

# OVCBCHW

Legislative Report

May 31<sup>st</sup>, 2012

The legislature is out of session so at least nothing bad can happen at the state level. This month most of the news is national in nature.

The most important thing to report is that on Tuesday (6/5/2012) President Obama signed legislation Tuesday that will keep commercial horse and mule packing operations that traverse the Sequoia and Kings Canyon national parks in business for at least the next three years.

The legislation authorizes the secretary of the National Parks Service to issue commercial permits at levels he deems fit until the parks service completes a necessary stewardship plan, which can be no later than three years from now.

Commercial packers became worried about their future a few months ago after U.S. District Court Judge Richard Seeborg ruled in January that the parks service had violated the federal Wilderness Act by issuing permits without making a finding that horse/mule operations were a "necessity" for access and use of wilderness areas.

The judge had ruled following a lawsuit filed in 2009 by an organization called High Sierra Hikers Association.

Seeborg did not direct the parks service to cease issuing permits. But that's exactly what the service did, sending letters to commercial outfitters in March stating they would not receive permits for the coming summer pending a "remedies" hearing on May 23.

The High Sierra Hikers have said they don't want to ban livestock use in wilderness areas but simply minimize its impact. The group proposed a number of remedies including keeping livestock out of higher elevation meadows and using burrows or llamas (which can't be ridden). They also said livestock campers should not be allowed to bring electronic amplifying devices, ice chests or folding tables and stools into sensitive areas.

Livestock outfitters protested and went to Congress, which unanimously passed a bill in late April instructing the parks service to reissue the permits pending the outcome of the lawsuit. With some slight amendments, the bill passed the Senate three weeks later and was signed into law Tuesday.

In the meantime, the judge had issued an interim order for the parks service to issue permits for commercial livestock operators at 80 percent of the 2007 level of permits, according to parks service spokeswoman Dana Dierkes.

Loren Kleier, a local attorney who represents a group of packers collectively known as Sierra Packers, said there would now be a further briefing to the court regarding the impact of the new law.

Of note, Kleier said in an email, during oral arguments at the May 23 hearing, "...the judge called High Sierra's position that 'their' way of enjoying the back country was the 'best' was 'arrogant.'"

Gold Creek Park Update: Gold Creek Park outside of Woodinville (40 acres of steep slopes, older trees, and horse trails) was under threat of being taken over by a for-profit zipline park. This would have displaced the riders; most of them youth. After the horse community expressed concern at many different

levels King County sent out an email today saying that they were no longer considering Gold Creek Park for the zips lines but would be considering other locations (most likely Duthie Hill or Grand Ridge).

Members of the Tahoma Chapter worked with the local (Hollywood Hills) equestrian groups to discuss the situation with King County management and the King County Council. The local horse groups definitely lead the charge but I am sure that our voice in opposition of the proposed location (but not opposed to zipline parks) helped make a difference.

DARRINGTON -- Federal lawmakers are asking the Department of Agriculture to save the Green Mountain lookout.

U.S. Rep. Rick Larsen and Sens. Patty Murray and Maria Cantwell earlier this week sent a letter to Agriculture Secretary Tom Vilsack urging him to "use all legal means" to protect the forest fire lookout in Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest.

In March, U.S. District Court Judge John Coughenour ruled in favor of the Montana-based Wilderness Watch, which sued the U.S. Forest Service, claiming the federal Wilderness Act was violated when a helicopter was used to repair the lookout. Coughenour ordered the lookout be removed from the wilderness.

The federal Department of Justice, in its defense the Forest Service, filed a brief in early May asking the judge to amend his order to give the Forest Service discretion over the lookout. The government attorneys argued that the lookout can remain without violating the National Environmental Policy Act. This week, Wilderness Watch responded by saying that the government's motion has no merit.

The Justice Department is expected to file an appeal of the judge's ruling, said Darrington District Ranger Peter Forbes.

Larsen, Murray and Cantwell, in their letter to the Agriculture secretary, said the historic lookout should be protected.

"Many of our constituents have told us how important the lookout is to the community," the letter reads. "The lookout is an important part of the region, and reflects a unique and vanishing part of the Pacific Northwest's heritage. It is one of few surviving fire lookouts in the West, and only one of six such lookouts within a wilderness area. It was also an early warning station during World War II to alert citizens to possible aerial invasion. The Washington State Trust for Historic Preservation named it one of the 10 most-endangered buildings last year."

George Nickas, executive director of Wilderness Watch, said people with concerns about history believe their activities should be exempt from laws protecting the wilderness. He maintains that the Wilderness Act needs to be held to a rigorous standard.

The Forest Service has maintained that the lookout was restored, not reconstructed, and that the historical significance of the forest fire lookout made it an allowable project, including the use of the helicopter. The lookout is on national and state registers of historic places.

The Snohomish County Council, the Darrington Town Council, the Darrington Historical Society and many recreational user groups have voiced support for saving the lookout.

The forest fire lookout was built in the summer of 1933, when a Civilian Conservation Corps crew climbed 6,500-foot Green Mountain in the North Cascade Range east of Darrington.