

December 17, 2013

The Honorable Ron Wyden  
Chairman, U.S. Senate Committee on  
Energy and Natural Resources  
United States Senate  
Washington, D.C. 20510

*“There is a real danger that hundreds of small decisions will produce a cumulative effect that effectively diminishes the wilderness resources the Act was written to protect for future generations.”*

— Stewart Udall, former Secretary of Interior

Dear Senator Wyden:

We write to you as long-time wilderness professionals who have dedicated a good part of our lives and careers to Wilderness protection and stewardship within federal agencies, academia, and the wilderness community. We are writing to express our opposition to S. 404 and H.R. 908, the Green Mountain Lookout Heritage Protection Act, which, if enacted, would require the US Forest Service to maintain an illegally constructed facsimile fire lookout<sup>1</sup> in the Glacier Peak Wilderness.

We are deeply concerned that this legislation would degrade the Glacier Peak Wilderness, and, most important, set a terrible precedent for the wilderness system by inviting other proposals for wilderness-degrading exceptions to the Wilderness Act.<sup>2</sup> We urge you to withdraw your support for the illegal construction of the lookout and to instead work with us and others concerned to find an accommodation that will secure an appropriate location for the structure while preserving and restoring the Glacier Peak Wilderness.<sup>3</sup>

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<sup>1</sup> The structure was not rebuilt to serve as a fire lookout, but rather as a visitor contact station or visitor center in the Wilderness. The FS long ago ceased using fire lookouts in this area.

<sup>2</sup> For example, in the 106<sup>th</sup> and 107<sup>th</sup> Congresses, at the behest of local residents and historic preservation advocates, Representative Doolittle (R-CA) unsuccessfully tried to pass legislation that would require the reconstruction of several abandoned and deteriorating dams built from 1920-51 in the Emigrant Wilderness. Similar to the Green Mountain lookout, a federal court had blocked a Forest Service decision to rebuild the dams. Other bills, such as HR 3606 (McClintock (R-CA)) that would authorize “numerous historical activities” in the Emigrant Wilderness, and HR 1825 (Benishek (R-MI)), which would waive Wilderness Act protections and NEPA requirements for many currently illegal activities in Wilderness, have been introduced in the 113<sup>th</sup> Congress.

<sup>3</sup> As the Court stated, “Indeed, even the head of the previous lookout restoration efforts recommended that the Forest Service ‘[a]irlift the building to a site near the Darrington Ranger Station and utilize it as an interpretive station highlighting the fire, wilderness, and general Forest Service history of the area,’ rather than embark on reconstructing the lookout at the present site.”

As you may know, a federal court in Washington State found the Forest Service substantively violated the Wilderness Act by reconstructing (replacing) this unnecessary structure in Wilderness and by conducting dozens of helicopter incursions into the Wilderness to complete the project.<sup>4</sup> The court also found the Forest Service “egregiously” violated the National Environmental Policy Act (NEPA) by failing to conduct any environmental review or public notification and comment process before embarking on the project.

The court’s ruling in this case was wholly consistent with every related Wilderness Act case in the nearly 50-year history of the Wilderness Act. Contrary to the claims of some lookout supporters, every federal court that has addressed a similar issue involving old or historic structures has ruled in the same fashion. Indeed, in the Green Mountain case the Forest Service acknowledged as much, but proposed in its legal briefs that the long string of court precedent shouldn’t “prevent [this court] from taking a fresh and wholly independent examination of the legality of prehistoric and historic structures in wilderness areas.”

Enactment of the legislation would encourage federal land managers to flout the laws Congress has enacted to guide management of public lands. It would also have a precedent-setting effect by throwing the doors open to more wilderness-degrading exceptions to the foundational protections provided by the Wilderness Act.

In considering the controversy surrounding the Green Mountain structure, our collective knowledge leads us to conclude that enactment of this legislation would have significant ramifications for the present and future integrity of Wilderness. We appreciate there may be local support to keep the newly reconstructed lookout on Green Mountain, but we believe this view ignores the broader implications for Wilderness. On the eve of the Wilderness Act’s 50th anniversary, it is our sincere hope that you will support an approach that secures protection for the Glacier Peak Wilderness and doesn’t compromise the National Wilderness Preservation System.

Sincerely,

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<sup>4</sup> The original lookout was hauled on a string of pack mules more than 20 miles to the site, whereas the new lookout and construction personnel were helicoptered in, even though the site is now only three miles from the trailhead. While the road to the trailhead is currently closed to public use, it is available for administrative use.

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**John Hendee**

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**Chad Dawson**

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**Anne S. Fege, Ph.D.**

USDA-FS National Program Leader for Wilderness Management, 1988-1991; Forest Supervisor, Cleveland National Forest, 1991-2004.

**Stewart Brandborg**

Executive Director, The Wilderness Society 1964-76; Associate Exec. Director to Wilderness Act author, Howard Zahniser 1960-64.

**Andy Stahl**

Executive Director  
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**Michael McCloskey**

Several top leadership positions of the national Sierra Club, including its CEO; played a key role in the enactment of the Wilderness Act; author of many law review articles on the Wilderness Act. Portland, OR

**Tim McNulty**

Author, and vice president of Olympic Park Associates. Worked successfully for passage of 1984 Washington Wilderness Act and 1988 Washington National Parks Wilderness Act. Sequim, WA

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**Roger Siglin**

NPS retired, 27 years including Yellowstone, Yosemite, Big Bend, and as Superintendent Gates of the Arctic NP and Preserve.

**Rick Harris**

NPS/USFS retired. Member NPS National Wilderness Advisory Committee;  
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