

## Boxer/McKeon bill headed for Senate committee study

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Table Mountain may be incorporated into the Wild Heritage Act as part of the compromise and negotiations between co-authors Senator Barbara Boxer (D-Calif.) and Rep. Howard "Buck" McKeon (R-Santa Clarita). The Act will designate 430,000 acres as Wilderness in Inyo and Mono counties.

According to McKeon's Washington office, Table Mountain, rising between South and Sabrina lakes, will "likely be added." New maps and any revised wording since the late June hearings held in the Eastern Sierra will be available the week of Aug. 21 on McKeon's Web site.

The cherry stems allowing motorized access into the new Wilderness designations remain in the bill. During last month's hearings, Bob Haueter, McKeon's deputy chief of staff, told the audience that Boxer and McKeon were still negotiating and that the final details would, in all likelihood, change from the version introduced in late May.

The Wild Heritage Act began its trek through the legislative process Wednesday with testimony presented to the Senate Energy and Natural Resources, Public Lands and Forests sub-committee. With most of the new designation within the National Forest System, Forest Service Deputy Chief Joel Holtrop expressed support for the bill, with some reservations. "We are concerned with the extensive use of 'cherry stems,'" Holtrop testified. Ranging from 30 to 150 feet on either side of trails or roads, these stems are technically non-Wilderness.

Holtrop recommended that areas where "motorized use is necessary for uses such as range management, hunting, undeveloped recreation ... be omitted from wilderness designation."

The issue of cherry stems, critical to the motorized access community, is complex. While there is a precedent for cherry stems surviving for an extended period of time in Wilderness, Inyo National Forest Supervisor Jim Upchurch could not guarantee that the 100-plus miles in the Wild Heritage Act would remain intact. "I don't want to lead people on," he said, "a lot of the roads and trails (cherry stemmed into the new Wilderness designations) aren't on the system." System roads are currently being solidified as part of the Route Travel Management Plan, commonly referred to as the OHV Rule. The final draft is scheduled for public comment late this year. In addition to the litmus test of the OHV Rule, the cherry stems have to pass the Clinton Roadless Initiative test. (No roads may be added within a roadless area – translation: no road can be designated within a roadless area.)

The simplest way to understand which cherry stems have the best chance of survival would be to overlay the new Wilderness stems with the OHV Rule system road recommendations and system roads within Roadless Areas. Where all three layers match up, the cherry stem may be safe.

Holtrop also requested specific language where the new designations could impact

outfitting, guiding and pack station operations. The number of service days for commercial operations have been reduced by court order as a result of a lawsuit initiated eight years ago. Holtrop testified that commercial services in the John Muir and Ansel Adams Wilderness Areas had been redirected to non-wilderness areas, many of which would be included in the new Wilderness designation. “Unless the bill would allow continuation of authorized outfitting and guiding that are currently conducted on lands that would be added to these Wilderness areas,” he said, “the number of service day allocated . . . would have to be reduced” even more.

The next step in the legislative process could be changes to the text based on sub-committee member recommendations.

According to McKeon’s office, it is not customary for radical changes to be made in committee. The Senate Energy and Natural Resources Committee will then clear the bill for floor action. If the Wild Heritage Act (Senate Bill 3069) passes the Senate it would go to the House of Representatives for a floor vote. The corresponding House bill (H.R. 6156) has yet to begin a parallel process in the House. Once the House process begins, the result could be two different versions of the Act. McKeon’s office said his goal is to have both houses vote on the same piece of legislation.

While the final details of the Wild Heritage Act appear to be a moving target, many of the concerns expressed at the local public meetings can be addressed.

With new Wilderness designations in close proximity to residential communities like Swall Meadows, delays in fire suppression were one concern raised at the public meetings. According to Inyo National Forest Public Affairs Officer Nancy Upham, either the forest supervisor or district ranger can authorize the use of aircraft, chainsaws and portable motorized pumps. Authorization for dozers, infrequent in the Inyo Forest because of the terrain, comes from the regional forester, the next level above forest supervisor.

“In my experience as district ranger and supervisor,” said Upchurch, “I haven’t had to go to the next level up to make those decisions. The equipment is in the proper place at the proper time.” Upchurch said delays in authorization are uncommon and usually based on a lot of different circumstances. “With human-caused Wilderness fires, we will take immediate action to suppress. With lightning strike fires, we do an analysis to see if we can meet ecological restoration needs by monitoring the fire,” he said, adding that threatened structures call for immediate suppression.

The trail quotas and permit process for overnight stays in Sierra Wilderness was also a point of contention at the June meetings. But those restrictions on use are not typical. “Ninety percent of Wilderness in the United States doesn’t have a quota,” said Upchurch. “John Muir and Ansel Adams are unique” because of the delicacy of the terrain and the large population drawn here from Southern California. The Boundary Wilderness in the Whites does not have a quota system and the new White Mountain Wilderness may not either, according to Upchurch. Trail quotas are based on analyses of traffic impact on wilderness resources, recreation and social factors – how many people you pass. Quotas and other management decisions will be developed in a revised Forest Plan or a separate Wilderness Plan.

While the original Wilderness Act of 1964 takes a paragraph to define “wilderness,” advocates for and against the Wild Heritage Act, as well as the Forest Service testimony, focus on key phrases. Figuring out the intent of that wording will send some folks

running for the dictionary. The definition includes the phrase “without permanent improvements or human habitation,” but there are mining sites, cabins, dams, bridges and roads within existing Wilderness. The “untrammelled by man” phrase has been interpreted as “untrampled.” Webster’s dictionary defines “trammel” as “to prevent or impede the free play of, to hamper or confine.” The broader definition is “generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable.” Some back yards would fit that description. McKeon’s office is still aiming for a late September final vote on the Wild Heritage Act.