



Pleistocene wildlife header graphic by Sergio de la Rosa Martinez

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# Around the Campfire with Uncle Dave Foreman



## Chopping Down the Wilderness Act

Next year will be the 50<sup>th</sup> anniversary of the signing of the Wilderness Act and we will mark it with merrymaking and wingdings all over the United States. The big national celebration will be in Albuquerque in October, and I am most happy that Terry Tempest Williams and I will be among the keynote speakers.[\[1\]](#)

When we raise a bubbly flute to those who gave us the Wilderness Act, we should keep in mind that the brass of both the U.S. Forest Service and National Park Service fought the Wilderness Act every step of the way. Even after the Wilderness Act became the law of the land, the Forest Service still saw it as a mistake and did what they could to undercut it and to keep as much of “their land” as they could out of Wilderness. Though conservation clubs and the Forest Service had become more and more at odds since the end of World War Two, the new Wilderness law made things worse because both sides saw the other as working to wreck Wilderness Areas. Let’s take a look at this now-little-recalled chapter in wilderness history.

The Wilderness Act at once named all National Forest Wilderness and Wild Areas as Wilderness Areas in the congressionally overseen National Wilderness Preservation System (NWPS). The Forest Service was directed to get the studies done on its last Primitive Areas and send recommendations to Congress by 1974. In the 1920s and 1930s, the Forest Service had set aside a Stetson-full of poorly protected and rather ill-defined Primitive Areas, but then in 1939, new regulations from the Washington office told forest supervisors to better study

these areas and draw more thoughtful boundaries. After the recommended boundaries were approved by the Secretary of Agriculture, the areas would be better protected and given the new rank of Wilderness or Wild Areas. (Wilderness Areas if 100,000 acres or more; Wild if under 100,000 acres. The Wilderness Act did away with the cleavage and named them all Wilderness Areas.) The first Wilderness Areas in the NWPS were Forest Service areas already reclassified as Wilderness or Wild. Yet unstudied Primitive Areas were to have recommendations sent to Congress by 1974. Under the Wilderness Act, now only Congress could add or drop areas from the Wilderness System.

Conservation clubs, led by The Wilderness Society (TWS) with help from the Sierra Club, organized across fifty states to implement the Act. Clif Merritt, Ernie Dickerman, and Stewart Brandborg of TWS were bulldogs for grassroots mobilizing, while Harry Crandell was a bloodhound at smelling out what the agencies and Congress were up to. It is through their foresight that a mighty wilderness tide came in by the 1970s. Until 1979, the leaders of The Wilderness Society were fully bound to finding, training, and empowering *independent* grassroots wilderness clubs and activists. Brandborg and the others believed wholeheartedly that such a path was the right way to go, even though some leaders of the Sierra Club wanted a more top-down, insider way.[\[2\]](#)



© Dave Foreman, Fall Aspens in the Gila Wilderness Area

All agencies got off to a slow start in their studies. The Forest Service brushed off the wilderness crowd's backing for big Wilderness, and kept at their game of offering chopped-away Primitive Areas for Wilderness. Overall, lands with trees were shunned and "rocks and ice" got the nod for Wilderness in USFS recommendations.[\[3\]](#) Moreover, the Forest Service offered timber sales for bid and built logging roads along the edges of Primitive Areas so as to keep neighboring

roadless lands (*de facto* wilderness, in the words of conservationists[\[4\]](#)) from being added to new Wilderness Areas. This was a witting sham in the Forest Service's grab bag of tricks to narrow National Forest acres Congress could designate as Wilderness. East Meadow Creek next to the Gore Range-Eagles Nest Primitive Area north of Vail, Colorado, was the poster child for this underhanded scam. In the 1960s, the White River National Forest drew up plans to log the old-growth firs, spruce, and lodgepole pines of East Meadow Creek. Wilderfolk in Vail were against the timber sale and wanted that acreage in the upcoming Eagles Nest Wilderness Area, which otherwise was jagged and icy high country. They talked to Clif Merritt, Western Regional Director of The Wilderness Society in Denver. Clif, a soft-spoken but steadfast fighter for Wilderness, far-sighted strategist, and matchless organizer, got young lawyer and wilderness lover Tony Ruckel on the job.[\[5\]](#) In April of 1969, going against legal orthodoxy that "the United States cannot be sued without its consent," Ruckel, with Merritt's backing, sued on the grounds that the Forest Service's logging next to the Primitive Area would violate the Wilderness Act's provision allowing the President to recommend "the addition of any contiguous area of national forest lands predominantly of wilderness value."

Federal Judge William E. Doyle first let conservationists sue the government and then enjoined the timber sale. Forest Service historian Dennis Roth wrote that Doyle "interpreted the language of the Wilderness Act to mean that the Forest Service must refrain from developing a contiguous area which was potentially of wilderness value until the President and Congress had acted on the agency's recommendations."[\[6\]](#) This "Parker Case" was the first judicial decision to shield wilderness.

Grounding their boundary lines and acreages on careful fieldwork, conservation clubs in the ten years after 1964 asked for Wilderness Area designation of nearly all the acreage in the thirty-four Primitive Areas (5.5 million acres) and for much of the neighboring roadless lands.[\[7\]](#) The Forest Service called for much smaller areas. In the late 1960s and the 1970s, Congress, more often than not, designated Wilderness Areas nearer to the conservationists' map lines than to the Forest Service's.[\[8\]](#)

The Wilderness Act did not tell the Forest Service to inventory all its roadless areas, as it told the Park Service and Fish & Wildlife Service. The fifty-four areas already named by the USFS as Wild, Wilderness, or Canoe Areas, with 9.1 million acres in all, were right away put into the new National Wilderness Preservation System by the Wilderness Act. The Forest Service

had only to wind up studies and recommendations for the thirty-four still-to-do Primitive Areas, 5.5 million acres in all, as called for in the U Regulations twenty-five years earlier. Hunters, hikers, horse packers, and naturalists, however, knew there were many millions of acres of *de facto* wilderness in the National Forests beyond the Primitive Areas. From research Howie Wolke and I did for *The Big Outside*,[\[9\]](#) I would say that in 1964, at least 120 million acres of the then-187 million-acre National Forest system met the yardstick for Wilderness Area designation.[\[10\]](#) But the Forest Service was bent on keeping National Forest Wilderness below twenty or twenty-five million acres. With fifteen million acres already named Wilderness or Primitive, this meant the Forest Service would not back more than another five or ten million acres for new Wilderness, leaving more than 100 million acres of roadless land open for logging and road-building. Moreover, the Forest Service brass was steadfast that little marketable timber would be “locked up” in the new Wilderness acreage. What little else the Forest Service was willing to recommend was called “rocks and ice” by world-weary conservationists who had been jacked around by the Forest Service before. Deputy Chief Art Greeley told regional foresters in 1964, “It seems we have the choice—Maybe 16-18 million acres of pure wilderness—or 2 or 3 times as much half-baked wilderness, all with an encumbrance on truly multiple-use management.” [\[11\]](#) Multiple-use management meant logging. “Pure” and “purity” were words used by the USFS along with “quality” to mean lands that met their self-serving standards.

Between 1926 and 1961, the Forest Service had broken up most of the big roadless areas in the western mountains with roads, even though the acreage of roadless and undeveloped land was still high overall. In 1926, there were seventy-four roadless areas bigger than 230,400 acres (fifty-five million acres in all); a study by the University of California in 1961 found only nineteen areas of that size (seventeen million acres in all).[\[12\]](#) These numbers do not mean that the USFS had developed thirty-eight million acres of roadless areas; they say mainly that the Forest Service split up the big roadless areas into many smaller roadless areas by cutting roads through them. In the words of today’s conservation biology, they *fragmented* National Forest lands. Michael Soulé, the father of conservation biology, would say that a one-million-acre roadless area has more worth as habitat than five 200,000-acre roadless areas split from one another by roads.



© Dave Foreman, River of No Return Wilderness

In 1926, Bob Marshall mapped the biggest FS roadless area left at that time: 7,668,480 acres in central Idaho. The way the Forest Service sliced up the Clearwater-Selway-Salmon area over the years tells the tale.[\[13\]](#) In 1935 (only nine years after Marshall’s inventory), retired Lolo NF Supervisor Elers Koch wrote:

*Only a few years ago the great Clearwater wilderness stretched from the Bitterroot to the Kooskia; from the Cedar Creek mines to the Salmon River and beyond. No road and no permanent human habitation marred its primitive nature....*

*The Forest Service sounded the note of progress. It opened up the wilderness with roads and telephone lines, and airplane landing fields....*

*Has all this effort and expenditure of millions of dollars added anything to human good? Is it possible that it was all a ghastly mistake like plowing up the good buffalo grass sod of the dry prairies?[\[14\]](#)*

In the late 1960s when conservationists asked the Forest Service to think about Wilderness recommendations for roadless areas that had never been Primitive Areas, they got the cold shoulder—Forest Service Director of Recreation Dick Costley sneered at such “wildcat wilderness proposals.”[\[15\]](#) The first of the wildcats to claw the Forest Service was the Lincoln-Scapegoat area in Montana, next to the Forest Service’s flagship Wilderness Area—the Bob Marshall. In truth, it was not *next* to the Bob, it was part of one roadless area with the Bob and other *de facto* wilderness—over two million acres in all. The Lincoln-Scapegoat wasn’t knock-your-boots-off breathtaking; it was just milk-and-honey country for pack trips, hiking, and big game hunting. It also had lots of trees. Local redneck shopkeeper Cecil

Garland and The Wilderness Society's Western Regional Director, Cliff Merritt (Montana born and bred), put together and led a grassroots citizens' campaign against Forest Service wishes to log the area. Montana's Republican congressman, "Big Jim" Battin introduced a 240,500-acre Lincoln-Sagegoat Wilderness Area bill in 1965, which threw the brass of the Forest Service into a tizzy. Tellingly, this was the first Wilderness bill in Congress after the passage of the Wilderness Act.[\[16\]](#) The Lincoln-Sagegoat bill came before bills for any "mandate areas" (FS Primitive Areas, and NPS and FWS roadless areas). That a wildcat would be looked at by Congress before anything put up by professional land managers was a chicken bone on which the ol' Forest Service hound dog almost choked to death. It was an unspeakable rudeness, but, thanks to it, the Sagegoat Wilderness Area, the first "citizen Wilderness," is a big player and game-changer in the Wilderness saga.

Although the Lincoln-Sagegoat bill did not become law until 1972, it spurred other wilderfolk to go over the Forest Service right to members of Congress. The Forest Service saw this a threat that could lead to too much "half-baked" Wilderness, and also as breaking the way things should be done in their reading of the Wilderness Act: the Forest Service would study an area and send a professional recommendation for or against Wilderness to the Secretary of Agriculture who would send it on the president. The president would then send it to Congress. (Though seldom done, both the Secretary and the President could make changes.) There would be stops along this path for citizens to speak on the Forest Service proposal, but it was not kosher for citizens to come up with their own proposals and take them straight to Congress. And then Congress would ask the Forest Service to comment on what citizens proposed! This was a ghastly ass-over-teakettle slap at the United States Forest Service's professional honor.

Right away, the Forest Service's worst fears came alive. In 1969, climbers and hunters in New Mexico came together as the New Mexico Wilderness Study Committee and began to ask for new National Forest Wilderness Areas that were not Primitive Areas being studied by the Forest Service.[\[17\]](#) Hikers in the East, where the Forest Service swore there were no lands of Wilderness Area quality, were finding rewilded ridges and hollows. Big trees were growing on what had once been fields and the wildwood was hiding stonewalls and crumbled-down chimneys. And these hikers had the cheek to say such spots should be set aside by Congress as Wilderness Areas even though the Forest Service *knew* nothing in the East met the yardstick for Wilderness. After all, the Forest Service had thought up Wilderness Areas. By god, they were the experts on what was and was not qualified for Wilderness designation. Nevertheless, by July 1971, Wilderness bills had been introduced in Congress for de facto Forest Service areas in Montana, Washington, Wyoming, Idaho, Oregon, Colorado, California, West Virginia, and North Carolina.[\[18\]](#)

President Nixon's Council on Environmental Quality (CEQ), which had been set up by the National Environmental Policy Act (NEPA) in 1970 drafted, with Nixon's knowledge, an Executive Order to agencies to leave alone candidate Wilderness Areas until Congress could act, and bidding the Forest Service to inventory all de facto roadless areas and *to protect them from impairment* until Congress weighed them for Wilderness designation. Needless to say, the Forest Service did everything it could to keep the Executive Order from being signed.[\[19\]](#) Earl Butz, the Secretary of Agriculture, in whose department the Forest Service sat, had clout with Nixon and he used every bit of it to kill the Executive Order. Had Nixon signed it, conservation history would have taken another path.

Even with the executive order killed, grassroots conservationists led by The Wilderness Society had knocked down the U.S. Forest Service. But the story is far from over. The Forest Service came back at the conservationists with something called RARE, which will be a tale for another night around the campfire.

Happy Trails,

Dave Foreman



© Dave Foreman, South Sandia Wilderness Area in Snow

Sitting on the boundary of the Sandia Wilderness Area, which the Forest Service fought tooth and nail

*Adapted from my forthcoming book, Conservation vs. Conservation.*

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[1] [www.wilderness50th.org](http://www.wilderness50th.org)

[2] James Morton Turner, *The Promise Of Wilderness* (University of Washington Press, Seattle, 2012).

[3] I write this after having read all of the USFS Primitive Area reclassification studies. I have copies of all of them, along with copies of nearly all of the Park Service and Wildlife Refuge Wilderness studies, in my library.

[4] *De facto* means “in fact.” *De jure* Wilderness is legally protected Wilderness, or “Big W” Wilderness. *De facto* wilderness is wilderness in fact, but not in law. It’s also called “little w” wilderness.

[5] Ruckel went on to help start the Sierra Club Legal Defense Fund.

[6] Dennis M. Roth, *The Wilderness Movement and the National Forests: 1964-1980* (FS 391, USDA Forest Service, Washington, 1984), 19-22.

[7] However, conservationists often missed big acreages of roadless lands next to their Wilderness proposals. The New Mexico Wilderness Study Committee overlooked more than 150,000 roadless acres in drafting their Aldo Leopold Wilderness proposal, and the Sierra Club and others in Arizona somehow didn’t notice roughly 250,000 acres of roadless lands next to their Blue Range Wilderness. Some of us who came into the game after these early Primitive Areas were studied updated the conservationists’ proposals by tacking on all the roadless land. It was the same in other states. Idaho conservationists kissed off one million acres of contiguous roadless lands in their proposal for a River of No Return Wilderness. Dave Foreman and Howie Wolke, *The Big Outside* Second Edition (Harmony Books, Crown Publishers, New York, 1992).

[8] Turner, *Promise of Wilderness*.

[9] Foreman and Wolke, *The Big Outside*.

[10] At the beginning of RARE II in 1977, there were likely still 100 million acres of roadless areas and Wilderness in the National Forests (14.6 million acres of the 1964 Wilderness, Wild, and Primitive Areas, at least 82 million acres of RARE II areas and other roadless area not included for sundry grounds, and new areas already added to the NWPS by Congress). In the thirteen years between 1964 and 1977, the Forest Service wiped out millions of acres of roadless areas through timber sales and road building. In the Tongass and Chugach NFs in Alaska much *de facto* wilderness had been wrecked. If anything, my 120 million-acre figure is low.

[11] Roth, *The Wilderness Movement and the National Forests: 1964-1980*, 6. Note Greeley’s use of the word “pure” for wilderness. *Purity* was the FS word for untouched by Man.

[12] Foreman and Wolke, *The Big Outside*, 4-5. However, Wolke and I found more 230,400-acre roadless areas in 1992. Also see Michael Frome, *Battle for the Wilderness* Revised Edition (University of Utah Press, Salt Lake City), 20. By the way, the odd acreage of 230,400 comes from using the section and township surveying frame. A township is thirty-six sections (square miles) or a square six by six miles. A square mile (section) is 640 acres; a township then comes out to 23,040 acres. Aha! Do you see how we got 230,400 acres? Ten townships.

[13] Foreman and Wolke, *The Big Outside*, 470.

[14] Elers Koch, *Journal of Forestry*, February, 1935, quoted in *The Living Wilderness*, September 1935, 9. Koch wrote in the middle of the Dust Bowl—caused in part by plowing up the buffalo grass sod of the High Plains.

[15] Roth, *The Wilderness Movement and the National Forests: 1964-1980*, 7.

[16] Montana’s Democratic senators Lee Metcalf and Mike Mansfield had written a smaller Lincoln-Scapegoat bill before Battin’s, but backed his after it was introduced. Roth, *The Wilderness Movement and the National Forests: 1964-1980*, 24-35.

[17] Milo Conrad, “New Mexico Wilderness Fact Sheet” and letter “To Proponents of Wilderness in New Mexico,” September 24, 1969.

[18] Stewart M. Brandborg, “The Wilderness Society Memo to Conservation Cooperators,” July 2, 1971.

[19] Undated alert from the Montana Group of the Sierra Club and the Montana Wilderness Association.

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