



WILDERNESS WATCHER

A Voice for Wilderness Since 1989

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The Challenge of Alaska

Second Wilderness Forum tackles threats facing America's wildest Wilderness

"In terms of wilderness preservation, Alaska is the last frontier. This time, given one great final chance, let us strive to do it right. Not in our generation, nor ever again, will we have a land and wildlife opportunity approaching the scope and importance of this one."

— Morris Udall, US Representative

Spring is an impressive time in Alaska's Matanuska Valley. Though the sun lingers until 11:00pm, the hillside foliage and aspen stands are just beginning to green, bringing color and an increased sense of life to the tundra. The birds are out, and even from the valley floor it is easy to spot Dall sheep grazing the steep hillsides. Paired with the looming splendor of the Chugach range, the valley is an ideal setting for a meeting dedicated to Alaska Wilderness – its unique size and character, and the threats that endanger some of America's most wild lands.

Sponsored by the Alaska Chapter of Wilderness Watch and The Wilderness Society, the Alaska Forum convened May 6-8, 2004 at the Majestic Valley Wilderness Lodge. The forum brought together two dozen wilderness advocates, including representatives from 10 conservation organiza-



Spring in the Matanuska Valley. Photo courtesy of Jimmy Fox.

tions, two law firms, and the U.S. Fish and Wildlife Service. Collectively, the participants brought well over a hundred years of experience to the table, including in-depth knowledge of Alaska Wilderness, the Wilderness Act, and the National Interest Lands Conservation Act (ANILCA). Perhaps most importantly, the participants also carried with them their immense passion for wilderness, for places set aside where the "earth and its community of life are untrammelled by man."

The focus of the Alaska Forum was manifold. Like the Wilderness Forum held in Montana in 2003 (see the May 2003 *Wilderness Watcher*), the Alaska Forum worked to foster a shared understanding that the Wilderness Act's mandate to preserve wilderness character is the overarching principle of wilderness stewardship. In recognition of the unique history and breadth of Alaska Wilderness, the Forum went on to explore the nexus between the Wilderness Act and ANILCA and to develop strategies to address the key threats to the State's vast wilderness lands.

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And Much More!

Fulfilling the Vision of ANILCA

“We still have an agenda to fulfill. Some mandates of ANILCA have not yet been implemented...In my opinion, what needs to be done is to fulfill completely the mandates of the ANILCA legislation.”

— Jimmy Carter, 2000

Enacted in 1980, the Alaska National Interest Lands Conservation Act granted protection to more than 104 million acres of federal land in Alaska, including 56 million acres of Wilderness and 26 wild and scenic rivers. Crafted to address the unique characteristics of Alaska, ANILCA sought to protect entire ecosystems, including wildlife and the traditional lifestyles of rural and native people. Though the passage of ANILCA included compromise, the bill President Carter signed into law in December 1980 was a strong piece of conservation legislation. Unfortunately, the initial implementation of ANILCA occurred during the Reagan administration, under the not-so-gentle care of James Watt. For 8 years, Watt and his successors worked to undercut ANILCA, ensuring that agency policies and regulations to implement the Act remained ineffectual. Partly due to this sabotage, many of ANILCA’s key mandates have yet to be fulfilled – especially in terms of Wilderness protection and stewardship.

In recognition of this failing, the Alaska Wilderness Forum sought to examine the nexus between ANILCA and the Wilderness Act to identify opportunities for ensuring proper stewardship practices for Alaska Wilderness. Due to its length and unusual implementation, ANILCA is a complex and often daunting piece of legislation. Luckily, Forum attendees were guided through these difficulties by two attorneys, Bob Randall of Trustees for Alaska and Eric Jorgensen of Earthjustice Legal Defense Fund. Their expertise was essential for understanding the interplay between the two Acts, allowing attendees to identify current and potential threats to Wilderness, as well as exploring ways in which these threats might be challenged.

For example, it was noted that while ANILCA is a separate piece of legislation, the Wilderness Act applies unless it is expressly stated otherwise. Why is this important? In many ways the Wilderness Act provides stronger direction for the proper stewardship of Wilderness, including the overarching mandate to preserve wilderness character.

Likewise, it was noted that while ANILCA 1110(b) allows “adequate and feasible access” to inholdings, such access is subject to reasonable regulations to protect “the natural and other values of such lands.” There are cases in Alaska where inholders sought and gained motorized access to inholdings, even when such access resulted in damage to the Wilderness. The agency approval of their actions passed by unchallenged due to the belief that such use was allowed by ANILCA and that agency personnel have the discretion to approve motorized access. However, the Act does not state that “adequate and feasible” must