to provide management guidance for the whole Planning Unit and Forest Service recommendations for the two primitive areas. Originally, a tenet was that the study would generate Forest Service-Presidential recommendations to Congress for the two primitive entities. Ruth Koch, of the Montana Wilderness Association, became involved with the Forest Service planning for the Beartooth. Her criticisms of the study gradually evolved into a separate proposal. Her proposal extended further to the north and east from the primitive area than the expected proposal from the Forest Service.¹

In July of 1971, as part of its study, the Forest Service compiled a summary of their inventory data for the two primitive areas.²

¹Proposal and exclusions and additional areas were classified as Wilderness on 4 January 1975 when President Ford signed Public Law 93-632.


Within four months, a group called the Absaroka Beartooth Task Force organized by Bob Anderson had published and distributed a critique of the Forest Service report, and more significantly, a wilderness proposal. The focus of the critique was not the sufficiency of the data base, but rather the rigor and framework of the analysis. The same data base was used by the Task Force to formulate a Wilderness proposal of about 900,000 acres. Despite being three times larger than the sum of the acreages of the two primitive areas, the real significance of the proposal was that it was the first attempt since 1939 to unify the two primitive areas. This proposal was adopted by the Montana Wilderness Association and replaced Koch's.

In July of 1972, the Forest Supervisor's Offices distributed a brochure describing a maximum Wilderness proposal of 566,200 acres, which was identical to the mineral survey boundary of the United States Geological mineral survey.

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2 Anderson interview, December 1976.

Five Citizen Initiated Wilderness Proposals

Concurrent with the primitive studies, Montana preservationists were inventorying nonprimitive Forest Service lands and formulating Wilderness proposals. Attempts were made to receive agency or Congressional consideration. Ultimately, five entities of such land were proposed for Wilderness. They were the Lincoln Backcountry, Taylor Hilgard, Magruder Corridor, Jewel Basin, and the Great Bear.

Hilgard Hold (Taylor Hilgard)

In 1965, a problem analysis recommended that 50,000 acres of the 220,000 acre Hold area was "of wilderness character." The recommendation for the 50,000 acre area was that it be dedicated a 'scenic' under U-3 regulations and managed as Wilderness. The response at the Regional Office was apparently not enthusiastic. "Wait until Primitive areas are reclassified, if T[imber] M[anagement] can find other suitable areas to log. If we do this before the primitive areas are finished we may be asked to classify other areas, i.e., Lincoln Backcountry and possibly others." 


2 Ibid., p. 7.

3 Edward Barry, handwritten note attached to "Upper Gallatin Analysis". Undated. Italics added. Barry was Assistant Regional Forester in Recreation and Lands.
A compilation of previous reports, which made essentially the same recommendation i.e., a 57,243 acre U-3 scenic area, was prepared at the Forest level but was not approved by the Regional Forester. At that time "Neal [Rahm didn't]...want to go very fast on this decision." While it was anticipated at the Regional level that preservation groups would oppose the removal of the hold status on the remaining 180,000 acres, the reservations were more complex. "If this area is studied and acted upon now, there is little reason why we shouldn't act on the Lincoln-Scapegoat proposal, too."  

Nevertheless, the Region proposed the Scenic area to the Chief. "The Chief has declined to go along with scenic classification prior to completion of the wilderness classification primitive studies project. He turned us down on Jewel Basin. This upsets the whole proposal."  

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2 Ibid. Note attached to cover by Earl Welton. Undated. Welton was on the staff of Recreation and Lands.  

3 Edward Barry, note to Neal Rahm attached to Taylor-Hilgard Peaks Hold Area, undated. R-1 files.  

4 Edward Barry, memo to files, undated. R-1 files.
Magruder Corridor

The reclassification of the Selway-Bitterroot primitive area as Wilderness had resulted in 418,506 acres, or one-fourth of the primitive lands, being reclassified. About forty percent of that was on the Magruder Ranger District and formed a corridor between the Selway-Bitterroot Wilderness and the Salmon River Breaks primitive area. Even prior to administrative reclassification, the Forest Service was planning development for the area. In June of 1964, a multiple use plan was prepared for the District. It specified reconstruction of the roads that Marshall and Kelly had allowed as part of the Selway-Bitterroot primitive dedication in 1935.

Within two weeks after the passage of the Wilderness Act, "12 Montanans met at the Lochsa Lodge in Idaho to discuss the possibility of returning the Magruder Corridor to a protected classification. At that time a citizen ad hoc group known as 'Save the Upper Selway Committee' was formed."¹ For almost two years the controversy centered on the multiple use plan. In May of 1966, draft Wilderness legislation for 260,000 acres of the Magruder Corridor and Bargamin Creek was prepared by the Wilderness Society.² Senators Church and Metcalf, to whom the conservationists appealed, chose to

¹ Cunningham, "The Magruder Corridor", p. 78. The Magruder was in the Selway drainage headwaters.

² Ibid., p. 108.
argue for an independent study of the Magruder District. In June of 1966, the Secretary of Agriculture, Orville Freeman, placed a moratorium on development and announced that an independent study commission was to be established. The membership of the committee was announced on 30 September 1966. Their report was released on 17 April 1967. It urged another more comprehensive study than the Magruder District multiple use plan, but did not endorse Wilderness designation. As a result of the Report, a Coordinated Resource Development Plan was initiated in October 1967. Two years later, in May of 1970, a resource inventory was released. In July of 1970, a citizen advisory group was appointed. A review draft of the management proposal for the Magruder Corridor was released in November of 1970 and a final draft in June of 1971.

Great Bear

Between 1954 and 1969, there were no attempts to renew the Battle of Bunker Creek. The 1954 boundary proposed by the Flathead Wildlife Association had been encroached upon from the north by the
Skyland Road, which was started in 1964 and was planned to extend south to Schafer Meadows. In 1969, John Craighead suggested Wild status under the Wild and Scenic Rivers Act for the Middle Fork of the Flathead. However, he preferred Wilderness status for much of the drainage. Craighead also called for a moratorium of logging within the whole drainage.\(^1\)

Concurrently, the Flathead National Forest Supervisor announced that a two year Coordinated Resource Management Study was planned for 300,000 acres of the drainage. Ninety thousand acres were within the Bob Marshall Wilderness and thirty-nine thousand acres were in the process of being logged.\(^2\)

In the spring of 1970, the Flathead Forest announced that a road was to be extended up Spotted Bear Creek to Dean Ridge. This was a tributary of the South Fork of the Flathead. The area to be roaded was a portion of the Flathead Wildlife Association proposal. Despite the fact that the \textit{de facto} Wilderness to be roaded was not in the Coordinated Resource Management area, it was contiguous. Montana Conservationists urged the Montana Congressional delegation to appeal

\(^1\) Dale Burk, "Craighead seeks Middle Fork Protection", Missoulian 26 July 1969, p. 16. Recreational, scenic, and wild are strata of rivers within the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271-1287). The entire Flathead, above Flathead Lake, was a study River within the Act.

\(^2\) Pomajevich Announces Study in Middle Fork", Missoulian, 26 July 1969, p. 16.
the Forest Service's roading plans. Senators Mansfield and Metcalf and Representative Olson wrote Edward Cliff "[suggesting] that no road construction be undertaken in the Dean Ridge area this year..." ¹ Nevertheless, the road was completed that summer. The fear of preservationists was that the Spotted Bear road would ultimately extend through Schafer Meadows and connect with the Skyland road. This would preclude the opportunity of establishing a wilderness bridge between Glacier National Park and the Bob Marshall Wilderness. Responding to the threat, a citizen initiated roadless inventory identifying 650,000 acres was performed. An extension of the Skyland Road along Morrison Creek was stopped in early 1971.²

A 500,000 acre Wilderness proposal, called the Great Bear Wilderness, was formulated in late 1971. However, before it could be introduced into Congress, the Forest Service announced the implementation of the NSA-RAUA-process.³

¹ Mike Mansfield, Lee Metcalf, and Arnold Olson, letter to Edward Cliff cited in "Dean Ridge Road Opposed by Montana Congressmen", Missoulian, 26 May 1970, p. 6. Cliff was Chief of the Forest Service.


³ Much of the Great Bear boundary became a New Study Area. Nevertheless the area was introduced as a Wilderness bill in the Ninety-third Congress. In the next Congress it was amended to a Wilderness Study bill, reduced in acreage to 378,000, and passed.
Jewel Basin

The controversy to have Jewel Basin designated as Wilderness began as a spin-off of the Battle of Bunker Creek. In 1956, Dallas Eklund initiated a movement to have the area administratively classified as wild. This gathered momentum and the support of Senator Metcalf. In the year of the passage of the Wilderness Act, Senator Metcalf complained that "it has been almost two years since I was advised by the Forest Service that the Flathead Forest intended to proceed with recommending special recognition of the Jewel Basin country.... What is the status of the reclassification?"¹

After passage of the Wilderness Act, wild status was no longer a viable alternative. The situation was in limbo while the Forest Service considered possible U-3 administrative status for the area. Metcalf wrote to the Secretary of Agriculture and noted this inertia. "I have written letters about once a year since 1959 for several years regarding Jewel Basin and the study by the Forest Service never seems to move forward. Can you speed it up?"²

Finally, fourteen years after the first citizen proposal for administrative designation, Jewel Basin was proposed as a hiking

¹ Lee Metcalf, letter to Edward Cliff, 27 July 1964. R-1 files. Cliff was Chief of the Forest Service.

² Lee Metcalf, letter to Orville Freeman, 6 February 1968. R-1 files.
area. While conservationists were supportive of the designation, they were disappointed with the smallness of the acreage. Partially to achieve a larger boundary and also to maintain the momentum of the administrative proposal, Jewel Basin was included in a Wilderness bill of the Ninety-first Congress. The 15,349 acre area was designated under U-3 regulations as a hiking area on 2 July 1970. Nevertheless, it was also included in a Wilderness bill in the Ninety-second Congress.

Lincoln Backcountry

The controversy surrounding the Lincoln Backcountry had origins similar to both the Battle of Bunker Creek and the Hilgard Hold. However, it developed quite differently.

The Lincoln Backcountry Protective Association continued to protest the Long Range Plan of the Forest Service and asked for a moratorium. Senator Metcalf interceded and wrote Chief Forester Cliff requesting a compromise whereby the northern half of the 75,000 acre area in the plan would not be slated for development.

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On 12 February 1964, a year after the release of the Long Range Plan, the Lincoln Backcountry Protective Association considered wilderness dedication for 75,000 acres or about forty percent of the area within the plan.¹

Two months later the Montana Wildlife Federation recommended a study for possible wilderness dedication of 240,000 acres which included the 75,000 acres on the Helena Forest. The remaining acreage was on the Lolo Forest and Lewis and Clark Forest.²

That fall the Wilderness Act was passed. Senator Metcalf, who had been involved in the controversy as a participant, could now have a substantially stronger role. He and Senator Mansfield, on 6 January 1965, introduced legislation that stated: "The Secretary of Agriculture is hereby authorized and directed to classify as wilderness . . . [the Lincoln Backcountry]."³ This awkward language indicated that there was uncertainty as to the roles of both Congress and the agencies.

The bill only pertained to the 75,000 acre portion of the LBCPA proposal that was on the Helena Forest. This was remedied by eastern district Congressman James Battin with HR7266 on April 7, 1968 which pertained to the whole 240,500 acres.

²Ibid., pp. 26-27.
Legislatively, the issue was quiescent until the end of the Ninetieth Congress. Public Lands Subcommittee of the Committee on Interior and Insular Affairs hearings for S.1121 were scheduled in June of 1968 and rescheduled for September 25, 1968 in Great Falls. This was almost four years after the initial bill. The Forest Service took the opportunity to publish two development plans before the hearings. They dealt with a 500,000 acre study area which included the 240,500 acre Lincoln Backcountry. They were content poor, biased for development, and served to rationalize the 1963 Long Range Plan. The Great Falls hearings of September 23rd were characterized by almost unanimous testimony in favor of passage of S.1121.

The rationale of arguments for passage of the bill were either based on the wild values of the area or the lack of wisdom behind development.

The agency countered in October of 1968 with a Coordinated Resource Development Plan for the Blackfoot-Sun River Divide Area. This was far more specific than the other two plans, but shared with them the fundamental decision to develop the area. The Forest Service was essentially making tactical decisions based on invalid strategic assumptions.

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2 Kendall, "Lincoln Backcountry." He places the ratio as five to one for the over 900 statements.
In the four Congresses (89th - 92nd), fifteen bills had been introduced. The original proposal of 240,500 acres, largely unmodified, became the Scapegoat Wilderness with PL 92-395 in late 1972.

Summary and Comment

The Forest Service had made earnest attempts at meeting the mandate of Congress as specified subsection 3b of the Wilderness Act. Forest Service recommendations for the Mission Mountain and Spanish Peaks primitive areas had been considered by Congress. The Beartooth and Absaroka were being studied.

Wilderness dedication bills for the Lincoln-Scapegoat, Jewel Basin, the Magruder Corridor and the prospect of similar bills for the Great Bear and Pioneers must have made obvious to the personnel of Region One that Montana conservation groups were not content with just a review of the primitive areas. The Forest Service responded with Coordinated Resource Development Plans for Lincoln-Scapegoat, Great Bear, Hilgard Hold, and Magruder Corridor citizen initiated de facto Wilderness proposals as well as for the Abasaroka and Beartooth primitive areas. The first four studies in effect coopted direct citizen appeals to Congress.

The Coordinated Resource Management study for the Lincoln-Scapegoat was little more than a last unsuccessful attempt by the Forest Service to propose some development for the area. The Coordinated Resource management study for the Great Bear occurred at an earlier stage in that controversy, which was similar to the Lincoln-Scapegoat contro-
versy. While it also coopted the citizen initiated proposal, it was not blatantly a platform for development of the area. It was not evident in either of these controversies or the Hilgard Hold that they were related to a systematic and comprehensive *de facto* Wilderness identification and study process.

In any event, the ad hoc consideration of Forest Service non-primitive area lands for Wilderness was somewhat chaotic. What Congress, the Forest Service, and citizens needed was a comprehensive inventory of undeveloped Forest lands so that the classification of *de facto* Wilderness could be accomplished in a comprehensive manner.
CHAPTER FIVE
THE ADMINISTRATIVE RESPONSE
THE SECOND GENERATION

Introduction

This chapter is a discussion of the second generation in the attenutation of the dual standard between sections 3b and 3c of the Wilderness Act. The five citizen initiated Wilderness proposals pertaining to Montana *de facto* Wilderness discussed in Chapter Four were a small percent of the total in the nation. Nevertheless, the inevitability of classification of the Scapegoat, the first Forest Service *de facto* Wilderness, probably accelerated the Forest Service response. That administrative process was called the Selection of New Study Areas from Roadless and Undeveloped Areas on the National Forests (S-NSA-RAUA). The discussion will correspond closely with the treatment in Chapter Two. However, in order to establish the basis for the selection of the roadless entities chosen for the Montana Wilderness Study bill discussed in the next chapter, a detailed examination of the S-NSA-RAUA process is required.

The S-NSA-RAUA Process Prior to Phase One

Despite the fact that the Chief of the Forest Service had directed an inventory process as early as 1967, Region One was not proceeding
in a comprehensive and systematic manner until 1971. The Coordinated Resource Management Studies were grossly inadequate roadless inventories and Wilderness studies. The Coordinated Resource Management Studies were no more systematic or comprehensive than the conservationists' wilderness proposals which precipitated them.

The S-NSA-RAUA Process - Phase One

The Regions each proceeded differently with Phase One of the S-NSA-RAUA process. In Region One, the Forests each conducted an inventory during the fall of 1971. Two classes, roadless and essentially roadless, were established. The criteria were soft enough or sufficiently inconsistent between Forests so that there was some question of the accuracy of grouping between classes as well as the roadless boundaries per se. As a Regional total, there was about seven million acres of roadless area. In Montana, the total was five of the fourteen million nonprimitive and nonwilderness National Forest lands.

There was considerable uncertainty among conservationist groups as to the best strategy for insuring best representation of Wilderness values in Montana. Citizen formulated Wilderness proposals for the Absaroka-Beartooth, Mission Mountains, and Spanish Peaks were in competition with Forest Service initiated recommendations for the same areas. The Magruder Corridor and Great Bear Wilderness proposals were
Figure 3. Inventoried Roadless Areas in Montana

Key: pale green - National Forests
yellow - Wilderness, primitive, and special ("U-3") areas
black - Roadless Areas
blue - National Parks (Glacier National Park)
high on the priority list for Congressional consideration. The machinations of these issues were abruptly interrupted while the various groups formulated priorities so as to obtain study status for as many and as much of those citizen initiated proposals as possible.

During the inventory stage there was substantial effort by conservationists to insure that roadless lands were accorded road status. "No one was quite sure where the Forest Service was going with the inventory and RARE, so it was difficult to react effectively. The whole process was moving so fast it was difficult to catch up."¹

On January 14, 1972, a list of tentative Wilderness Candidate Study Areas was released by the Region One Office. These were recommendations prepared largely at the Supervisor's Offices. The list contained "eighteen tentative [Wilderness] candidate areas for study for possible addition to the National Wilderness Preservation System...The...areas were selected in a broad, multiple use planning review of more than 7 million acres of roadless Forest Service lands [in Region One]."² Furthermore, "areas [ultimately] selected by the Chief will be assigned as a high priority in multiple use planning..."³

¹Don Aldrich, personal interview, 11 March 1976.
²U.S.F.S., "Possible Candidates Considered for Wilderness Classification Listed" (a press release). W. I. files.
³Ibid.
Sixteen of the areas totalling 1,446,000 acres were in or partially in Montana (see table 9).

Sixty-six percent of the acreage constituted all or most of the four citizen initiated Wilderness proposals. They were the Great Bear (Continental Divide), the Hilgard, and the Montana Wilderness Association recommendations for additions to the Absaroka-Beartooth. A fourth area, the Pioneers, had a citizen initiated Wilderness proposal. A fifth area, the Hoodoo, was actively being inventoried by a group whose initial goal was achievement of study status for the area.

On January 14, 1972, a large scale map of Region One was released delineating roadless, essentially roadless, and tentative Wilderness Candidate Study Areas (tWCS). Between 19 January and 2 May 1972, seventy-five public hearings were held. These were conducted primarily at the Forest level.¹

After the public hearings and by 30 June 1972, the Regional Forester forwarded his recommendations to the Washington Office (see table 10). However, the entities on the list of January 1972 and the other lists are not commensurate. The latter lists are composed of numbered Roadless Areas. Some of the entities on the January list have as many as six Roadless Areas contained in their boundaries.

### TABLE 9

**TENTATIVE CANDIDATE STUDY AREAS**

January 1972

<table>
<thead>
<tr>
<th>Number</th>
<th>Study Area</th>
<th>Acres (Thousands)</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hilgard</td>
<td>240</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Eagle Creek</td>
<td></td>
<td>Idaho</td>
</tr>
<tr>
<td>3</td>
<td>Hoodoo</td>
<td>160</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Salmon-Priest</td>
<td></td>
<td>Idaho</td>
</tr>
<tr>
<td>5</td>
<td>Continental Divide</td>
<td>420</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Swan-Bunker</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Red Rocks</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Italian Peak</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>West Big Hole</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>West Pintlar</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Pioneers</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>North Absaroka</td>
<td>290</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Arrastra-Stonewall</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Gates of the Mountains</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Upper Beaver</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Silver King-Falls Creek</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Scotchman Peak</td>
<td>30 (partially in Idaho)</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Sun River</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL IN MONTANA</td>
<td>1538</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S.D.A., F.S., "Possible Candidates Considered for Wilderness Classification Listed".
The June list was not available to the public until January 1973. Not all of the areas recommended at the Supervisor level were recommended by the Regional Forester. The Pioneers, broken into six Roadless Areas, and Red Rocks were in this category. Also, several areas had been decreased in area by reinventory of fragmentation into several noncontiguous Roadless Areas. An example of the latter was the 240,000 Hilgard, which was reduced to three Roadless Areas (Hilgard, Lionhead, and Monument Peak) of 137,000 acres.

During the formulation of the RAUA-DEIS, Don Aldrich copied all of the Roadless areas onto National Forest maps and sent them to Cliff Merritt in Denver. This was simply part of an effort to keep the Wilderness Society and other national conservation organizations informed about the Montana situation. It was intended as a guidebook for additions to the New Study Area list during the public response period for the RAUA-DEIS. At several meetings in Montana, Milner, Aldrich, and many others, including officials of national conservation organizations, formulated, from the maps, a list of thirty-nine parcels of Roadless Areas for special effort.  

The Washington Office was in the process of developing the Green List (see table 10). The Green List in the RARE analysis did not

---

Interview with Don Aldrich, 11 March 1976.
### TABLE 10

**Montana Roadless Areas Considered During the RAUA Process**

<table>
<thead>
<tr>
<th>Roadless Area</th>
<th>Number</th>
<th>Acreage</th>
<th>Contiguity</th>
<th>Phase I</th>
<th>Phase II</th>
<th>Final New Study Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supervisor List</td>
<td>Regional List</td>
<td>Green</td>
</tr>
<tr>
<td>Monument Pt.</td>
<td>18</td>
<td>39,266</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hilgard</td>
<td>17</td>
<td>79,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lionhead</td>
<td>21</td>
<td>18,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoodoo</td>
<td>29</td>
<td>75,484</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>C.O.-Middle Fork</td>
<td>11</td>
<td>302,700</td>
<td>Bob Marshall</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>C.O.-Rocky Mtn.</td>
<td>12</td>
<td>62,100</td>
<td>Bob Marshall</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Swan Butte</td>
<td>13</td>
<td>60,000</td>
<td>Bob Marshall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Big Hole</td>
<td>1</td>
<td>38,369</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Pintlar</td>
<td>3</td>
<td>1,800</td>
<td>Aracorda-Pintlar</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Italian Peak</td>
<td>2</td>
<td>9,800</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deer Peak</td>
<td>43</td>
<td>14,080</td>
<td></td>
<td></td>
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<tr>
<td>Ospri Mt.</td>
<td>42</td>
<td>36,360</td>
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<td>Bobcat Mt.</td>
<td>41</td>
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<tr>
<td>Raing Pt.</td>
<td>32</td>
<td>122,040</td>
<td></td>
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<tr>
<td>Barh Mt.</td>
<td>31</td>
<td>52,000</td>
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<tr>
<td>Maurice Mt.</td>
<td>40</td>
<td>36,625</td>
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<td></td>
</tr>
<tr>
<td>M. Absaroka</td>
<td>20</td>
<td>221,044</td>
<td>Absaroka</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrasta-Stonewall</td>
<td>23</td>
<td>9,400</td>
<td>Scapegoat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gates of the Moun.</td>
<td>25</td>
<td>6,000</td>
<td>Gates of the Moun.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Beaver</td>
<td>24</td>
<td>18,110</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silver King-Falls Cr.</td>
<td>22</td>
<td>29,700</td>
<td>Scapegoat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scotts Head Mt.</td>
<td>28</td>
<td>27,420</td>
<td></td>
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</tr>
<tr>
<td>Renzlaw Mt.</td>
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<td>26,100</td>
<td>Bob Marshall</td>
<td></td>
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</tr>
<tr>
<td>Deep Creek</td>
<td>27</td>
<td>28,900</td>
<td>Bob Marshall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flint Range</td>
<td>9</td>
<td>35,268</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuchuck</td>
<td>15</td>
<td>20,040</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Thompson Seton</td>
<td>16</td>
<td>24,700</td>
<td></td>
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<tr>
<td>Hyalite</td>
<td>19</td>
<td>22,368</td>
<td></td>
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</tr>
<tr>
<td>Porcupine B.H.</td>
<td>134</td>
<td>24,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grizzly Basin</td>
<td>14</td>
<td>5,300</td>
<td>Bob Marshall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle Mtn.</td>
<td>10</td>
<td>5,820</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tobacco Roots</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meyer Mtn.</td>
<td>106</td>
<td>73,480</td>
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</tr>
<tr>
<td>Lake Plateau</td>
<td>266</td>
<td>77,365</td>
<td>Beartooth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pliantai Plateau</td>
<td>265</td>
<td>24,175</td>
<td>Beartooth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saddle Peak Mtn.</td>
<td>266</td>
<td>11,306</td>
<td>Beartooth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Lodge Cr.</td>
<td>267</td>
<td>42,082</td>
<td>Beartooth</td>
<td></td>
<td></td>
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<tr>
<td>Shelf Lake</td>
<td>268</td>
<td>711</td>
<td>Beartooth</td>
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<td></td>
<td></td>
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<tr>
<td>Goose Lake</td>
<td>271</td>
<td>500</td>
<td>Beartooth</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Hell Roaring</td>
<td>261</td>
<td>71,026</td>
<td>Absaroka</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Abundance</td>
<td>262</td>
<td>20,832</td>
<td>Absaroka</td>
<td></td>
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<tr>
<td>Mt. Zemer</td>
<td>253</td>
<td>800</td>
<td>Beartooth</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Rock Island</td>
<td>269</td>
<td>950</td>
<td>Beartooth</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Broadwater M.</td>
<td>270</td>
<td>213</td>
<td>Beartooth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mt. Heffy</td>
<td>272</td>
<td>1,440</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>West Side Swan</td>
<td>215</td>
<td>102,991</td>
<td>Bob Marshall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cube Iron</td>
<td>222</td>
<td>32,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Total:</td>
<td>23</td>
<td>17</td>
<td>24</td>
<td>29</td>
<td>33</td>
<td>36</td>
</tr>
</tbody>
</table>


Key:
- Roadless Area either added at respective step or included on respective list
- Roadless Area deleted in this step
- Roadless Area considered but not added in this respective step
contain six Roadless Areas that had been recommended by the Region. Of the twenty-nine Roadless Areas on the Green List, eleven totalling 250,260 acres were contiguous to either the Absaroka or Beartooth primitive areas. They were subject to the conditions of Parker versus United States, which meant they couldn't be developed until Congress considered them as a primitive recommendation under Section 3b of the Wilderness Act. The North Absaroka of 221,044 acres, was also contiguous to the Absaroka primitive area, but inexplicitly did not have APS status. Another ten Roadless Areas on the Green List of 532,000 acres were contiguous to one of the five instant Wildernesses. Most of this acreage (68.5 percent) was contained within the Great Bear proposal. The remaining seven were separate entities. Two were remnants of the Hilgard Hold. The other five were small entities, of average acreage of 33,213, which had previously not been strongly considered by conservationists for Wilderness status.

The Regional Foresters met in Washington and considered adding or removing Roadless Areas from the Green List in four steps. In the first step of Phase One of RAUA, Upper Beaver was dropped from the Green List due to a low quality index. In Step 2, five of the six Roadless Areas that had been recommended by the Regional Forester, but were not on the Green List, were added. The exception was the Monument Peak Roadless Area, which was remnant of the Hilgard Hold. While no Roadless Areas were added in either Steps 3 of 4,
Meyer Mountain Priched Pin was considered due to a high quality index. The net increase of four meant that thirty-three proposed New Study Areas emerged in the RAUA-DEIS. Interestingly, 22 of the 24 areas recommended by the Regional Forester became proposed New Study Areas. Precisely two-thirds of the thirty-three proposed New Study Areas were contiguous to one of four Wilderness or two primitive areas. These represented seventy-nine percent of the area of the proposed New Study Areas. The most significant deletions in the transition from WCS to pNSA status were both the East and West Pioneers.

The S-NSA-RAUA Process - Phase Two

Phase Two began on 18 January 1973 with the introduction of the RAUA-DEIS containing the thirty-three proposed New Study Areas (see table 10). The ninety days allowed for comment and review proved to be an intense period. Doris Milner, President of the Montana Wilderness Association, noted many problems of the inventory and the rapidness of the process of selection.\(^1\)

In the eight steps of Phase Two, six areas were considered for deletion from the proposed New Study Area list and two were considered for a diminuation in size, but none were rejected nor decreased in size. Ten areas were considered for addition, of which four were

\(^{1}\) Doris Milner, letter to Chief of the Forest Service, 17 April 1973. W. I. files.
Figure 4. New Study Areas in Montana

Key:  pale green - National Forests
     yellow - Wilderness, primitive, and special ("U-3") areas
     black - New Study Areas
     blue - National Parks (Glacier National Park)
<table>
<thead>
<tr>
<th>Class</th>
<th>Supervisor's List (tWCS)</th>
<th>Regional List (WCS)</th>
<th>Green List or Most Desired List (tpNSA)</th>
<th>RAUA-DEIS List (pNSA)</th>
<th>RAUA-FEIS List (NSA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n acres</td>
<td>%</td>
<td>n acres</td>
<td>%</td>
<td>n acres</td>
</tr>
<tr>
<td></td>
<td>1 290,000</td>
<td>20</td>
<td>1 290,000</td>
<td>23</td>
<td>12 471,304</td>
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<tr>
<td>primitive contiguity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilderness contiguity</td>
<td>9 603,000</td>
<td>42</td>
<td>10 532,200</td>
<td>43</td>
<td>10 532,200</td>
</tr>
<tr>
<td>other</td>
<td>10 553,000</td>
<td>38</td>
<td>13 413,855</td>
<td>33</td>
<td>7 267,332</td>
</tr>
<tr>
<td>Totals</td>
<td>20 1,446,000</td>
<td>100</td>
<td>24 1,236,055</td>
<td>99*</td>
<td>29 1,270,836</td>
</tr>
<tr>
<td></td>
<td>(1,627,304)**</td>
<td></td>
<td></td>
<td></td>
<td>(1,417,360)**</td>
</tr>
</tbody>
</table>

SOURCE: tables 9 and 10.

* Total not equal to 100 due to rounding

** Total acreage if Forest Service inventoried Roadless Area acreage contiguous to the Beartooth and Absaroka primitive areas is included.
added. These were three Roadless Areas on the southwest periphery and contiguous to the Bob Marshall Wilderness and one which constituted the East Pioneers. Those considered, but not added, included Monument Peak, the Porcupine Buffalo Horn, and four Roadless Areas comprising the West Pioneers (see table 10). The rationale for not adding the latter hinged on a subtle interpretation of public involvement. "The [West Pioneer was] not added because it is believed that most of the response to the Draft Environment Statement was directed to the East Pioneers..."\textsuperscript{1}

The list of New Study Areas only slightly changed the distribution of New Study Areas among groupings noted earlier. The preservationists had waited for nine months for the RAUA-FEIS and now they were bitterly disappointed (see Table 11).

Summary and Comment

The inventory of Phase I of the "Roadless and Undeveloped Areas DEIS within the National Forests" accomplished what preservationists had never attempted. In contrast to the first generation (where generally development threats precipitated Wilderness proposals), the second generation inventory was relatively consistent and comprehensive. However, that didn't prevent conservationists from contesting

\textsuperscript{1} U.S.D.A., F.S., RAUA-FEIS, p. 61.
inventoried boundaries. In retrospect, this may have been a tactical error. The criterion of success was to obtain Wilderness Candidate Study status for areas. Even though it was not explicitly stated, it could be assumed that the boundaries could be refined later. However, given the rapidity with which the decisions were made, this tactical error was understandable and the cost of the error may have been minor.

The selection process can be viewed from the perspective of the five lists. They were not linearly related in a temporal or decision flow sense. Comparisons between lists are difficult, primarily because of the switch from a treatment of roadless entities in January 1972 to that of Roadless Areas by June 1972, but also due to significant changes in inventoried roadless area boundaries. However, it is important to note that the only land recommended by the Supervisors or the Regional Forester contiguous to any primitive area was the North Absaroka. The Green List included an additional 181,304 acres of Roadless Areas contiguous to the Absaroka-Beartooth. These lands fell, of course, under the Parker decision and had to be maintained as roadless for consideration by Congress in their primitive review. It is obvious that in the Roadless Area Review and Evaluation preservationists "lost" about 75,715 acres of New Study Area in exchange for 181,304 acres of "Parker" lands that they knew Congress would consider in any event.
A comparison of the acreages of the five lists (normalized by addition of "Parker" Acreages to the S. O. and R. O. lists) shows that the smallest was the Green List. However, this had never been intended for anything other than an initial or base list for the selection process. Next was the proposed New Study Area list, followed by the Regional recommendation list, the New Study Area list, and the largest was the original Supervisor's January 1972 tentative Wilderness Candidate Study Area list.

With respect to areas that had been controversial during the first generation (and even before), preservationists had mixed success. Only about one-third of the inventoried roadless area of the Pioneers became New Study Area. Similarly, two-thirds of the Hilgard became New Study Area. If the original inventory at the Supervisors' list stage is considered, then only about one-third of the Hilgard became New Study Area.

The New Study Areas constituted about one-third of the inventoried roadless acreage in Montana. The dominant characteristic of the New Study Areas acreage in Montana was that three-quarters of it is contiguous to four existing Wilderness or primitive entities. The remainder was "smeared" over thirteen much smaller entities. Therefore the process tended to be biased towards the de facto Wilderness fringes of existing Wilderness areas and a collection of smaller areas.
The opportunity to study the last two large *de facto* Wilderness entities was forsaken. This was in spite of the fact that, theoretically at least, the process weighted Wilderness contiguity as zero and that it was biased towards size per se.
Introduction

The dissatisfaction among Montana conservation groups with the S-NSA-RAUA process was beginning to be well articulated during its second phase. What was needed after the New Study Areas were selected was a focal point for action. The objective was to enlarge the number and acreage of Roadless Areas to be considered in Wilderness studies. One strategy to meet that objective was to participate in the Forest Service Unit Planning process. The second strategy was to return to Congress, the creator and arbiter of the Wilderness Act. Both routes were pursued by Montana conservation groups.

As early as June of 1973, conservationists had considered a statutory approach to accelerate the attenuation of the dual standard. A draft bill entitled the "National Wilderness Additions Act of 1974" was drafted by Ted Snyder of the Sierra Club after a meeting with Montana and national conservationists.¹ Forest Service lands in the bill would fall into two classes, Wilderness and Wilderness study areas.

Wilderness areas were to be all primitive areas not yet classified by Congress and nonprimitive de facto Wilderness proposed by citizens for which a strong argument for immediate classification existed. Wilderness studies were to be made of other Forest Service de facto Wilderness. A review process and schedule was established similar to that for the primitive areas in the Wilderness Act. Management of the study areas was to be identical to that for existing Wilderness.

It was the decision of conservationists to refuse to allow the administrative S-NSA-RAUA process to remove their option of going directly to Congress with Wilderness related proposals that made this statutory response to the S-NSA-RAUA inevitable.

That statutory response was The Montana Wilderness Study bill. The three sections of the chapter will correspond to the choice of the areas to be placed in the bill and the refinement of the bill, the publicizing, the purpose and merits of the bill, and the first sub-committee hearing of the bill.

The Choice of Areas for the Bill

There was no question of whether the bill should be a Wilderness classification or a Wilderness Study bill. Since it was a response to S-NSA-RAUA, it had to be the latter. The entities in the bill would, for the most part, have to be based on inventoried Roadless Areas. The other choice was that of which areas were to be included in the bill and was much more complex.
As a base list the drafters started with, but did not limit themselves to, the list of Roadless Areas developed during the S-NSA-RAUA process by Merritt and Aldrich in consultation with other Montana conservationists. This list included areas that, by consensus of the conservationists who formulated it, needed and deserved extra support for inclusion as New Study Areas (see Table 12).

A related problem involved narrowing the list down with certain criteria. Although the process was not so structured as the Forest Service process, it was similar. Considerations, rather than criteria, were used in this selection process. No one was necessary and sometimes one was sufficient.

The first consideration was those Roadless Areas rejected by the Forest Service for reasons unacceptable to preservationists. Red Rocks had been recommended by the Forest Supervisor, but was not recommended by the Regional Forester, apparently because it would maintain its Wilderness characteristics without study or classification. The West Pioneers, Monument Peaks, and Upper Beaver were recommended both at the Supervisor and Regional Forester level. Not one became a New Study Area. Upper Beaver Roadless Area was removed in Step 1 of Phase I of the RARE process because of a low quality index. It was one of seven contiguous Roadless Areas comprising the Elkhorn area. The West Pioneers had been considered for NSA status in Phase II of the RARE process. Monument Peak had been considered in
## TABLE 12
ROADLESS AREAS CONSIDERED BY CONSERVATIONISTS IN DRAFTING THE MONTANA WILDERNESS STUDY BILL

<table>
<thead>
<tr>
<th>Roadless Entities</th>
<th># Roadless Areas</th>
<th>Acres</th>
<th>QI</th>
<th>E/C</th>
<th>tah</th>
<th>PI</th>
<th>Total Acres</th>
<th>tah</th>
<th>Quo</th>
<th>E/Cu</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Pioneer</td>
<td>32 Rainy Mountain</td>
<td>22,040</td>
<td>86</td>
<td>108</td>
<td>1.622</td>
<td>3</td>
<td>171,160</td>
<td>14,173</td>
<td>103</td>
<td>129</td>
<td>157,000</td>
</tr>
<tr>
<td></td>
<td>41 Bobcat Mountain</td>
<td>100,480</td>
<td>114</td>
<td>143</td>
<td>8.508</td>
<td>3</td>
<td>7,000</td>
<td>5,820</td>
<td>158</td>
<td>64</td>
<td>6,900</td>
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<tr>
<td></td>
<td>42 Odel Mountain</td>
<td>34,560</td>
<td>69</td>
<td>131</td>
<td>2.510</td>
<td>3</td>
<td>165,240</td>
<td>112</td>
<td>87</td>
<td>660</td>
<td>133,000</td>
</tr>
<tr>
<td></td>
<td>43 Deer Peak</td>
<td>14,000</td>
<td>88</td>
<td>111</td>
<td>1.005</td>
<td>3</td>
<td>87,000</td>
<td>109</td>
<td>135</td>
<td>249</td>
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<td></td>
<td>Snowcrest Mtn.</td>
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<td>118</td>
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<td>87,000</td>
<td>4,700</td>
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<td>73</td>
<td>1,240</td>
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<td>87,000</td>
<td>1,047</td>
<td>151</td>
<td>197</td>
<td>87,000</td>
</tr>
<tr>
<td></td>
<td>Tobacco Roots</td>
<td>108 T.R.-Jefferson H.</td>
<td>2,662</td>
<td>133</td>
<td>96</td>
<td>6</td>
<td>25,582</td>
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Step 2 of Phase I of RARE. The area was a portion of the Hilgard Hold, which had not only been gerrymandered into separate Roadless Areas, but into noncontiguous Roadless Areas.

The Porcupine Buffalo Horn and Mount Hefty Roadless Areas had been recommended by the Department of Interior in Step F of Phase II of RARE. Interior argued, unsuccessfully, that Roadless Areas adjacent to National Parks could augment the carrying capacity of the heavily used Parks.

A second consideration was gerrymandering per se. Any roadless entity composed of more than one Roadless Area was considered to be gerrymandered. This effect gave a low bias to the Quality Index which lessened the chances for a Roadless Area to achieve New Study Area status.

A third consideration was that no group of Roadless Areas should have a preponderance of Public Involvement Code "2", which signified substantial testimony against the Roadless Area for New Study Area status in the S-NSA-RAUA process.

A fourth consideration was that geographical dispersion of the areas was desirable in the bill, because it would not concentrate opposition and yet could gain statewide support.

A fifth consideration was that areas be located close to some of the larger eastern Montana towns.
A sixth consideration was that an area in the bill had an ad hoc group, of even one person, to develop public support for the passage of the Montana Wilderness study bill, and particularly for that one area.

A seventh consideration was the probability of degradation of the Wilderness values of the area. If developments were imminent in an area, then inclusion of that area in pending legislation would facilitate gathering public support for its classification as Wilderness.

Certainly the considerations were not independent or even very quantitative, but they were applied by people very knowledgeable concerning both Montana de facto Wilderness and political processes at the National level.

Table 12 is a list of all the Roadless Areas considered when choosing the areas for inclusion in the Montana Wilderness Study bill. The seventy-five Roadless Areas have been grouped into thirty-three contiguous roadless entities. The "Aggregations and Recomputations" columns are simply total acreages and programmed allowable harvest figures and recomputed Quality Indice and Effectiveness Cost ratios for each entity of contiguous Roadless Area. The thirty-three entities had a total acreage of 1.8 million. This constituted about one-third of the inventoried Roadless Areas acreage in Montana and on half that had not been selected for New Study Area status.
Consideration of each of the thirty-three roadless entities resulted in nineteen being chosen for proposed statutory study status. The East Pioneers and Monture areas were excluded because portions of them had achieved New Study Area status. Two others were additions to existing New Study Areas. The remaining nine not chosen were excluded because there had been opposition in the Forest Service public hearing process or they did not adequately meet the seven considerations chosen by Montana conservationists.

The nineteen proposed statutory New Study Areas comprised 1.23 million acres and included forty-two Roadless Areas. Nine of the entities illustrated gerrymandering in that they were composed of more than one Roadless Area. Nine Roadless Areas (136, 67, 119, 58, 278, 109, 196, 193, and 76) had been on the Red List. With the exception of the Big Belt entity, none had the public involvement code totally equal to two.

There was little doubt as to which member of the Montana Congressional delegation to approach with the bill. It had to be Senator Metcalf, who had been committed to the Wilderness cause for so long. However, Metcalf, who was contemplating legislation for a united Beartooth and Absaroka, the Spanish Peaks, and the Great Bear as Wilderness and the Missouri and Flathead for Wild and Scenic Rivers, had reservations about the number of areas.

\footnote{"Montana Wilderness Study Act of 1974" (a draft bill), undated, W. I. files.}
So the drafters of the bill went through another selection process to reduce the number of areas to less than nineteen. The task of eliminating areas which were felt to be of high Wilderness quality was particularly arduous. Jewel Basin, Red Rocks, and Sheephead were dropped because they were not in immediate danger. Big Belt was excluded because it had a low probability of gaining sufficient public support. Badger, which was contiguous to the Great Bear, was dropped because of potential controversy arising from the Blackfoot Treaty of 1895. Other areas were examined on the basis of the seven considerations.

Eight of the nine Roadless Areas which were on the Red List were included in the nine proposed statutory study areas. The study areas to be in the bill were the West Pioneers, Taylor-Hilgard, Bluejoint, Sapphire, Elkhorn, Ten Lakes, Mt. Henry, Middle Fork Judith, and Big Snowies. They totalled 824,000 acres.

The conservationists notified Metcalf of the selection of nine areas from the original nineteen. "The nine areas were selected on the basis of their major importance for wilderness..., threats of "logging or other development..., and substantial local support."\(^1\)

However, before Metcalf announced plans to support the bill, the

\(^1\) Cliff Merritt letter to Lee Metcalf, 19 August 1974, W. I. files.
Hyalite-Porcupine-Buffalo Horn area was added. This brought the number of areas to ten and the total acreage to 987,000.

The Montana Wilderness Study Bill in Congress

Over a year after the release of RAUA-FEIS, on 19 September 1974, Metcalf announced that he intended to introduce legislation mandating Wilderness studies for ten areas. The announcement by a legislator that introduction of a bill is imminent is sometimes a sign that the sponsor is less than enthusiastic about the prospects of the bill and a technique to interject an additional hurdle that the proponents must surmount before the sponsor will share the load in Congress. In any event, it is an opportunity to test the water. In a press release, Teddy Roe said "we're just asking them [the U.S.F.S.] to take the first step and conduct a study and see whether it warrants further consideration..." He further noted that a purpose of the bill was to provide a moratorium on further development in these areas until the Forest Service made some recommendations to Congress. Again, this was similar to the mandate by Congress in the Wilderness Act for the Forest Service to make recommendations relative to the primitive areas.

A comprehensive article by Don Schwennesen in The Missoulian

described the background, purposes, and possible ramifications of the bill. The article explicitly linked dissatisfactions with the RAUA process and uncertainty in the Unit Planning process with the motive for the bill. Schwennesen was also very definitive about the ramifications of the bill when he noted that "the bill, if passed by Congress, would in effect tell the U.S. Forest Service to add ten new roadless areas to a list of thirty-four already scheduled for special review to determine whether or not they should be recommended for addition to the system."\(^1\) Bill Worf, of the Forest Service, noted that the better roadless areas had already been selected during the RAUA process and that the remaining roadless areas were still eligible for inclusion on the list of New Study Areas during the Unit Planning process. Conservationists noted that the New Study Areas were the last chance for Wilderness designation and that the Unit Planning Process was too rapid and piecemeal for a valid determination as to whether the remaining roadless areas should become New Study Areas.\(^2\)

While the Schwennesen article alleviated uncertainty and ignorance about the bill for the average reader and even some conservationists, it was in error on one point. The bill had not yet been introduced.

\(^1\) Don Schwennesen, "Wilderness Bill Adds 'Cream of Crop' Areas to Study List", Missoulian, 23 September 1974, p. 1.

\(^2\) Ibid.
Six days after the press release and two days after Schwennesen's article, Bill Kirkpatrick, executive director of the Montana Wood Products Association, telegrammed Metcalf's office and argued against introduction of the bill. "Western Montana is rapidly becoming an economic disaster area because of depressed lumber market and limitations on allowable harvest... We respectively urge that you defer introduction of proposed wilderness study legislation until economic impact can be fully evaluated..."¹ This complicated matters. Metcalf's suspicion that the bill would lead to nothing but political hot water had been confirmed. Proponents of the bill had to reassure Metcalf that they could muster support back home. A letter by Tom Powers, of the Economics staff at the University of Montana, adequately rebuffed the logic in Kirkpatrick's telegram. "The recent layoffs in lumber and plywood mills and in the woods are NOT the result of a lack of raw materials. It is not because too much timber is 'locked up' in the national forests that men and women are losing their jobs, but because there is no market for that which is being cut."² However, this letter didn't have much impact because Metcalf had already introduced the bill.


² Cited in "Study Won't Tie Up Timber", Missoulian, 8 October 1974, p. 4.
The bill, which became S-4066, had been introduced in October 1974. Any bill introduced in October of the second session of a Congress has no possibility of becoming law. That it took six months from the draft stage to introduction is not unusual. However, introduction, even so late, did further serve to test the water.

Summary and Comment

The third generation of the evolution of the attenuation of the dual standard of the Wilderness Act, characterized by ad hoc Wilderness study bills, was inevitable. Several points from the Montana Wilderness Study bill were evident. First, that it is a study bill indicated that Metcalf may have considered the Forest Service selection of New Study Areas process to have precluded Congress from considering de facto Wilderness prior to a Forest Service study. Second, the inventory process broadened the scope of areas that the preservationists could easily consider as potential Wilderness. Third, criticisms of the inventory and selection process will be used as rationalization for future bills analogous to the Montana Wilderness Study bill. Finally, since any aggregate acreage of New Study Areas between fifteen million and twenty-five million acres is as defensible a choice as any other, many other Study Areas may be statutorily designated.
CHAPTER SEVEN

THE NINETY-FOURTH CONGRESS

Introduction

After the Montana Wilderness Study Bill (S-4066) died in the Ninety-third Congress, the water temperature must have been acceptable, because Metcalf reintroduced the bill in the Ninety-fourth Congress as S-393.

The subcommittee hearings for a bill are the real testing ground for a bill, particularly if it hasn't been tested by prior hearings. It is in the first hearings that the merits and problems are first publicly considered in Congress. In the case of wilderness related bills, it is in the subcommittee that the bill is put in final form and the decision, in effect, is made as to whether it will pass or die. (In some cases, boundary revisions are made in the joint House Senate subcommittee.) It is for these reasons that the first subcommittee hearing in the Senate of the Montana Wilderness bill is related in great detail.

The subcommittee hearing resulted in a substantial amount of controversy. Since my contention is that the bill is a benchmark for a fundamental stage ("third generation") in the evolution of the attenuation of the dual standard, this is not surprising. What is surprising is that the significant controversy arising from the subcommittee hearings was not one of process, but one of equity. It manifested itself in the traditional form of potential impact to cellulose processors and
another less traditional interest group. The narration of the partial resolution of this controversy and the explicit consideration of the question of process will be the subject of the second part of this chapter. It will be considered within the framework of individuals who had significant roles in that controversy. They were: the Governor of Montana, Tom Judge; the Dean of the School of Forestry at the University of Montana, Bob Wambach; Bob Wolf of the Library of Congressional Research Service; and the Eastern District Congressman of Montana, John Melcher.

The Hearing Record

The long awaited hearings commenced on May 9, 1975 with Senator Metcalf making the opening remarks. He emphasized that S-393 was "not a wilderness bill in the usual sense" in that it only required "that the Forest Service will study nine beautiful areas in Montana to determine if they have wilderness characteristics." This reemphasized Congress' position that the agencies are responsible for judging only suitability and Congress alone was to judge availability and need.

According to Metcalf, the rationale for the bill was twofold. The unroaded entities had been gerrymandered into roadless areas of smaller average size. Since a criterion of wilderness quality in the RARE

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1U.S., Congress, Senate, Committee on Interior and Insular Affairs, Montana Wilderness, Hearing before the Subcommittee on Environment and Land Resources on S-393, 94th Cong., 1st sess., 9 May 1975, p. 11.
process was size, their quality thereof was reduced. Concurrently, insisted Metcalf, the Administration was reducing the Forest Service budget and "diverting it to timber production."¹

In conclusion, the Senator explained that the Governor of Montana, Tom Judge, expected to stay in a meeting that Metcalf had just left and so could not attend the hearings. Senator Metcalf also included a statement of Senator Mansfield's.

Senator Haskell then welcomed the Chief of the U.S. Forest Service, John McGuire, to the hearings.² The very fact that the Chief chose to testify in person at the hearing indicated the significance that the Forest Service attributed to the bill. McGuire listed Wilderness and other protected lands in Montana and noted that S-393 "would bring to more than 30 percent (from 25 percent) the National Forest acreage of the total that would be either in the system or in the pipeline leading to further consideration."³ However, the major impact of the bill would have been the effect on existing agency processes. McGuire almost suggested that in this sense S-393 was redundant, as areas not chosen in the RARE would be considered again "in the development of land use plans."⁴

Also, he asserted that Congress would have ample opportunity to exercise their "oversight role" when the Forest Service made their

¹Ibid., p. 11.    ²Ibid., p. 13.
³Ibid., p. 14. It should be noted that in a marginal sense this addition is \(20\% = [(.30/.25 - 1) \times 100]\). However, the proposed statutory study areas would have been a 65% increase in comparison to the administrative New Study Areas.
⁴Ibid., p. 27.
report as mandated under the Forest and Range Land Renewable Resources Planning Act of 1974. In contrast, "the bill represents an area by area approach to selecting roadless areas for study as to wilderness suitability without the benefit of an overview of the end result of such an approach."¹ Then McGuire recommended against enactment of S-393.

Another ramification of passage of S-393 might be a proliferation of similar bills in other states that would upset the planning process and "would raise substantial questions about the status of all study areas that have been administratively selected but not designated for study by Congress."²

Senator Metcalf then asked McGuire to review maps of each of the areas. As McGuire proceeded with the maps, he enumerated the "incursions" and other problems with respect to suitability with each of the areas in the bill.

After the examination of each of the areas, Metcalf returned to McGuire's reservation that enactment of S-393 would compromise the New Study Areas selected by the Forest Service. McGuire asserted that the Wilderness Act removed "the authority of the executive branch to establish primitive areas [and the Eastern Wilderness bill removed] authority to set aside study areas in the east."³ McGuire related that

in a House hearing, it was implied that those two pieces of legislation might preclude the entire Forest Service procedure of administratively establishing New Study Areas. Haskell requested a memorandum from the committee council on the subject. Metcalf, prompted by the snowmobilers, also suggested an amendment that would allow snowmobiling and other motorized vehicular use during the study period.

The second witness was Doris Milner who commenced with a criticism of the S-NSA-RAUA process. Shortcomings of the study noted were the short period for study and late public awareness.

It [RARE] led to such citizen dissatisfaction that relief via the legislative route was sought. Hence S-393.¹

Then she asserted that the alternative process, the Unit Planning route, was inadequate because of gerrymandering of roadless entities. Milner referenced four salient facts that suggested the need for more Wilderness, including the decline in maximum size and quantity of the large areas (>100,000 acres) at the national level as well as the increasing rate of use of Wilderness areas. She asked: "How much wilderness do we need? How do we retain what little pristine remains?" Her answer to both was, "S-393 was a partial answer."²

Turning to other values of Wilderness, Milner discussed the watershed and wildlife aspects of Wilderness as well as the commodity uses (timbering and mining) of forest lands. She noted the evolution or

¹Ibid., p. 29.
²Ibid., p. 31.
structural changes of the timber industry through time and some implications of technology and the resulting pressures on prime de facto Wilderness. In conclusion, Milner recommended three additional areas for inclusion in the bill, i.e., the Tobacco Roots, McGregor-Thompson, and the Mount Henry areas. A discussion followed between Metcalf and Milner, concerning the Moose Creek sale situation and a proposed power-line through the Porcupine area.

Congressman Baucus, who had rather unexpectedly come into the hearing, then asked, "why should not normal Forest Service processes be encouraged . . ."\(^1\) Milner then reemphasized that this was not a new study process so much as a refinement of an older process.

The next witnesses were John McIntyre and his wife Jeanette. The couple spoke specifically of the Mount Henry area, particularly the watershed, as related to their ranch home of thirty-eight years.\(^2\)

Senator Metcalf said, "I think that you have developed in a single example, what Mrs. Milner had suggested in her presentation." Metcalf went on to note that "the most important thing is that we protect the watersheds. The wilderness does that better than any other way of managing our national forests."\(^3\)

The final witness of the morning was Nicholas Kirkmire, Executive Vice President of the Federal Timber Purchasers Association. Kirkmire's testimony concerned primarily the Sapphire area. One of his clients, the Intermountain Company, had been high bidder on the Moose Creek sale

\(^1\)Ibid., p. 39.\(^2\)Ibid., p. 77.\(^3\)Ibid., p. 77.
and he argued that passage of the bill had "the effect of making moot any decision reached . . ." concerning the Montana Wilderness Association administration appeal of that sale.¹ It is interesting that Kirkmire argued that passage of the bill with the Sapphires included would make the case moot and McGuire argued that the appeal delays could compromise the bill.² Kirkmire recommended that the Sapphires be deleted and also that local hearings be held for the bill.³

Larry Blaising, a resource forester for the Inland Forest Resource Council, briefly discussed the payrolls of the industry, the Forest Service planning process, the industry's commitment to Multiple Use, and some aspects of dispersed recreation vis-à-vis Wilderness. Then Blaising discussed the potential economic impacts of the bill. He suggested that a reduction in the acreage of commercial forest land led to a reduction in the timber harvest which led to a reduction in employment.⁴ The eighty million board feet of timber that would be unharvested if S-393 passed might have an employment impact of 1,560 jobs. This, he asserted, could alleviate some of the 27,900 unemployed.⁵

Metcalf argued that the cause of current Montana unemployment was caused by national demand factors than quantities of raw material available locally. He placed the consumption (of lumber for houses)

¹Ibid., p. 84.  
²Ibid., pp. 84 and 22.  
³Ibid., p. 85.  
⁴Ibid., pp. 87-89.  
⁵Ibid., p. 90.
problem directly in the lap of the administration for their "shabby treatment" of Housing and Urban Development.¹

Royce Satterlee, President of Stoltze Land and Timber Company, was concerned about the effect of S-393 on their Dillon mill, as it had been built with the expectation that the West Pioneer area would ultimately be harvested. Satterlee asserted that if the bill was enacted and included the West Pioneers then the annual allowable cut of the Beaverhead National Forest would decrease by twelve to thirteen mmbf. He then enumerated conditions that made the West Pioneers not suitable for Wilderness classification. Also, he mentioned the Ten Lakes area, for which a Final Environmental Impact Statement had been completed and of which about fifty percent was scenic area.²

Hubert White, President of the Townsend Lumber Company, was particularly concerned about the Elkhorn area within S-393. White argued that the planning process that had specifically dealt with the Elkhorn had broad based participation and allocated a portion of the area as roadless. The annual harvest contribution of that remaining roadless area was one million board feet, contrasted with a 2.5 million board feet impact of the S-393 area. Therefore, passage of the bill including the Eklhorn would lead to a further reduction of 1.5 mmbf. He asserted that a further detrimental effect of S-393 was that it essentially nullified the planning efforts that had already been expended.³

¹Ibid., pp. 90-91.
²Ibid., pp. 103-105. Scenic area is an administrative classification.
³Ibid., p. 105.
Mildred Folly submitted a petition from Women Opposed to Official Depression (WOOD), an organization composed of wives of woods products workers.\textsuperscript{1}

During questioning of the panel of Blaising, Satterlee, White and Folly by the subcommittee, Blaising suggested the bill would affect industry in the eastern part of the state more than the west. He said that the impact on the local economy of the Ten Lakes portion of the bill "would not be particularly severe . . ." but on the Gallatin it might be much more severe.\textsuperscript{2} White noted that the 1.5 mmbf represented about ten percent of his mill's raw material source.

A second panel was composed of Ben Ferguson, Dave Johnson, Cory McFarland and C.D. Ough. Ferguson and Johnson of the second panel pleaded for the small mill owners on the "eastside." They both noted that a mill cannot be operated at half speed of fifty percent capacity.\textsuperscript{3} Cory McFarland spoke of the intrusions in the Taylor-Hilgard, the Hyalite-Porcupine-Buffalo Horn, and the Middle Fork Judith. Classification of these areas also would have impacts on his mill in White Sulfure Springs and Bozeman and reiterated that impacts were heaviest on the eastside of the continental divide, particularly in Park and Gallatin Counties (Livingston and Bozeman). Questioned by Metcalf, he also suggested shortening the five year study period.\textsuperscript{4} During a similar statement by C.D. Ough, Congressman Baucus asked two questions of the panel, the second of which was a direct request for the names of the

\begin{itemize}
  \item \textsuperscript{1}Ibid., p. 107.
  \item \textsuperscript{2}Ibid., p. 108.
  \item \textsuperscript{3}Ibid., pp. 110-111.
  \item \textsuperscript{4}Ibid., pp. 112-116.
\end{itemize}
mills that would most probably close if S-393 passed. Ferguson declined to answer the question and suggested that it would cause morale problems for personnel associated with any mill mentioned as being likely to fail. McFarland then elaborated on the difficulty of determining which mills would fail. Baucus addressed all the witnesses at the hearing and said, "I want to give you an opportunity to state now that you would absolutely be forced to close if the bill were passed in the present form." No one replied in the affirmative.

Then Metcalf addressed the problem of studying Wilderness Study Areas during a recession. He reminded the witnesses that S-393 was a long term bill designed to preserve some of the lands of Wilderness quality contained within it. "A temporary recession that would destroy some of the wilderness qualities forever does not warrant the continuation of the policies of the Forest Service . . ."

A Sierra Club statement prepared by Douglas Scott was presented by Bob Curry. While complimenting the Forest Service for the S-NSA-RAUA process, it charged that it was simply a legitimization of de facto Wilderness proposals. The advantages of a comprehensive Wilderness study, similar to that for primitive areas mandated in the Wilderness Act, and the disadvantages of the alternative process of Unit Planning were discussed. The first criticism applied to the "fragmentation of roadless areas" in the S-NSA-RAUA process and the second to a similar phenomenon

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1Ibid., p. 111.  2Ibid., pp. 116-118.  3Ibid., p. 118.  4Ibid., p. 119.
in the Unit Planning process.\(^1\) Finally, Curry asserted that the Unit Planning process was typically biased against Wilderness as it generally involved an all-or-nothing choice. These inadequacies of the process, as well as the implementation of Unit Planning, necessitated S-393.\(^2\)

Curry requested that the Tobacco Roots, Mount Henry, and McGregor-Thompson areas be added to the bill and that the Blue Joint area be expanded.\(^3\) Finally, calculations were made which indicated that the S-393 timber contributions "would not exceed 2.16 percent of the total volume timber harvested in Montana in 1970."\(^4\) This was equivalent to an annual allowable harvest reduction of 39,100,000 board feet. Curry suggested alternative methods of augmenting the timber available for harvest in Montana. As an example, reforestation was currently inadequate in Montana and of comparable magnitude to the impact of S-393.\(^5\)

Donald Wood spoke for both the Society of American Foresters (Northern Rocky Mountain Section) and the Western Forestry and Conservation Association. Both groups felt that the existing study process should not be interrupted.\(^6\)

Bill Hand from Dillon spoke against inclusion of the West Pioneers in S-393 as well as the bill per se, with reference to effects on mining, snowmobilers, and timber harvest.\(^7\)

\(^1\)Ibid., p. 135.  \(^2\)Ibid., pp. 127-138.  \(^3\)Ibid., pp. 140-146.  
\(^4\)Ibid., p. 154.  \(^5\)Ibid., p. 150.  \(^6\)Ibid., pp. 157-160.  
\(^7\)Ibid., pp. 160-162.
The next witnesses were a panel of snowmobilers from Bozeman. The threatened closure of the Big Sky Trail through the Taylor-Hilgard was what motivated their trip to the hearing. It was their efforts which were responsible for Metcalf's amendment allowing the use of snowmobiles during the study process. Martin Whalen said "we [the snowmobilers] do not oppose any wilderness study."¹ The thrust of the bill which was opposed was the Wilderness management aspect during the study period and the fear that it might be in effect indefinitely, even though the study might never be completed. Testimony by Exter Nelson, Ella Mae Whalen, and Nina Smith gave testimony regarding typical snowmobilers and their organizations.²

Tom Horobik alluded to the results of poor planning and organization in the past of the Forest Service. For example, the Big Sky snowmobile trail had been built after the Regional Forester had agreed to a moratorium on development for the area.³ The Montana representative of Friends of the Earth, Hap Kremlick, testified on the Wilderness attributes of the Big Snowies. He also discussed the poor potential of that area for timber management.⁴

The last witness was Cliff Merritt, Western Regional Director of the Wilderness Society. Merritt noted that the S-393 areas had essentially been drawn from the Forest Service roadless inventory. As

¹Ibid., p. 171.  ²Ibid., pp. 169-193.
³Ibid., pp. 193-198. Horobik is currently President of the Montana Wilderness Association. He referred to the Hilgard Hold.
⁴Ibid., pp. 198-203.
such, he felt they had merit for Wilderness quality consideration and any exception to Wilderness suitability was due to errors of the RARE process.¹

If heads had been counted the pro-S-393 witnesses would have been in the minority, assuming the snowmobile group was neutral. Yet, the important results, and undoubtedly those for which the Subcommittee was looking, were the merits of the case. Very few new arguments were raised during the hearing, although some new facts were brought to light. Most arguments centered around four points, each with many subtleties and nuances:

1. Suitability of the areas for consideration as Wilderness
2. Compatibility of S-393 and the U.S. Forest Service planning process
3. Potential positive values of the areas with respect to Wilderness
4. Potential opportunity costs of Wilderness study (and/or classification)

The question of criteria and degree of suitability of an area for Wilderness may never be resolved, so it is not surprising that suitability for study for Wilderness was unresolved in the hearings. Presumably, criteria should be less stringent for study than for classification. Hence, it is not always clear which of two areas is superior with respect to suitability.

¹Ibid., pp. 203-241.
The hearings did accomplish enumeration of exceptions to Wilderness suitability, particularly by the U.S. Forest Service. The proponents of the bill obviously attempted to minimize the significance of such development and also explain these inclusions within the boundaries of the areas. Opponents took the opposing view that the exceptions precluded Wilderness study and Wilderness classification.

It is not surprising that the question of process was raised as the bill was explicitly intended to modify the S-NSA-RAUA process. The proponents argued that the bill was necessary to reduce the inadequacies of the S-NSA-RAUA process and rebalance the inadequacies of the Unit Planning process. Opponents argued that the two tier mechanism was not only adequate, but functioning properly.

The third point was the determination of the values of Wilderness. Proponents argued somewhat dogmatically on all the values of Wilderness, while opponents denigrated the potential for Wilderness recreation provided by the bill.

The impact of S.393 on industry, particularly timbering, was explicitly addressed by both camps. The proponents argued that the impact with respect to the state of Montana was small and ignored local effects. The opponents argued that the impact was significant and that the local impacts would in some cases be disastrous.

An assessment of the quality of performance of the few groups is perhaps in order. The proponents' testimony was quite good and would have been more than adequate to dispel any reservations of the Subcommittee in Wilderness hearings. Milner's, Curry's, and Merritt's
testimonies were quite comprehensive while that of the McIntyres, Horobik and Kremlik were area specific.

The wood products arguments were comprehensive, but their real forte was representation. Each of the witnesses claimed individual negative impacts would occur if S.393 were enacted and explicitly mentioned six of the eastern and two of the western areas in the bill.

It should be noted that the portion of the industry most vociferously opposed to the bill were smaller firms with single plant mills whose share of the industry output had been slowly eroding.

The mining faction was not comprehensively represented. No response was made by the larger timber processing firms in the area.

The real surprise was the snowmobile faction. Their position had merit and they were well organized. More significantly, they were new and therefore conspicuous. They will probably continue to become an even more influential faction. What is significant from an evolutionary point is that they signal the emergence of the intrarecreational equity argument.

By the end of the hearings the controversies had crystallized on the impact of the bill on the timber industry. However, no criterion had emerged by which to resolve the controversy. Montana conservationists had claimed, in testimony by Bob Curry, that the annual allowable harvest reduction was 39.1 million board feet. Larry Blaising had used a figure of eighty million. Despite the fact that most industry witnesses were most concerned with the local impact on their mills, it was the aggregate state impact that was to become the focal point of the ensuing controversy.
The Governor's Role

The Governor of Montana, Tom Judge, did not testify nor submit a statement for the public hearings of S.393. As Metcalf mentioned at the hearing, the Governor was in another meeting at the 10:00 a.m. opening of the hearing. But, the hearings continued until 6:00 p.m., so it must be concluded that Governor Judge did not want to take a public position on S.393 at the hearings. Yet the Governor had been briefed and advised specifically for the S.393 hearings. In fact, this was the first large effort of an agency committee specifically created for advising the Governor on Wilderness matters in Montana.

Judge had been elected in 1972 on a platform balanced between economics and ecology. In March of 1974, the Governor had taken a position on the Absaroka Beartooth which "sought as much wilderness classification as possible." This was a very popular action with the Wilderness interests. This position had been formulated for Judge by the Department of Natural Resources and the Fish and Game Department. Later Judge supported Metcalf's C.M. Russell (on Department of Interior Lands) Wilderness proposal. However, this raised substantial flack with the grazing interests, who felt that they might lose portions of their grazing allotments or at least be subjected to more restrictive regulations.

Steve Brown, telephone interview, 3 December 1975.

2Great Falls Tribune, 31 March 1974, p. 4.

3Joe Gaab, interview, 3 December 1975. The opposition was mostly localized in Lewistown.
There were also interdepartmental rivalries between state agencies concerning these and similar Wilderness proposals. The political pressure that the Governor received from antiwilderness constituents was compounded by the embarrassment of public bickering within the administrative branch of state government.

To remedy the situation which could perpetuate similar conflicts, Steve Brown, the Environmental Affairs Aide in the Governor's office, suggested the creation of an ad hoc committee. This was called the Agency Wilderness Advisory Committee. The function of the Committee would be to brief the Governor and make recommendations concerning various Wilderness proposals.

The Departments of Natural Resources and Conservation and the Fish and Game were each asked to be represented on the Commission. Wes Woodgerd, Director of Fish and Game, suggested that a third department, State Lands, be represented.

The recommendations were not to be binding on the departments whose members made up the Committee. Of course, once a report was made to the Governor, it would be extremely impolitic for personnel of any agency to publically speak against the report. So the creation of the

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1 Brown, 3 December 1975.

2 Ibid. In May of 1975 Brown transferred to the position of legal staff with Health. His former position has not been filled.

3 Gaab, 3 December 1975.

4 Brown, 3 December 1975.
Committee had the affect of institutionalizing and consolidating the advisory roles of the agencies as well as enforcing a certain degree of concensus.

In late 1974 the Committee was formed with Gary Amestoy representing the Department of State Lands, Gary Knudsen representing the Department of Natural Resources and Conservation, and Joe Gaab representing the Department of Fish and Game.

The first opportunity for the Governor to respond publically to a Wilderness issue occurred in May 1975 when Senate hearings were scheduled for both the Montana Study and the Great Bear bills. While no report was prepared for the Great Bear hearings, a report was prepared for S.393 and dated May 5, 1975. The report described the background of the bill, suggested that the timber industry impacts would not be significant, and noted that snowmobilers were concerned about prohibition of motorized use during the study. Four alternatives varying from full to qualified support for S.393 were recommended. The report was submitted to the Governor. It provided his only official familiarity with the bill other than contact with Metcalf's office. It was considered to be "very little help [due to, among other reasons, a paucity of data]."

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1Gary Amestoy, telephone interview, 3 December 1976.

2While I wasn't given a copy, I was allowed to scan a copy contained in Jim Flynn's files.

3Keith Colbo, telephone interview, 3 December 1975.
As noted, the Governor did not testify at the Subcommittee hearings. However, on May 12 he sent a letter to Senator Metcalf, in which he "expressed general support" with two concerns.¹ The first was "that certain existing uses in the nine study areas not be curtailed during the study period if these uses will not adversely affect the existing wilderness character and potential." The second concern was "that significant stands of commercial timber may be classified as wilderness." Given the "severe economic conditions which now exist within the timber industry . . . [Judge requested] that the Forest Service should determine whether harvestable timber exists in the proposed study areas within the next two years." If such was the case, "then a determination as to whether or not that area should be classified as wilderness should be made shortly thereafter." This was a request for expediency, implicitly a request to further amend the bill to shorten the five year study period, and support for Metcalf's snowmobile amendment. However, the letter was not printed in the hearing record.

Commercial airline transportation from Washington D.C. to any point in Montana involves tedious transfers and is not without trials and tribulations. While in the Twin Cities airport on his return from Washington, the Governor was approached by Larry Blasing who had stepped off his plane during a stop. Discussing the hearings, Blasing mentioned that they (industry) would like to talk to him about the bill. Judge

¹Governor Tom Judge, letter to Senator Metcalf, 12 May 1975. Steve Brown's files.
said "fine, set it up for next week."¹ It was scheduled for the following Thursday, May 15, 1975. Although Blasing did most of the organizing, the sponsor was Hubert White, President of the Montana Wood Products Association. The Governor's liaison man was Bill Kirkpatrick.

The Governor and Kirkpatrick were the major state representatives at the meeting. However, industry was there in full force.² Most of the industry witnesses who were at the hearing as well as some other representatives were present. Also present was Charles Welch of the Carpenter's Union who had been brought from Libby. The industry representatives made the same major points as had been made at the hearing.³

Commenting on Welch's presence, Judge noted that, "it's not every day that we see labor and industry on the same side of the fence."⁴ Then he asked of Welch, "do you represent labor?" Welch reacted by excusing himself and telephoning Billy Brothers. After querying Brothers, Welch returned and responded, "yes."⁵

¹Larry Blasing, interview, Missoula, Montana, 12 January 1976.
³Blasing, interview.
⁴Ibid.
⁵Ibid.
The governor was under considerable pressure to take a stand against passage of the bill. To counter this threat, Doris Milner and Jean Warren also met with Judge. Their position was that the study would provide "an analysis of precisely his concerns." At that time, Judge had not yet made a decision.

Dean Wambach's Role

Background

The suggested choice of Robert Wambach, Dean of the University of Montana Forestry School, as an independent third party to assess timber impact by Milner was not surprising. His past performance as a major contributor to the Bolle Report, which had corroborated many allegations of the conservationists, was remembered. His background included experience and publications as a silviculturist and a forest economist.

In fact, Milner had earlier approached the Dean to unilaterally take a position on the timber impacts of the study mandated by S-393. While declining to initiate such a study, Wambach responded that if requested through official channels, he would undertake a study. It should be noted that such a request from the Governor would constitute a mandate and such a request from both the Governor and members of the Montana Congressional delegation would be equivalent

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to a strong unshirkable mandate.

Wambach received such a mandate from Senator Metcalf. The Senator asked that a "neutral party...do an analysis of the impact of the bill. Not only should the timber impacts be assessed, but non-timber values as well."¹ The next day Metcalf made a "separate, but related request..."² The Senator referred to the Moose Creek sale controversy, and requested an examination. Elaborating, he suggested an independent benefit cost analysis of the sale.

Later, Governor Judge also requested of Dean Wambach a study to determine the impacts of S-393 as he had heard conflicting reports.³ At this point, it was obvious that the reports would be heavily scrutinized in the political arena. As such they should be defensible and consistent.

Although the requests were related, they did have some differences. While it might be expected that even though Metcalf specifically requested an objective report, it was anticipated that it would be at least partially supportive of his bill. Nevertheless, the Senator


² Lee Metcalf, letter to Dean Wambach, 13 June 1975. W. I. files.

"never asked for anything but an objective report"¹ from Wambach.
The request of Governor Judge had a somewhat different flavor. Judge
had not really committed himself yet, and so his request might be
interpreted as containing a request to assess the political impacts
as well as the narrower question of timber aspects. In contrast,
Metcalf had already, in the process of introducing the bill, acted
(not irreversibly) on his own political assessment. Wambach was
politically astute enough to realize this delicate distinction.

Another factor was Wambach's role as the Dean of the Forestry
School. Whether or not the report had only Wambach's name on it or
not was immaterial, as it would reflect on the whole faculty. Further­
more, the very act of developing the report would impinge on each of
them directly, as the Dean would have to reorder his own priorities,
vis-a-vis the faculty. In addition to effort, such a study would
cost money that could be expended elsewhere.

Wambach knew that even though he had been conscripted as a
referee, he would inevitably and ultimately end up as a participant
in the growing controversy enveloping S-393. Therefore, his report
would be interpreted politically by industry, the conservation groups,
and the Forest Service. While these parties were uncertain as to the

¹ Wambach, interview, 24 October 1975.
outcome, the fact that the conservation groups had initiated the whole episode indicated that they felt a report would be favorable to them.

As if to highlight this, two letters were received by Wambach soon after the studies were requested. Cliff Merritt noted that "I learned recently that the School of Forestry had been asked by Senators Metcalf and Mansfield to conduct a study concerning S-393."

Merritt suggested that the Wilderness Institute might be of some help in the study and that watershed, wildlife, and wilderness values be considered. Doris Milner was more specific. It was a rebuttal of allegations that the 3-D Mill in Mandlow would close down if S-393 were to pass. In fact asserted Milner, the mill was in the process of closing in any event.

The Montana Fish and Game Department had been involved, perhaps more than any other similar Rocky Mountain state agency, involved in Wilderness controversies as advocates. Because the agency was in the administrative branch under the Governor, it would have been

1 Cliff Merritt, letter to Dean Wambach, 27 June 1975. Wambach files.

2 Doris Milner, letter to Don Aldrich, 30 June 1975. W. I. files.
impolitic to endorse the bill or even appear to be an active proponent. However, the Director did request that of Metcalf that Wambach expand his study to include the Absaroka-Beartooth and the Ceder-Bassett areas.¹

While the tone of all three letters was neutral, they subtly conveyed the expectation that Wambach might come down on the side of S-393.²

While Wambach "never contemplated writing the report as a carte blanche for any of the interest groups, he believed that he was in a position to be able to pass or kill the bill."³

Before replying to the requests, it was necessary for Wambach to better define the scope of the study as well as enumerate his expected needs and existing resources. The three factors were interdependent.

The Study

The subject of the study request was broached at a weekly faculty meeting and aid solicited. The summer schedules of most of the faculty

¹ Wes Woodgerd, letter to Lee Metcalf, 1 July 1975. Wambach files.
² Doris Milner, letter to Dean Wambach, 30 June 1975. Wambach files.
³ Robert Wambach, interview, University of Montana, 21 October 1975.
had been established, but five faculty and staff expressed in interest in helping. This somewhat alleviated the time constraint, but the money constraint due to travel and field expenses still existed. Since Wambach's reports would require Forest Service documents, field trips on Forest lands, and contact with Forest Service personnel he met with Region One personnel. This meeting on July 8, 1975 resulted in the Assistant Forester's authorization of National Forest Supervisory Office personnel to cooperate with the Wambach group. This commitment was the last of the necessary and preliminary arrangements to be made.

Due to the similarities of the origins and subject matter of the separate requests of Senator Metcalf and Governor Judge, Wambach proposed to each that only one report be prepared. Wambach obviously still had deep doubts about what was now to be The Report.

"I must admit to some repedation. It is somewhat presumptuous of me to pretend that we can do a credible job." However, since

1 They were: Jim Faurot, Bob Ream, Hans Zuuring, Dick Shannon, and Bill Milton.

2 Larry Whitfield, memo to the Record, 14 July 1975. National Forest personnel at the meeting included Keith Thompson, Ray Karr, Larry Whitfield, and Wambach and Shannon.


4 Wambach letter to Judge, 10 July 1975. Wambach files.
there was never any real question of Wambach not doing the study, Wambach continued, "I can undertake the study; with a reasonable expectation of making a worthwhile contribution." ¹

The letter in response to Senator Metcalf's two requests was similar. Wambach noted the "time and resource constraints"² and unsuccessful efforts at obtaining a helicopter. But "at the very least (in the Bolle tradition) we intend to give it our best shot."³

While Wambach was not known as a Wilderness afficionada, he had some exposure to Wilderness areas in the state and had formulated an image of what constituted Wilderness. Like many professionals in the field of Forestry, he had reservations about formulating objective criteria for defining Wilderness, but he believed he recognized it when he saw it. Some of these visceral criteria had been formulated in his travels in the Bob Marshall, the Selway-Bitterroot, the Spanish Peaks, and the Anaconda-Pintler. Furthermore, Wambach had previous experience with some of the areas specified in S-393. He had served on an arbitration panel involving the Forest Service and the

¹ Ibid.
² Wambach letter to Metcalf, 10 July 1975. Wambach files.
³ Ibid.
Burlington Northern pertaining to a portion of the Porcupine portion of the Hyalite-Porcupine-Buffalo Horn. Also, he had been in the Sapphire and the Elkhorn areas.

Wambach's first in depth exposure to S-393 consisted of the Forest Service briefing book. Briefing books are prepared by the Agency to aid their personnel in testimony at legislative hearings. Contained with the briefing book for S-393 were the maps of the nine areas. Wambach's first reaction was incredulity at the crudity of the boundaries. They were one-quarter of a mile wide sketched with a felt tip marker. This sensitized Wambach to the possibility that some of the land within the boundaries might not be as pristine as he would expect in the Wilderness bill.

On the fourteenth of July, 1975, Wambach received from the Regional Office the statements presented at the S-393 hearing of Chief McGuire, Larry Blaising (refined), and Doug Scott, (which had been presented by Bob Curry). These contained the annual allowable harvest figures which were left unresolved at the end of the hearing.

With these in hand, the objectives that Wambach distilled from the three letters from Metcalf and Judge were:

1) An assessment of the aggregate impact on the programmed annual allowable harvest if the bill passed.

2) An assessment of the procedure for arriving at the Moose Creek timber sale decision as well as of the decision itself.
3) The impacts on local economies due to a reduction of the programmed annual allowable harvest.

4) An assessment, primarily for Judge, of the political viability of the bill.

5) Completion and submission of the report by Labor Day.

A strategy was soon developed. Wambach and Dr. Richard Shannon would examine all nine areas. Only portions of areas that they judged to contain some operable timber and requiring better data than provided by the Forest Service were to be recommended for field work. Wilderness Institute students would gather timber inventory data from those areas under the supervision of Hans Zuuring, mensurationist, who would also process the data and prepare a summary paper. This paper would be used by Wambach in his own analysis to meet objective one. After closer examination with Dr. Irv Schuster, a resource economist with the School of Forestry, Wambach decided that, given the time and money constraints, objective three was infeasible. Wambach, in his field studies with Dr. Dick Shannon, would solely meet objectives two and four.

A final consideration was that neither the quality nor the conclusions of the report should hurt the reputation of the School of Forestry. That the reputation not be denigrated was paramount to the extent that it became an objective.
While the commitment to do the study had been made, requirements of protocol with the Forest Service had been met, and the responsibility for various components of the study had been delegated, the question of financial support was not yet resolved.

The failure to obtain a free helicopter kept recurring. Actually, its availability was not crucial to the study. After being turned down by both Metcalf and Judge, who had in effect told Wambach to do the study, the helicopter situation was symptomatic of the degree to which the burden had been shifted to Wambach. Conservationists had been the initiators of the study, and both Metcalf and Judge had promoted it to bail out of a political hotspot, yet none responded with help when it came down to the bottom line. Wambach knew that the Forest Service was going to provide fixed wing aerial flights for the Elkhorns, Big Snowies, and the Little Belts even before his pursuit of a helicopter was abandoned as fruitless.

Communications with the Offices of various supervisors, whose Forests contained areas listed in S-393, were made so as to arrange examination of the procedure for determining the annual allowable harvest contributions. This later process is far more complex than is often realized.¹

¹ There is tremendous interforest variation, due to variation in the intensity of data collection and the sophistication of analysis, both of which are used to calculate the annual allowable harvest at the Forest level resulting in figures from the various Forests of substantially different accuracy and precision. Generally, those Forests containing the better sites (in the northwest) have more
Wambach was surprised when he discovered the circumstances under which the Lewis and Clark Forest had determined annual allowable harvest figures for the Senate hearings of S-393 for the Middle Fork Judith and the Big Snowies. While compiling the briefing book for S-393, the Regional Office had telephoned the Lewis and Clark Supervisor's Office and requested the annual allowable harvest figures for those two areas. The Lewis and Clark personnel responded that they didn't know the figures or even have the capability of readily determining them. The Region responses: "that was alright, but if you don't determine figures..., we'll determine them for you." After a brainstorming session, the Forest submitted figures.

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intensive data and more sophisticated analysis than those in the eastern portion of the state, which are more range oriented. This is not to criticize the eastern Forests management. Since the proportion of timber they sell relative to even crude estimates of their annual allowable harvest is small, more precise calculations would be economically irrational. Another cause of interforest variation of precision of annual allowable harvest figures is the differing ages of each of the Forests timber management plans, which are redone every ten years.

1Related by Wambach during personal interview, October 21, 1975. Although it had no lands in S-393, the Flathead Forest provides an interesting contrast. The total contribution for all New Study Areas was determined by calculating the annual allowable harvest for the Forest using TIMBER RAM twice, once with the New Study Areas and once without them. The difference of the two figures was the contribution of the New Study Areas. TIMBER RAM is the computer software for an elaborate and versatile annual allowable harvest calculating technique. The reason for calculating the New Study Area contribution by difference rather than by simply calculating their annual allowable cut was to account for the Allowable Cut Effect. This effect implies that the sum of the quantities of annual allowable harvests calculated for two or more entities will be less than or equal to the quantity
A second dimension of the problem became manifest when Wambach found himself caught in an intrabureaucratic squabble between the Timber Management staffs of the Regional Office and the Beaverhead Forest. The crux of the squabble was the applicability of the potential annual allowable harvest and the programmed annual allowable harvest to determine impacts of the bill.\(^1\)

The Regional and Beaverhead Supervisor Offices staffs agreed that the potential annual allowable harvest for the West Pioneers was twelve million board feet and the programmed annual allowable harvest was between four and eight million board feet. The Forest personnel wanted to use as the impact of studying the West Pioneers the programmed annual allowable harvest figure, while the Regional personnel wanted to use the potential figure, which was larger. Wambach calculated for them all together, all assumptions being identical. The equality holds if the distribution of size (or age) class strata are identical in each of the entities.

\(^1\) The former is what the annual allowable harvest could be if certain temporary assumptions were removed and, funding corresponding appropriation requests were met. The programmed annual allowable harvest is a good approximation of what is advertised for sale. The sum of the programmed annual allowable harvests for the Forests in Region One is 1.1 billion board feet or 61\% of the potential annual allowable harvest of 1.8 billion board feet. The ratio of the two varies for each Forest. The programmed annual allowable harvest, as an indicator of the quantity of stumpage available for sale (not necessarily purchased), would be a good indicator of the impact of S-393 during the seven year study period. If the areas were classified as Wilderness, then the potential might be a better indicator of the impact on the quantity of stumpage offered for sale.
chose not to make a decision simply on this basis. Rather, he identified seven areas within the Beaverhead in which Zuuring and the Wilderness Institute were to collect data.¹

Hans Zuuring, a mensurationist, designed the timber inventory study. Data was gathered by students involved with the Wilderness Institute. The short time allowed, the lack of funds, and the relatively untrained student help made Zuuring's task particularly difficult. The timber inventory was specially adapted for the rather unusual nature of the study. All nine areas in the bill were examined by Wambach and Shannon and only those areas judged to contain some operable timber and requiring better data than that provided by the Forest Service were chosen for field studies. These consisted of seven areas within the West Pioneers and two areas within the Sapphires. Eighty sample points were taken in and applied to 15,000 acres in the former and seventy-five were taken in and applied to 4,900 acres of the latter. The productivity and volume calculations for the West Pioneers were extrapolated, on the basis of species stratification, to the remaining 9,000 acres of operable timber acreage within the West Pioneers.

¹Ibid.
Zuuring's Conclusions

<table>
<thead>
<tr>
<th>Area</th>
<th>Production/year</th>
<th>Standing Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sapphires</td>
<td>$0.445 \times 10^6$ bf</td>
<td>71 mmbf</td>
</tr>
<tr>
<td>West Pioneers</td>
<td>1.693 mmbf</td>
<td>256.6 mmbf</td>
</tr>
</tbody>
</table>

These conclusions were not used directly by Wambach, rather they were used to reassure Wambach of his own judgment in recasting Forest Service data.

The Report

Wambach pointed out that his report consisted of four parts, which were:

1) Collecting and compiling all existing information about the nine areas.
2) Intensive aerial and reconnaissance (by airplane and helicopter) of all nine areas.
3) Extensive ground checking on foot, horseback, and by automobile; and consultations with knowledgeable local people.
4) Tree volume and growth measurements on sample plots in the field; followed by computerized analysis and summary.

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"While the initial intent of the study had been to evaluate the reduction in the annual allowable cut that would result from the passage of S 393.... [Wambach continued] that the central question could not be properly addressed without giving due consideration to... other interrelated factors..."¹ Wambach conceded that his treatment of the former was objective and the latter was subjective. The first two of ten conclusions were that "passage of S 393 would not have any serious impact on timber supplies in Montana.... even less than estimated by all groups at Senate hearings and that the timber site quality was very low."² This was Wambach's response to the narrow interpretation of Metcalf's mandate. However, Wambach continued by concluding that the various boundaries were "drawn in an unreasonable and indefensible way.... and that most of the land does not have high potential for inclusion in the Wilderness System."³ These four conclusions led Wambach to the fifth conclusion which was that an intermediate alternative to the category of Wilderness was needed.

Conclusions numbered seven and eight were that of all the areas in the bill, only the two New Study Areas plus the Monument Peak Roadless Area should be given the New Study Area status. Conclusions

¹ Ibid., p. 3.
² Ibid., p. 4.
³ Ibid., p. 6.
### TABLE 13

**REDUCTION IN ANNUAL ALLOWABLE CUT (mmbf)**  
(estimated)

<table>
<thead>
<tr>
<th>Study Area</th>
<th>USFS</th>
<th>Curry</th>
<th>Blasing</th>
<th>School of Forestry</th>
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<tbody>
<tr>
<td>West Pioneer</td>
<td>12.0</td>
<td>10.5</td>
<td>13.0</td>
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<tr>
<td>Taylor-Hilgard</td>
<td>1.0-3.0</td>
<td>5.7</td>
<td>?</td>
<td>1.0</td>
</tr>
<tr>
<td>Bluejoint</td>
<td>0.1-0.2</td>
<td>2.9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Elkhorn</td>
<td>1.5</td>
<td>4.2</td>
<td>?</td>
<td>1.5</td>
</tr>
<tr>
<td>Sapphire</td>
<td>3.7-5.0</td>
<td>4.2</td>
<td>5.0</td>
<td>2.4</td>
</tr>
<tr>
<td>Ten Lakes</td>
<td>3.2</td>
<td>2.9</td>
<td>?</td>
<td>3.0</td>
</tr>
<tr>
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<td>2.6</td>
<td>2.6</td>
<td>?</td>
<td>2.0</td>
</tr>
<tr>
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<td>2.6</td>
<td>2.7</td>
<td>2.6</td>
<td>1.0</td>
</tr>
<tr>
<td>Hyalite-Porcupine-Buffalo Horn</td>
<td>3.6</td>
<td>3.4</td>
<td>?</td>
<td>2.5</td>
</tr>
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<td>30.3-33.7</td>
<td>39.1</td>
<td>34.1</td>
<td>18.4</td>
</tr>
</tbody>
</table>


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six and nine were that the "current Forest Service planning process in Region One is both legitimate and effective.... and that the Moose Creek sale was based on a rational decision". [1]

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[1] Ibid., pp. 9, 12.
Wambach chose to deliver the report directly to Senator Metcalf in Washington, D.C. It was to be simultaneously delivered to Governor Judge and released in Missoula on October first. Wambach hand delivered the report to Teddy Roe, who then briefed Senator Metcalf. The Senator's response was to call a press conference, at which Wambach was to discuss the report. As Chairman of the sub-committee in which S-393 was under consideration, Senator Haskell was invited. Haskell was briefed by Metcalf concerning the Wambach report while they were walking to the site of the press conference. Haskell noted, "'well I guess you realize that this kills your bill', to which Metcalf replied 'if what Wambach says is correct, then it deserves to be killed.'"1

Since this was the first press conference that Metcalf had called in his entire tenure in the Senate, Wambach perceived it as an honor as well as an opportunity. The press conference, despite short notice, was well attended.

After presenting his report, Wambach and Metcalf fielded questions. A representative of the National Science Foundation noted that backcountry sounded like a great idea and wondered why it hadn't been suggested previously.

1 cited by Wambach.
The Response

While the Wambach report was available from the School of Forestry on October first, the initial exposure for most Montana conservationists was through a newspaper article. Quotes from the Wambach Report comprised most of the article. The analysis was that while "[t]he first part of the study gave Wilderness advocates cause for satisfaction [that] this finding was immediately tempered by the further conclusion [of poor boundary delineation]."

The quotes from the report and the analysis were ominous enough, but the bottom line was Senator Metcalf's reaction. It was a bombshell. Metcalf said "he would reexamine the boundaries proposed in the bill and also re-evaluate whether some of the areas are inappropriate for a wilderness designation....He indicated a new study bill would probably still designate some wilderness, but with different boundaries while other areas would be placed in the new classification suggested by the university."\(^1\)

This, the first inkling of the contents and impact of the report, accelerated the rate at which most advocates of S-393 obtained copies of the report.

\(^1\) Doug Lowenstein, "Metcalf changing mind on wilderness proposal", 'Great Falls Tribune', 2 October 1975, p. 9.

\(^2\) Ibid.
A week later, an article appeared which comprehensively summarized the report. It noted that "[Wambach] has concluded in a long-awaited report that most of the nine areas proposed for wilderness study under the Montana Wilderness Study bill (S-393) are suitable neither for timber production nor for wilderness."\(^1\)

Since Wambach was in Saudi Arabia, he was not quoted.

The reaction to the report and the two articles among local conservationists was one of shock, chagrin, and anger. While they expected and were even happy about the annual allowable harvest contribution conclusions, the components which dealt with the potential for wilderness classification and wilderness quality were particularly irritating. First, those components were totally unexpected. Second, the nature of the conclusions were opposite theirs. The first inclination was one of retribution. Metcalf responded to the conservationists' concerns and defended Wambach.

Let me stress at the outset that no hard and fast decisions have been made as a result of Dean Wambach's recommendations.... I requested the Dean's best judgment in this matter. He is an outstanding Dean of an outstanding School of Forestry and I respect his judgment.\(^2\)

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Don Schwennesen, "Wambach Report Discourages S.393's Passage", "Missoulian", 9 October 1975, p. 1. Despite the fact that it was more correctly the Wambach-Shannon Report, it was irreversibly and politically labeled the Wambach Report in this article and will hereafter be referred to as such.

Several Montana conservationists sent a mailgram to Senator Metcalf. They were concerned about the impact of the Wambach Report on S-393 and about the validity of the Report. This tone of Metcalf quickly eliminated that tactic. Within a week, the strategy for the proponents of S-393 was obvious: Accept graciously, even embrace, the conclusions of the Wambach Report concerning annual allowable harvest conclusions.

This strategy was illustrated in the first local newspaper article about the report. For example, Doris Milner "said the study has 'removed a large roadblock' because 'the big question' standing in the way of the Montana Wilderness Study bill 'was the timber volume'...". Don Aldrich, Executive Secretary of the Montana Wildlife Federation said "'When Wambach was dealing with facts and figures, he did an excellent job,...". The second portion of the strategy was to not defame Wambach, his report, nor the School of Forestry, but to note that his assessment of Wilderness quality per se was admittedly subjective and had been so conceded by Wambach in his report. This was exemplified by Don Aldrich noting that "'He Wambach might think wilderness is one thing and others might think that it's something else'". The

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2 Ibid.
3 Ibid.
gist of these comments on Wambach's report was that he had mistakenly used spectacularness and scenic beauty as criteria for wilderness quality.

Two days later, another article, also by Schwennessen, appeared based on interviews with three representatives of the lumber industry. Gary Tucker, of Hoerner Waldorf, Larry Blasing of the Inland Forest Resources Council, and Royce Satterlee of Stoltz Land and Lumber Company constituted a reasonable sample of the industry. The latter two had testified at the subcommittee hearing in May of 1975 against the Montana Wilderness Study bill. Again there was remarkable uniformity in the comments. Satterlee said, "'[I]t appeared the dean didn't see things too much differently from the way I saw them.'"¹ "'Basically, I thought it was a pretty good report.'"² noted Gary Tucker. Larry Blasing, who had organized industries testimony at the hearing in May of 1975, said that "'From a land management standpoint it was probably fairly objective'....'We by and large can't disagree too much'".³ However, it soon became apparent that there would be disagreement concerning the annual allowable harvest

² Ibid.
³ Ibid.
figures developed by Wambach. "Blasing and the others contacted said they want to check the Forestry School's calculation methods to decide (in Blasing's words) 'whether or not their inventory is any better' than those of the Forest Service."¹

Satterlee had a particular interest in the West Pioneers because of its proximity to his firm's mill in Dillon and said, "'I just fail to see how the School of Forestry could arrive at a production estimate of only 5 million board feet per year in the area.'"² He then used some of the Dean's data and explained that if by management proper spacing was provided, those plots would produce 9,000 board feet per acre in seventy years. He further noted that if 13,000 acres of the 160,000 acres were productive, that the total annual production would be 13,000,000 board feet. Interestingly enough, this was precisely the potential annual allowable harvest figure championed by the Regional Office in their battle with the Beaverhead Forest.³

¹ Ibid.
² Ibid.
³ It should be noted that a production of 9,000 board feet per acre in seventy years corresponds to between 15 and 30 cubic feet per acre per year. The statutory minimum established for Commercial Forest Land in the Multiple Use Sustained Yield Act is twenty cubic feet per year. Furthermore, the probability of 81% of the West Pioneer being considered Commercial Forest Land is small. Approximately 40% of National Forest land in Montana is C.F.L.
Wambach was requested to explain and elaborate on his report by two separate groups. The first such meeting was with Larry Blasing and other industry figures. The meeting took place at a committee meeting of the Chamber of Commerce. The discussion focused on Wambach's timber data and analysis. While Wambach was at an advantage, as he had more timber data than anyone.\(^1\)

The second meeting was public and sponsored by the Wilderness Institute. It was held the evening of November fifth on the University of Montana campus. Bob Ream opened the meeting and reemphasized the nonadvocacy status of the Institute. Nevertheless, proponents of the bill, Wilderness Institute workers, and some long time enemies from the University faculty attended in force. Wambach, just back from Saudia Arabia, was relaxed and casual. He portrayed the image of one who was stressing new projects rather than dwelling on those of the past. He opened by dispensing kudos to the field teams from the Wilderness Institute and noted that "they weren't happy with the conclusions, but they didn't break ranks". He very briefly explained the background, field work, and final report. The questioning that followed fell into two broad categories; background of the study; and the methodologies used. Most questions of background focused on the extent of the mandate of the study and whether Wambach had

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Larry Blasing, 7 January 1976.
exceeded it. The nature of the questions about methodology started with timber inventory and then quickly shifted to the nature of the Wilderness quality assessments. This broached the only revelation from Wambach that wasn't explicit in his files, the report, or any previous reports in the press. Doris Milner asked what Wambach meant by the phrase "'does not have high potential for inclusion in the Wilderness System.'" It had been obvious that this had been interpreted as an assertion by Wambach that the areas had low Wilderness quality. However, Wambach said the phrase meant political potential for inclusion within the Wilderness system. Furthermore, he noted that it was used consistently in the report. The implication of this interpretation of the statement was tremendous. Much of conclusion four of the report had been interpreted as being a conclusion that the areas were of low Wilderness quality. This misinterpretation was understandable. What Wambach said was that the low Wilderness quality, primarily due to nonconforming uses, had been used as the rationale for stating that the areas in the bill had a low probability of becoming classified as Wilderness.

Wambach had every reason to believe that his and Dr. Shannon's report would relegate S-393 to the ashheap. What he also knew in

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Personal notes of meeting.
proposing pseudo wilderness was that it might also resurrect, like a phoenix, an old controversy—Backcountry.

**Boundary Revisions**

On October tenth, the Senator wrote a thank-you note to the staff and students of the Wilderness Institute. "I am appreciative of the hard work expended in gathering a factual data base upon which to make policy recommendations. I hope it was a useful educational experience for the students involved, not only in applying the tools they have been acquiring in the School of Forestry, but in watching the raw data fashioned into a subjective report."¹

Ream responded to the Senator's note and also elaborated on the Institute's role in fashioning the report. In noting the dual nature of the report, Ream observed "although the Dean's estimate of the allowable cut results from a sketchy inventory, it represents the most accurate data currently available."² The Dean's prerogative and expertise to evaluate Wilderness quality was defended, but it was further noted that "any decision about Wilderness quality must be based on a thorough study, diverse opinion and extensive dialogue.

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¹ Lee Metcalf, letter to Wilderness Institute, 10 October 1975. W. I. files.

The study of the wildland resource proposed by S-393 could provide such a forum for participation."¹ The Institute differed with the Dean concerning the sufficiency of the Forest Service planning process as to wilderness. Ream noted that "all of the areas in S-393 are scheduled for some form of development -- several of the areas will never be given a comprehensive wilderness study before their wild attributes are eliminated."² If Metcalf felt this situation was undesirable, then Ream recommended one of two alternatives: passage of the bill or "an immediate administrative moratorium on all non-conforming uses pending comprehensive wildland planning for the nine areas."³ Ream concluded by emphasizing that the letter was "not intended as a criticism of the Dean's analysis..." and concurring with the Dean on the necessity of an intermediate category.

Within three weeks, the Senator informed the Wilderness Institute that "further conversations with Dean Wambach had suggested that we can reach a meeting of the minds whereby S-393 will be permitted to go forward.

The Dean's principal concern is that a wide range of non-wilderness options be examined in any study of the nine areas."⁴

¹ Lee Metcalf, letter to Wilderness Institute, 10 October 1975.
W.I. files.

²Ibid.

³Ibid.

⁴Lee Metcalf, letter to Wilderness Institute, 26 November 1975.
W. I. files.
Given this chance at second life, the conservationists lost little time in modifying the boundaries to emeliorate the criticisms leveled by Wambach. Wambach was of course a participant in the negotiations, but not in the actual refinements that occurred. Following is a verbal description of the boundary refinements that transpired.

The West Pioneer boundary was moved north away from the Rainy Mountain ski facility on the southwest perimeter of the area. On the west, the boundary was moved to the west to include more wilderness values and to more closely correspond to the original roadless boundary. The net effect was to reconsider 10,000 acres with a net enlargement of 8,000 acres.

The boundary of the Taylor Hilgard was completely changed in the vicinity of the Taylor Creek corridor due to past lumbering on five sections of private land. It resulted in a decrease of 12,000 acres. On the southeast corner, 14,000 acres were removed to decrease potential conflict with the proposed Ski Yellowstone development and to eliminate old logging roads. Other refinements resulted in a net decrease of 44,839 acres.

The Bluejoint boundary was enlarged to the east to include 20,000 acres of additional roadless area.

The Sapphires were modified on the east to eliminate two groups of timber cuttings of 13,000 acres. Two thousand acres were added on the west.
The Elkhorn boundary of April, 1974 was modified prior to the House hearings and was simply redrawn. This had resulted in a decrease of 6,000 acres. No new acreage was considered.

Ten Lakes boundary was redrawn. Localized acreage changes were small.

Seventy-five percent of the perimeter of the Middle Fork Judith was modified with only the southeast portion unchanged. The southwest portion of the April 1974 boundary had coincided with the inventoried roadless area boundary. This was later found to have included old timber harvests. The boundary was moved north in this area to exclude the timber harvest areas, resulting in a 7,000 acre decrease. On the north, the boundary was extended to correspond to the original inventoried roadless boundary, which resulted in a 11,000 acre enlargement.

The Big Snowies boundary was modified in two locales; A portion of the trail up to Big Snowie Mountain was excluded along the east boundary; Like the other Lewis and Clark Forest area, the original inventoried roadless area had contained several old timber cutting units. These were eliminated.

The Hyalite-Porcupine-Buffalo Horn was modified on the east by the elimination of 6,000 acres. Other refinements resulted in all cutover areas and existing roads being eliminated.
The acreages of both the old and the refined boundaries were measured by planimeter.¹

Due to boundary modifications, 73,000 acres that had been included in the April 1974 study area boundaries were excluded and 44,000 acres that had not been in the bill, but that was generally inventoried roadless acreage were added. The net change was a decrease of 29,000 acres. Lands totalling more than ten percent of the final proposed study acreages had been either excluded from the April, 1974 boundaries or included from other contiguous lands. Much more significant than the acreage shifts however, was the elimination from the boundaries of development thought to be conflicting with wilderness suitability criteria.

Wambach had been following this refinement policy closely, primarily through the efforts of Bill Cunningham. After reviewing the boundary refinements and discussing the process with Cunningham, he chose to support an amended bill. Wambach noted that "serious questions were... raised as to the defensibility of the study boundaries and to the political feasibility of wilderness classification for most of the study areas....While these suggested boundaries

are by no means perfect, it is my belief that they are much more appropriate for serious land use study."¹

Library of Congress Backcountry Report

The suggestion by Wambach for Backcountry was responded to by Metcalf. He asked the chairman of the Subcommittee on Environment and Land Resources, Haskell, to request a report from the Congressional Research Service. Haskell's letter reduced to four questions in the form of assessments:

1) "Similar land classification programs involving "backcountry""
2) "Previous efforts to establish an intermediate category—"backcountry"—between Wilderness and Multiple Use."
3) "Advantages and disadvantages of creating a "backcountry" category."
4) "Various policy options the Subcommittee may consider."

The author of the report was Robert E. Wolf, Assistant Chief of the Environmental Policy Division, in the Congressional Research Service. The Congressional Research Service is not nonpartisan.

For example, when the Forest Service was considering moving the Regional Office from Missoula in a consolidation program in 1973, Senator Mansfield asked for a report from the Congressional Research Service. However, he explicitly stated that he did not want any arguments that supported the decision and all arguments that supported his contention that the office remain in Missoula.1

Upon release of the report, it became evident that Wolf's report was not a comprehensive treatment of backcountry, but rather a response to a narrow interpretation of Wambach's rationale for Backcountry.2

After a short review of Wambach's report, Wolf quoted from Wambach's fifth conclusion:

Under the present system, wildlands must either be classified as Wilderness (with a capital W) or they are not wilderness and they are, therefore, subject to any and all kinds of developments. There is a real and obvious need for some intermediate category, and many of the areas specified in S-393 would ideally fit into this new category3

Wolf asserted that this quote stated "the alternatives too simplistically."4 The basis of his assertion was largely contained in an eight page history of Forest Service Planning.


4 Wolf, "Summary", p. 3.
Wolf's thesis was that in the controversy surrounding the passage of the Multiple Use Sustained Yield Act, the primary or dominant use interpretation had been discarded in favor of the Dana-McArdle approach. The mandate of the Multiple Use-Sustained Yield Act, that the productive resources were not to be impaired in conjunction with its flexibility, was indicative of the desire that rigid administratively designated land use allocations would not be made. The Wilderness Act, in contrast, recognized that Wilderness designations would eventually be precluded if the land were managed under a multiple use framework. Therefore, a nondevelopable land allocation, albeit not for a single use, could be made if and only if it were statutorily rather than administratively designated. Wolf assumed that Wambach's conception of backcountry would not be precluded in an area because of prior extensive Multiple Use management. On this basis, Wolf seemed to argue against Congressional efforts at securing a backcountry law.

Wolf then discussed the four questions directly posed in Haskell's letter. He noted that the primitive system, the Boundary Water Canoe Area in its earlier stages, and even the management of some California National Forests for two decades had constituted administrative classifications similar to backcountry. Wolf noted in response to the second question that the original Aiken Eastern
Wilderness bill, the National Wild and Scenic Rivers Act, and the National Trails Act were similar to what might be expected of backcountry legislation. Then he rather elliptically referred back to the historical portion of the report and noted that the Multiple Use-Sustained Yield legislation does not preclude the administrative designation of backcountry.

It was in his response to the third question that Wolf shed his cloak. "The issue is whether the agency is substantially meeting its obligations under the Multiple Use-Sustained Yield Act and the Wilderness Act. What is proposed is a category which leads inevitably, to other specific categories until finally the National Forests are carved into precise units of fixed uses." This linking of Wambach's backcountry proposal with the dominant use interpretation of Multiple Use may have been unfair, but it was certainly its deathknell for the present.

Another criticism by Wolf was that Wambach linked the backcountry potential of an area with low commodity value. Wolf claimed this was contrary to the spirit of Multiple Use.

**Metcalf's Amendments**

There were three amendments proposed by Senator Metcalf during markup of the bill. First of course, were the amended boundaries.¹

¹U.S., Congress, Senate, Providing for the study of Certain Lands in Montana to determine their suitability for Wilderness, S. Rept. 94-1027 to Accompany S. 393, 94th Cong., 2nd Sess., 1976.
Second, the language of Section 3a was amended to allow the continuation of motorized vehicular use. This was the amendment that had been decided upon by Senator Metcalf prior to the May 1975 hearings at the request of the snowmobilers. The original language "be administered... in accordance to the provisions of the Wilderness Act governing areas designated by that Act as wilderness." was changed to "... be administered... so as to maintain their existing wilderness character and potential for inclusion in the National Wilderness Preservation System." Third, the Mount Henry Area was added to bring the number of study areas to ten.

Representative Melcher's Role

On June 23, 1976 the Montana Wilderness Study bill as amended was passed out of the Senate Committee on Interior and Insular Affairs with a due pass recommendation. However, the bill was not voted on by the full Senate until July 22nd. Mansfield, rather than Metcalf who was not on the Senate floor, got the bill passed. This sent the bill to the House subcommittee on Public Lands of the House Interior and Insular Affairs Committee. Its chairman was a Montana

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1 Ibid.

2 Ibid.
Congressman, John Melcher. However, the same day, Mansfield also had the bill vitiated (i.e. returned to the Senate). This action went largely unnoticed, at the time, in Montana.¹

In fact, it was at Melcher's request that the bill was vitiated. The reason was, in political terms, simplicity itself. Melcher was running for Mansfield's Senate seat which would be vacated at the end of the Ninety-fourth Congress. He didn't want the heat that would go along with House hearings in his subcommittee so close to the November elections. So, "[Melcher] secured Metcalf's agreement to hold S. 393 in the Senate, because of support Melcher had given to other Metcalf bills... but on July 22, Mansfield, not know of the agreement, and with Metcalf absent, got the bill passed."² Melcher then explained the agreement to Mansfield, who got the bill returned to the Senate. When the bill finally came to the House on August twenty-third, Melcher could reasonably argue that there was not sufficient time to act on it.

By August of 1976, it was obvious Melcher had to act on some Wilderness proposal, preferably in the Western Congressional District. He had held hearings on the Great Bear on June 22, but it was


² Ibid.
expected that that bill would be passed. In August he contemplated amending the Great Bear from a study bill back to a Wilderness classification bill. This would have been a high risk strategy, so his choices were limited to S-393. His decision was to extract just one area from the bill, the Elkhorns, and act on it. The tactic was a careful choice. The area was in the western part of the state (although east of the continental divide), reasonably close to most of the 'wilderness votes', particularly those Melcher needed from the Western District. Second, the development plans for the area were under administrative appeal, so dedication of the area as a study area could not be construed as obstructionist by most of the commodity clientele. Third, and most important, there was an incredibly strong local interest group - The Friends of the Elkhorn.

Melcher announced hearings for the Tizer Basin area and scheduled them for Labor Day, 1976.

Rather than hold the hearing in Washington, Melcher chose to hold it in Helena. In announcing the hearing, "he didn't even note that it was for the Elkhorn Wilderness Study area in the Montana Wilderness Study bill, but rather referred to it as the Tizer Basin issue."  

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2 Interview with Cliff Merritt.
Melcher opened his statement by noting that "The 'Montana Wilderness Study Act of 1976' which has undergone Senate studies and hearings in Washington for over a year and passed that body only two weeks ago." He then asserted that "The House had no opportunity to consider all aspects of this bill before Congress adjourns in early October." The aspect that Melcher considered most significant was that he considered passage of the bill equivalent to Wilderness classification "until and unless another bill changing the requirements is passed by Congress and signed by the President." This interpretation of the bill had been first offered by Martin Whalen at the Senate hearings. It was motivated by a reading of Section 3a of the Montana Wilderness Study bill which in part said "the wilderness study area designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as Wilderness." Given this interpretation, Melcher then argued that passage of the study bill was sufficiently significant that "in each of the ten areas, people in


2 Ibid.

3 Ibid.
Montana should have the opportunity to know what is being proposed and be able to testify or present their own views at public hearings held for their consideration."\(^1\) It would have been impossible to hold nine other hearings in the state prior to adjournment of Congress, Melcher immediately narrowed the scope of the hearing to the Tizer Basin area. He also solicited comment on the Forest Service plan for the area. The scheduling of the hearing indicated that if Montana proponents for the bill could show adequate support at the hearing, Melcher was going to get the Elkhorn area included in a Wilderness Study bill enacted in the ninety-fourth Congress. Second, his statement at the hearings indicated that it was the only area in the Montana Wilderness Study bill that he was going to so treat.

Therefore, the hearing encompassed two levels. The first level involved the Elkhorn area specifically and focused on the Forest Service plans for the area. In the planning process, the Forest Service had slated road construction into the Tizer Basin, the heart of the area, from the east to provide logging access. This would provide the mill in Townsend with access. Larry Blasing noted that "if we reclassify the Elkhorns as wilderness there could be serious
consequences to those mills dependent upon them." Mary Upton, of the Townsend Chamber of Commerce, and Leonard Thow a Townsend City Councilman, were both concerned that not following the Forest Service development multiple use unit plans would lead to local economic impacts.2

Rick Applegate, representing the Federation of Western Outdoor Clubs noted that for portions of the Forest Service plan, administration costs exceeded the estimated valuation of the timber produced. He pointed out one section which showed that timber valued at just over $6,400 [a year] would cost $27,600 [a year] just to prepare for in the way of the Forest Service plan. 'You lose $21,000 a year,' he said. 'This looks like a weak, challengeable action.' 3

The testimony of Applegate is not a new trend in Wilderness controversies. For example, during the Battle of Bunker Creek the economic inefficiency of logging was asserted by the opponents of the Bunker Creek sale. At the time, not even the Forest Service had enough data to show that it would not be a deficit sale. However, now the Forest Service is beginning to have enough data so as to be able to determine whether or not a particular development plan is rational.

1"Wilderness pros, cons lock horns over Elkhorns," Great Falls Tribune, 7 September 1976, p. 4, citing Larry Blasing.
2Ibid.
3Ibid., citing Rick Applegate.
Three of the four state legislators who testified were for the Elkhorn portion of the bill and against the Forest Service plans. Frank Dunkle praised the plan as committed to proper management of the nation's resources and attacked critics as those who say any development is bad. Dunkle's successor as Director of the State Fish and Game, Wes Woodgerd, noted that the department believed that the Forest Service plan was detrimental to wildlife.

The second level of discussion concerned the fate of the whole bill and the concept of Statutory Study areas. Elizabeth Smith spoke for the Montana Wildlife Federation and summed up the position of most advocates of the bill. "If we allow the Forest Service to have its way in the Elkhorns, while S393 has passed the Senate and is in the House subcommittee on public lands, what precedent are we setting for further agency raids on congressional intent, Montana and elsewhere?"

After the hearings, Melcher moved on the Elkhorn study area. It was included, in late September by amendment on a routine bill whose original purpose had been the Wilderness classification of sixteen National Wildlife Ranges originally intended under Section 3c

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1 Ibid.

2 Ibid., citing Elizabeth Smith.
of the Wilderness Act. Three of these, Red Rocks, Medicine Lake, and UL Bend were in Montana. The Elkhorns was included along with seven other Forest Service Wilderness Study areas, one of which was the Great Bear. There were also three Forest Service Entities classified as Wilderness. Two of these were *de facto* wilderness (i.e. - nonprimitive) entities.

The bill, which was an amalgamation of several bills, passed as Public Law 94-557 on October 19, 1976.

**Summary and Comment**

It was with the Ninety-fourth Congress that the controversy surrounding the Montana Wilderness Study bill became less distinguishable from earlier Wilderness related bills. Once hearings were held, the controversy focused on the merits of the areas in the bill for Wilderness and Wilderness study. The Senate hearings appeared to resolve all issues, except for that of impacts on the annual allowable harvests levels of the various National forests. Proponents of the bill had anticipated the issue and approached Wambach to study and estimate those impacts. Wambach declined.

A component of the timber industry, primarily smaller mill owners, had opposed the bill in the hearings. They, together with other millowners and a union representative, lobbied Tom Judge on the bill and other issues. Proponents of the bill also discussed the bill
with Judge. He shared with Metcalf the political assessment that the criticisms of industry had to be answered. However, the proponents of the bill judged that Judge's political response would be to oppose the bill. Therefore, to get Judge out of the hotseat, the proponents supported, even initiated, requests from Metcalf and Judge to Wambach to perform the study. Wambach accepted the mandate.

Given this background and subsequent events, it was inevitable that the Wambach study would be more general than originally proposed to or expected from Wambach by the proponents of the bill.

Wambach's study did support the proponents contention that the annual allowable harvest impacts were slight. He also supported an integrated study for the Hilgard and North Hilgard New Study Areas and the Monument Peak Roadless Area. This constituted most of the Taylor Hilgard area as delineated in the bill. Wambach also reinterjected three other dimensions into the controversy: The boundaries were poorly delineated and incorporated many developments incompatible with Wilderness study and eventual Wilderness classification; The boundary problem, compounded by others (most notably, political viability), suggested that statutory Wilderness Studies were inappropriate for the nine areas; That a "pseudo-Wilderness" designation was a necessary alternative for rational land use planning
and that most of the areas were more compatible with such status than with Wilderness classification.

The proponents of the bill (and perhaps Metcalf) responded to the Wambach Report by extracting from it what they needed - the objective component concerning the annual allowable cut impacts - and neutralizing the remainder of the Report. The first of Wambach's criticisms was ameliorated by boundary refinements for each of the nine areas. Wambach, who had never desired that the Wambach Report become high on his priority list, let alone draw him into the holy war surrounding the Montana Wilderness Study bill, approved of the boundary refinement process and concurred with the refinements. The boundary refinement and the additional controversy and resulting political support precipitated by the Report caused the second criticism to fade.

Regarding Wambach's third suggestion, it is unlikely that he was so naive as to be ignorant of the Forest Service's infatuation with backcountry and the strong Congressional denial of its legitimacy as epitomized in the Eastern Wilderness bill controversy. That demonstrated Congress' intent to broadly apply the Wilderness Act to a broad spectrum of undeveloped areas. The arbiter role of Congress had been guarded continuously, particularly with respect to what can be considered by Congress for possible Wilderness classification. The Library of Congress view that statutory pseudo-
Wilderness would not wash certainly reconfirmed that Wambach's third suggestion was incompatible with Congress' mood. However, this is not to imply that Wambach even attempted to read Congress, let alone misread it. Rather, it indicated that he had defined his role as, first and foremost, the Dean of the Forestry School.

Of course, passage of the amended bill (with ten areas) on the Senate side was less than half the battle. The timber impact controversy, of which the Wambach Report was a part, delayed passage of the Senate bill well into the Second Session of the Ninety-fourth Congress. This made support by either Montana Congressman, particularly Melcher, less than palatable. The choice of the Elkhorns from the ten areas in the bill was due to several factors. The Forest Service Elkhorn Planning Unit Environmental Impact Statement followed the messy and still unresolved appeal of the Moose Creek timber sale and the Moose Creek Planning Unit Environmental Impact Statement. So when the Elkhorn Environmental Impact Statement was appealed, Melcher chose to act. As such, it was a low cost and respectably high payoff political decision on his part. It can be inferred from Melcher's actions that the Forest Service planning and administrative appeals processes were not considered inviolate by Congress. As an individual case, the statutory designation of the Elkhorn as a Wilderness Study Area does not derail
the Forest Service Planning process with respect to Roadless Areas. However, it does serve to bring the Elkhorn controversy into a public forum where the issue will be decided on a less local basis.
CHAPTER EIGHT

THE NINETY-FIFTH CONGRESS (1977 - )

Introduction

Since only one of the ten areas of the Montana Wilderness Study bill passed in the Ninety-fourth Congress, it was to be expected that it would be reintroduced in the Ninety-fifth Congress. It is important to consider the significant changes that occurred in the Montana Congressional delegation. Mike Mansfield, a Senator who had proven to be an inestimably powerful ally to Senator Metcalf, had retired. He was replaced by the former Eastern District Congressman, John Melcher. Melcher was in turn replaced by Ron Marlinee whose attitudes concerning Wilderness legislation were relatively unknown. Max Baucus remained as Western District Congressman. To compound the uncertainty inherent in this situation of flux, Metcalf was to retire at the end of the Congress. The likely replacement is Max Baucus.

Senator Metcalf's Role

It was essential for the Montana Wilderness Study bill to receive early treatment so that it did not face severe time constraints on the House side. Senator Metcalf did not waste any time.
On December 26, 1976, he announced that he would reintroduce the bill. His posture was more aggressive than that of his administrative assistant, Teddy Roe, had been prior to the Ninety-third Congress. Metcalf noted that industry viewed "the study bill as an intrusion on their opportunity to exploit any part of the national forest they wanted to exploit....Industry is all hopped up about any sort of program which will keep them from exploiting every bit of national forest everywhere in America.... Industry has no concept of doing anything in the national forest except, cut, cut, cut, slash, slash, slash, clean cut and go away."\(^1\) The bill would have the same areas as the Senate bill of the previous Congress, except for the Elkhorns. In contrast to that bill, the powerline corridor that had been provided through Ceder Creek drainage in the Taylor Hilgard proposed study area was removed. The inclusion of the corridor in the bill of the Ninety-fourth Congress just after the Wambach Report had been to reduce opposition to the bill from the Big Sky resort. Metcalf obviously felt that this concession was no longer necessary for passage of the bill.

Metcalf argued that concerns about employment impacts in the timber processing sector were unwarranted. He noted that in the

\(^1\) Thomas Kotynski, "Metcalf: study bill misunderstood", Great Falls Tribune, 26 December 1976, p. 28.
previous four year period, Region One timber sales constituted only 51% of the annual allowable harvest. He concluded that "there is unemployment in the logging industry, but it isn't because timber available on the national forest to cut. It's because there is a wrong headed attitude toward the housing industry."\(^1\) He also noted that the Forest Service didn't have adequate funds to prepare timber sales. Metcalf had earlier and more strongly than ever before begun to "warm up the bill".

On January 21, 1977, Metcalf announced that he would reintroduce the bill in the Ninety-fifth Congress. Teddy Roe said, "we've been waiting for the same number to come up."\(^2\) It was suggested that the Forest Service planning was biased toward undeveloped alternatives for Roadless Areas. Wilderness or New Study Areas are not part of the base for the annual allowable cut calculations, in contrast to Roadless Areas. Therefore, prior to the planning study, timber must be cut at a disproportionate rate off the remainder of the entity for which the annual allowable harvest is based. This phenomenon would accentuate the reduction in the annual allowable cut, if the Roadless Area were then designated as a New Study Area.

\(^1\) Ibid.

\(^2\) Don Schwennesen, "State Wilderness Study Bill to be Reintroduced in Congress". Missoulian, 23 January 1977, p. 9.
Metcalf lauded Senator Melcher for his role, while in the House, of facilitating the Elkhorn areas inclusion in Public Law 94-557 as a Wilderness Study Area. He was also conciliatory toward the field personnel of the Forest Service, emphasizing that his criticisms were directed at the Washington level. On January 23, 1977, the number that Roe had been waiting for came up and the bill was introduced as S-393.
CHAPTER NINE
SUMMARY, ANALYSIS, CONCLUSIONS

The question of how the Montana Wilderness Study bill fits historically into the evolution of preservation of undeveloped areas has a straightforward answer. That answer, that it was a Congressional response to the administrative Selection of New Study Areas from Roadless and Undeveloped Areas (S-NSA-RAUA), was explicitly stated in the introductory remarks for the bill. However, a fuller perspective is provided within the context of the historical evolutionary periods delineated by Duffield. It is obvious that the preservation of undeveloped Federal lands has involved a balancing of legislative and administrative powers.

The selection of areas by the preservationist drafters of the bill requires an understanding of the process prior to as well as after the passage of the Wilderness Act. It was the administrative designation of 10 primitive areas in 7 entities in Montana that formed the basis for much of the subsequent controversy. These entities were islands of primitive areas within a shrinking sea of undeveloped land. During this (the administrative) era, preservationists attempted to designate as wilderness those shrinking fringes and designate new wilderness entities. A necessary
condition for those efforts was passage of the Wilderness Act in 1964. That Act only mandated that the Forest Service study the primitive areas. The remaining 173 million acres of Forest Service nonprimitive lands were not explicitly treated in that Act. This resulted in the dual standard between Interior and Agriculture.

In the first generation of this legislative-administrative era, the agency attempted to formulate a policy for the study of the primitive areas, the difficulty of which was compounded by the concurrent deluge of preservationist Wilderness proposals for non-primitive areas. In all cases, the latter proposals were precipitated by Forest Service development plans. The era has been characterized by the attenuation of the dual standard of the Wilderness Act. The first generation was characterized by preservationist initiated and performed inventories, formulating of Wilderness proposals and Congressional consideration of those proposals.

The second generation was the Forest Service (administrative) response. An effectiveness cost approach was used by the Forest Service to select Wilderness Study Areas from inventoried Roadless Areas. A conclusion of this thesis is that the selection process was far more visceral than generally recognized. As in the primitive area designations, the lower echelones of the Agency (who wanted less New Study Acreage) were pitted against the Washington Office
(which desired a larger acreage to make the process politically legitimate). In Montana the selection produced a collection of New Study Areas that were either contiguous to existing Wilderness or primitive areas or smaller entities. The opportunity to study the remaining two largest undeveloped areas in Montana was largely forsaken. The second generation involved a more comprehensive administrative inventory and an administrative decision to study 20% of the inventoried lands prior to formulating recommendations to Congress. The remaining 80% of the inventoried lands are to be considered in the Multiple Use planning process for possible Wilderness Study Area status.

In the third generation, preservationists and Congress responded by statutorily designating Wilderness Study Areas. This parallel process complicated the Forest Service nonselected area planning process. The Montana Wilderness Study bill was the first systematic bill of this generation.

The third generation was an attempt to statutorily designate Wilderness Study Areas. While it was procedurally derived from the second generation, it had political aspects similar to the first generation. Preservationists used a process similar to the S-NSA-RAUA process, but even more visceral than that of the Forest Service, to select areas for the Montana Wilderness Study bill. It too
produced areas of two types. First, were Roadless Areas that "almost" achieved Wilderness Study Area status in the second generation, including the last two large undeveloped entities. Second, there was a subset of smaller areas. Unlike the smaller areas chosen by the Forest Service in the second generation, these areas were endangered by development. The first subset implies that the preservationists desired to augment the administratively designated New Study Areas and accepted the criterion (but with different weights) of the Forest Service S-NSA-RAUA process. The second subset implies that the preservationists also used different criteria for their selection process.
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