

Committee on Resources

resources.committee@mail.house.gov

[Home](#) [Press Gallery](#) [Subcommittees](#) [Issues](#) [Legislation](#) [Hearing Archives](#)

TESTIMONY OF GENE L. CHASE, C & C CONTRACTING, INC.

BEFORE THE
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
RESOURCES COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES

ON

THE WILD SKY WILDERNESS PROPOSAL, H.R. 822
JULY 22, 2004

Good morning, Mr. Chairman, members of the subcommittee, ladies and gentlemen. Thank you for the opportunity to discuss my perspective, experiences, and concerns with the Wild Sky wilderness proposal. My name is Gene Chase, and I have lived, worked and recreated in the Wild Sky area for the past 59 years. I am a lifelong resident of Snohomish County, having grown-up in Everett, Washington, attended Forestry School at the University of Washington, and now reside in Arlington, Washington (yes, there is another Arlington and another Washington). I am a former Board Member of the Arlington School District, and I am presently a Trustee for the Everett Community College.

Since the 1950's, I have hiked, fished, camped, and worked in most of the areas now proposed for inclusion in the Wild Sky wilderness designation. In addition, my family and I have owned 5 acres on the North Fork of the Skykomish River adjacent to the Wild Sky area near Index, Washington for 45 years. Because of my lifelong attachment and commitment to the local communities of Snohomish County, the reason for my coming back here today and the focus of my testimony is to stress with each of you how important it is to study the Wild Sky wilderness proposal very, very carefully.

I first began to practice forestry in the Wild Sky area in the 1960's where I was initially involved with surveying several of the former state forestlands mining claim parcels that you now see on the current wilderness proposal map. Beginning in the 1980's, I worked throughout the entire Skykomish River area as a forest manager for a now-closed plywood company. More specifically, I was personally involved in the administration of Forest Service timber sales in areas that are now surprisingly being proposed for wilderness designation under the legislation before you today. As an aside, I must be a better forester than I thought if lands I was involved in previously harvesting are now somehow now eligible for wilderness designation under the 1964 Wilderness Act. Also during the 1980's I was a very active participant in our local roadless area review process, more commonly known as RARE I and RARE II, as well as an active participant in the process of creating the Alpine Lakes Wilderness and Henry M. Jackson Wilderness areas.

Since 1986, I have owned and operated my own road contracting company. For the past 18 years, my firm has constructed roads and trails, decommissioned roads, abandoned roads, and installed fish friendly culverts on several portions of the Wild Sky area, as well as other forested areas of the Mt. Baker-Snoqualmie National Forest, the Wenatchee National Forest, and the Olympic National Forest.

I also want the subcommittee to know that Congressman Rick Larsen and his family are friends of mine, and that he and I have privately met on several occasions to discuss my deep concerns with this wilderness proposal. While I retain a very high regard for Congressman Larsen who normally represents our District very well, I have to admit that I have some very serious concerns about the suitability of the lands included in his legislation.

I want to bring to the subcommittee's attention the apparent lack of process with this legislation. Although you have heard testimony about alleged extensive public involvement and local public hearings concerning Wild Sky, the truth of the matter is there has never been a public hearing in Washington State concerning this, or any other legislation, specifically pertaining to Wild Sky. At best, there were three local information

sessions during the summer and fall of 2001 during which time a map was distributed showing "wilderness areas under consideration." The original Wild Sky legislation was not even drafted until the spring of 2002, well after these information sessions occurred. For the record, this is only the second public hearing on Wild Sky that has ever occurred -- the first being before the Senate Energy and Natural Resources Committee in June, 2003. I would hope this subcommittee will take the time to examine the record of the Senate committee hearing as many key concerns were entered into the record at that time. As you know, the companion legislation to H.R. 822 has twice passed the Senate by unanimous consent. The Senate has a long tradition of adopting wilderness legislation that is supported by both Senators from the affected state regardless of the merits of the legislation, and in exchange Senators from other states do not introduce wilderness legislation affecting states other than their own. Incidentally, Mr. Chairman, I want to thank you and this subcommittee for taking the time to hold this important hearing to allow a full and fair airing of both the problems and opportunities with Wild Sky.

The 1964 Wilderness Act explicitly defines wilderness to be "Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, and with the imprint of man's work substantially unnoticeable." In my opinion, the plain meaning of this statute precludes creating wilderness areas for lands that previously that have had logging roads and spur roads constructed on them. In the case of Wild Sky, I have built and then decommissioned some of these roads that are now a source of controversy at today's hearing.

As we all know, the 1964 Wilderness Act was a watershed event for land conservation in America. At the time of its passage, one of the Act's prime sponsors, Idaho Senator Frank Church, ideally hoped that one day the wilderness preservation system would grow to be 50 million acres. Well, today we have over 100 million acres of wilderness in our country. Portions of the proposed Wild Sky wilderness are adjacent to the Henry M. Jackson Wilderness Area named in honor of another Senator who understood and was a strong supporter of wilderness. Senator Henry "Scoop" Jackson was an Everett, Washington native and as an Eagle Scout he hiked many of these areas adjacent to the wilderness that now bears his name. He understood wilderness. He knew what was wilderness and what it wasn't. I have serious doubts as to whether those who were involved with this proposal understand the meaning of wilderness the way that Scoop Jackson did. Presently, the Mt. Baker-Snoqualmie National Forest administers 8 separate Wilderness Areas now totaling 721,781 acres. In fact, nearly 42% of the 1.7 million acres on the Forest are now Wilderness yet they are reportedly used by only 13% of the national forest visitors even though 55% of Washington's population now lives within a one-hour drive of a local wilderness area.

I was also an active participant in the development of the current Forest Plan for the Mt. Baker-Snoqualmie National Forest. The Forest Plan Environmental Impact Statement (EIS) specifically analyzed the wilderness attributes of 29 separate roadless areas on the Forest and concluded that only 6 roadless areas had demonstrable wilderness potential. Only one of these areas, Eagle Rock, is located within the current boundaries of the Wild Sky Wilderness proposal. The Eagle Rock roadless area encompasses only 33,177 acres (vs. 106,349 acres in H.R. 822).

It is important for this subcommittee to clearly understand there are substantial human improvements within the proposed boundaries of Wild Sky. These include:

- 29 miles of roads
- 99 culverts (60 rated as high risk of failure)
- 7 Bridges, including 1 Concrete Bridge in West Cady Creek
- 6,600 acres that were previously harvested for timber
- Old Dam (not functioning) at Lake Isabel
- Breached Concrete Dam at Rock Lake
- Dam and pipeline at Simms Lake
- Dam and pipeline at Sunset Lake
- Concrete foundation for ore processor in West Cady Creek
- USFS Cabin at Lake Isabel
- USFS Fire Lookout on Evergreen Mountain
- Cabins and Mining Equipment on private property in the Silver Creek area

Furthermore, the actual number of older roads within the Wild Sky may actually be at least 60 miles, as the above-referenced mileage comes from Forest Service system roads that did not include unnamed and unnumbered so-called temporary roads that were also built for harvesting purposes. The Forest Service

estimates the mileage of this type of road is likely greater than the 29 miles of system roads identified above.

I believe this subcommittee needs to grapple with whether or not some of the lands within the Wild Sky proposal are actually suitable for designation as wilderness as described in the 1964 Act. I am not alone in this view. In a June 2002 letter to Congresswoman Dunn concerning the Wild Sky wilderness proposal, the Mt. Baker-Snoqualmie Forest Supervisor wrote, "within Washington state wilderness areas this definition has never included such substantially noticeable imprint of man's (sic) work. I feel that including these areas would be a change in the standard used by Congress in considering wilderness suitability (emphasis added)."

In this same letter, the Forest Supervisor also addressed the issue of the costs of changing the current recreational access within the Wild Sky area if it were to be designated as wilderness. Specifically, the cost of new trail construction, if any were to occur within the wilderness proposal area, was estimated to be approximately \$100,000 per mile. In addition, the cost of converting about a third of the existing roads in the Wild Sky area to trails was estimated at \$6.5 million. The Congressional Budget Office estimated the cost of the Wild Sky wilderness legislation to be approximately \$18 million, principally because of the cost of removing roads. Based on my experience, these cost estimates are likely conservative.

Although H.R. 822 specifically calls for a new trail plan and system of hiking and equestrian trails within the Wild Sky, according to the Forest Service this language is likely in conflict with existing requirements based on the Endangered Species Act for protection of grizzly bear core habitat that would actually limit any new trail construction in the proposed wilderness area. In addition, the Forest Service reports that spotted owl habitat requirements for Late Successional Reserves under the Northwest Forest Plan would also limit new trail construction. In fact, in the aforementioned letter, the Forest Supervisor stated, "contrary to popular belief, congressionally designated wilderness areas are not recreation resources per se." In this letter the Forest Supervisor goes on to say, "if designated as wilderness it is likely that the Forest would adopt the position that no new trails should be built inside the Wild Sky (emphasis added)." I have a hard time understanding how the public is served through limiting access by visitors to the Wild Sky area.

I seriously question the need to decommission roads and make them into trails. Presently, there remains a serious backlog of needed road maintenance and trail work on the Mt. Baker-Snoqualmie National Forest and this situation was made significantly worse by the storms of this past winter which resulted in over \$10 million in damage on the forest. Even before this storm event, several existing trails were already "closed" on the Mt. Baker-Snoqualmie due to lack of money. Therefore, I recommend to this subcommittee that these restrictions and limitations be further analyzed before adopting this legislation so as to avoid creating unreasonable, or unobtainable, public expectations for outdoor recreation in the Wild Sky area.

In addition, there are approximately 2,200 acres of private land within the proposed wilderness area. The Forest Service estimates it would cost approximately \$2.2 million to acquire these private lands.

As a professional forester, it is important for the subcommittee to understand that although the Wild Sky area is in western Washington which normally does not experience regular forest fires, there is and will remain a very real risk of catastrophic loss of this area to wildfire. The 1990 Forest Plan identified that most ecosystems of the Western Cascades developed under a fire regime of infrequent but very large, and high intensity, stand replacement fires on a return interval of once every 250 to 500 years and these fires were often catastrophic. Therefore, catastrophic wildfire in the Wild Sky area it is not a question of 'if', but 'when'. At this point I am unaware of any efforts by local communities to develop Community Wildfire Protection Plans under the recently enacted Healthy Forests Restoration Act. In my opinion, development of these plans may be warranted as the Forest Plan Record of Decision anticipates that under current wilderness standards and guidelines, "it is possible that once every 20 years or so, an individual fire may approach 1,000 acres in size." Without adequate regard to the threat of wildfire in the Wild Sky area, we put neighboring private and state lands, as well as the local communities, in very real danger.

Although the Mt. Baker-Snoqualmie National Forest is one of the most productive national forests in the United States, there are sadly only 53,740 acres, of out of 1.7 million acres, allocated to matrix management under the Northwest Forest Plan. Of these matrix lands, 7,653 acres or over 14%, now reside within the Wild Sky proposal area. I have personally had to suffer the hardships of the timber depression following the spotted owl crisis of the early 1990's when my former employer had to close a local plywood mill. Somehow, it appears patently unfair to me, my former co-workers, and friends in rural Snohomish County to further reduce the now minimal amount of federal lands allocated for multiple-use management. In addition,

designating these matrix lands as Wilderness would require an amendment to the Northwest Forest Plan. Recently, environmental supporters of the Wild Sky wilderness proposal appealed the proposed Sky Forks Thin Project, in part citing that the proposed thinning units were adjacent to the proposed Wild Sky wilderness area. The Forest Service negotiated with the appellants to resolve this appeal by removing thinning units that were adjacent to the proposal area that resulted in a significantly smaller project. Thus, even the prospect of a wilderness proposal has resulted in precluding Forest Service activities and uses up to the boundary of the actual area.

It is also important for the subcommittee to understand that all wilderness areas on the Mt. Baker-Snoqualmie National Forest are designated Class I Airsheds under the Clean Air Act. If the Wild Sky proposal were to be enacted, it is presumed the Wild Sky area would be similarly designated as a Class I Airshed. The future impacts of such a designation on nearby private lands (up to a 50-mile radius) for current and future agricultural, forestry, commercial, and industrial activities are unknown at the present time and need to be evaluated.

H.R. 822 does not provide for a specific exemption that would allow for the use of motorized equipment to decommission roads and bridges inside the wilderness proposal area. It is my understanding this issue was identified as a needed exemption during the June, 2003 hearing on S. 391 before the Senate Energy and Natural Resources Committee. There are numerous culverts within the Wild Sky area that need to be maintained, cleaned, etc., which can be done by hand labor. However, culvert replacement or removal can only be done by machine and current wilderness designations all restrict mechanized equipment. The proponents of this legislation like to cite the potential protection of important salmon spawning habitat as a benefit of wilderness designation. Unfortunately, if a culvert were to become blocked or washed out in a wilderness area, miles of salmon spawning habitat could be lost without the ability to bring machines in to make needed repairs. For example, two years ago it took almost a day to get permission to bring in a medic helicopter to simply take an injured hiker out of one of the wilderness areas.

I could not help but note that the Wild Sky wilderness proponents recently stated to Chairman Pombo that the Forest Service is 10 years overdue on making wilderness recommendations under their NFMA planning obligations and use this argument to state that the Congress should move forward with legislative action. This is incorrect. The Record of Decision for the Mt. Baker-Snoqualmie Land and Resource Management Plan was signed on June 8, 1990. The 1984 Washington Wilderness Act stated that "the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years..." Thus, the wilderness suitability analyses, forest plan standards and guidelines, and NEPA analyses associated with the Mt. Baker-Snoqualmie Forest Plan (which included substantial public involvement) are still fully within the timeframes described by the National Forest Management Act.

In closing, I ask that you delay moving this legislation forward to allow for further analysis and study. In my opinion, this is precisely what the NEPA process is intended for, and this subcommittee needs look no further than the proposed I-90 Wilderness in Washington State where in 1998 Congress directed that an Environmental Impact Statement be completed before finally deciding on which areas to formally designate as wilderness. To me, this seems like a very prudent and responsible path forward and will go a long way towards ensuring that Wild Sky receives appropriate protection.

That concludes my written testimony, Mr. Chairman. I would like to thank you for the opportunity to be here today and would be happy to attempt to answer an questions you or the committee might have.