

Testimony of
William A. Worf, President
Wilderness Watch
on S. 1003
Before the Public Lands and Forests Subcommittee
United States Senate
June 4, 2003

Mr. Chairman, and members of the Committee, I am providing this testimony on behalf of Wilderness Watch, a national citizen organization dedicated to the protection and proper stewardship of America's designated Wildernesses and Wild & Scenic Rivers. I have been assured by Committee staff that this statement will become part of the official hearing testimony. We appreciate that consideration. My statement includes several attachments, including a chronology of this issue and a personal affidavit that speaks to the history of these permits and resorts.

I am a co-founder of Wilderness Watch and currently serve as its president. I also bring a unique perspective to these deliberations as a former employee of the United States Forest Service, who has been involved for more than 30 years in the issue before the Committee. I served as a full-time employee of the US Forest Service for nearly 32 years. This included service on 4 national forests, in 2 regional offices and in the national headquarters in Washington, DC. During that time I served a number of roles and had a variety of duties, some of which involved administration of special use permits including outfitter and guide permits. I served in the National Headquarters from 1964 through 1969 where my primary responsibility was providing national leadership for Forest Service implementation of the Wilderness Act and the Wild & Scenic Rivers Act. For 12 years (1969 through 1981) I served in the Northern Region headquarters as Director of Wilderness, Recreation and Lands. I was responsible for providing direction to national forests for administration of special land uses (including outfitters & guide permits), Primitive Areas, Wildernesses and Wild & Scenic Rivers. I was very closely involved in management of the Salmon River and the surrounding lands during those years. I provided staff leadership and advice to the Regional Forester and Chief as various proposals for Wilderness designation were considered by Congress. In that capacity I met with Senator Church while he

was working on the Central Idaho Wilderness bill and had a number of conversations with members of his staff and many others as the legislation was developed.

Mr. Chairman, Senate bill S. 1003 seeks to overturn a federal district court decision which correctly found that the illegal construction and operation of 3 resort camps on the Wild and Scenic Salmon River violated the Wild and Scenic Rivers Act and the Central Idaho Wilderness Act. S. 1003 will reverse many decades of administrative and congressional protection for the Salmon River country. It will grant special rights to 3 outfitters on the Salmon River that are not afforded to any other of the thousands of outfitters operating on our public lands' wildernesses and wild rivers. It will reward individuals who have flaunted our nation's laws and who routinely violated the terms of their special use permits. S. 1003 will condone the abysmal record of administration of this area by the Salmon National Forest, while serving as a slap in the face to other outfitters who have played by the rules and to those dedicated Forest Service employees who for decades administered those rules as they were intended. It will rob all Americans, young and old, able-bodied and disabled, of the opportunity to experience this wild river corridor in its most primitive and pristine condition.

The fact of the matter is that the type of developments that S. 1003 attempts to permit on the Wild Salmon River have been illegal for 70 years. In the 1930's, the area affected by S. 1003 became part of the Salmon River Breaks and Idaho Primitive Areas. The regulations applicable to the Primitive Areas provided that "there shall be no roads or other provision for motorized transportation, no commercial timber cutting and no occupancy under special use permits for hotels, stores, resorts, summer homes, organizational camps, hunting and fishing lodges or similar uses." These regulations governed this area until 1980, when the lands in question were designated as part of the River of No Return Wilderness and as part of the Wild and Scenic Salmon River. From the 1930s, up through the time of the Central Idaho Wilderness Act (CIWA) of 1980, and until today the only type of outfitter camps legally permitted on the Salmon River were those of a temporary nature. As U.S. federal judge Sidney R. Thomas stated in Wilderness Watch v. U.S. Forest Service, "When the CIWA was enacted, permanent structures were prohibited in the Idaho and Salmon Breaks Primitive Area as a matter of law and regulation."

Despite this prohibition on permanent structures and lacking any authority to do so, several

outfitters over the years constructed rustic lodges and cabins at their hunting camps. In 1970, mindful of the legal prohibitions against such developments, the U.S. Forest Service regional foresters for the northern and intermountain regions signed a letter ordering that all camps be modified to be temporary by December 31, 1971. I have attached to my statement a copy of an affidavit from former Regional Forester Verne Hamre that confirms this. Of the 8 outfitters who had constructed the illegal camps, 5 complied with the order and burned or removed the illegal structures. Three continued to flaunt the law and did not remove their illegal camps, and it is they or their successors who S. 1003 will reward. Those who complied were assured by Forest Service officials that all outfitters would be treated the same. S. 1003 makes a liar of the U.S. Government on this account. By the way, it wasn't until 1988, eight years after CIWA passed, that one of the three remaining camps (a ramshackle affair consisting of an old metal barge pulled up on shore with some wood frame add-on rooms) was removed, but then was "replaced" three miles downstream by a modern lodge with several outlying cabins.

As I mentioned earlier, I met with Senator Church during the legislative effort to pass the Central Idaho Wilderness Act and can assure you he knew that the rules then in place only allowed for temporary camps in primitive areas, wilderness areas and in wild river corridors. He was, in my opinion, a smart legislator who knew what he was doing. Where he wanted exceptions he was clear about it. He made a point of writing special provisions in CIWA to allow jetboat use to continue and to allow several airplane landing strips to remain. As one who worked to pass the Wild and Scenic Rivers Act, he knew that the standard for *wild rivers* is that the shorelines must remain essentially primitive and as vestiges of primitive America. Had he wanted permanent camps complete with lodges and cabins in a Wilderness or a Wild River corridor, he certainly would have said so in the law. That was not his intent and, as the courts have found, it was not the intent of Congress. S. 1003's attempt to allow for permanent resorts on the Wild Salmon River does not "clarify" the CIWA, it overturns it. Moreover, it sets an entirely new and dangerously low standard for managing wild rivers.

It has been claimed that these resorts are essential for older people or people with disabilities to experience this area. That simply doesn't square with the fact that older people and those with disabilities visit wildernesses and wild river all over America without the use or need for accommodations of this sort. I, for one, am legally blind and approaching 80 years of age. I have

visited this area many times, the last float trip was four years ago. And I didn't need the services of these lodges to experience the wilderness—indeed, they detracted from it. For those who want a more developed recreation opportunity they can be accommodated at the Forest Service-permitted Salmon River Resort adjacent to the Wilderness and just upstream Wild River corridor, or at any one of several private lodges further downstream on private lands. But their experience needn't be at the expense of the wild river. If S. 1003 passes, the losers will be the vast majority of visitors who are seeking a wild river experience, and the great number of Americans who take pleasure in simply knowing that wild places exist and will be preserved.

Apart from the damage S. 1003 will do to the Wild Salmon River, it would be a terrible irony on at least two other counts. First, it would grant special rights to 3 individuals to operate resorts that were illegally built on public lands—rights that exceed those afforded to other outfitters who operate legitimately on public lands in the Wilderness and Wild Rivers systems. Those who have play by the rules are harmed when those who cheat are rewarded. Second, these are hardly model operations. They are some of the most dubious I have ever encountered. One of the outfits has had its permit placed in probationary status for being convicted for violations of State fish and game regulations. Another has been cited for “continuous resource damage” associated with a “substantial spill from your generator” and for being “continually late on payment of fees, non-responsive regarding returning phone calls with requested information, and verbally abusive to Forest Service Officers at Corn Creek (the river launch site) and office personnel.” I would be happy to provide the committee with documentation of these facts if any member chooses to better understand the types of operations and operators that S. 1003 seeks to reward.

It is also worth noting that two of three resorts had a change in ownership in recent years. Those resorts were acquired during the time that the legal status of the resorts was being challenged in federal court. Each of the outfitters' permits contain clauses that unequivocally state that should the resorts be found to be illegal they would have to be removed. The outfitters entered into their business deals with eyes wide open, no doubt the risky legal tenor of these resorts was reflected in the selling price.

Mr. Chairman, the right thing to do is to shelve S. 1003 and let the Forest Service implement the law as it is written. In September 2000, a federal judge ruled that the lodges on these three sites

were illegally constructed and ordered the Forest Service to fashion a plan to remove them, being mindful of the concerns of the outfitter-permittees. Following the court's direction and at the urging of the affected outfitters, the Forest Service granted the permittees until December 31, 2005 to comply with the law. That is more than 5 years-time since the court decision, and more than double the amount of time afforded other outfitters who have had to remove illegal structures from the Salmon River. Moreover, the Forest Service has agreed to allow the outfitters to continue to operate at these same camps with temporary structures as allowed by law. Thus, they are not being put out of business, but instead will be allowed to operate and provide services to the public in a fashion that is consistent with the tenets of the Wild and Scenic Rivers Act and the Central Idaho Wilderness Act.

Thank you for your consideration.

Bill Worf
President
Wilderness Watch
PO Box 9175
Missoula, Montana 59807

Attachment #1: Chronology of Salmon River protection and illegal resorts

Attachment #2: Affidavit of William A. Worf

Attachment #3: Affidavit of Vernon O. Hamre