



File Code: 1909.12

Date: March 15, 1999

Subject: Planning Direction, Nellie Juan-College Fiord Wilderness Study Area and Wilderness Recommendations for Plan Revision.

To: Forest Plan Revision ID Team

Questions have arisen during the plan revision process regarding the status of the Nellie Juan--College Fiord Wilderness Study Area (WSA) and about potential recommendations for additional wilderness outside the WSA. The key issues that need to be addressed are how the WSA was established; whether it still retains that status; if additional wilderness can be recommended outside the WSA; and how ANILCA's prohibition on new single purpose studies affects addressing the wilderness issue in revision.

This memo outlines the legal history and current status of the study area, summarizes regional policy regarding management of the study area, documents the decision space in plan revision regarding the wilderness issue, and provides you with planning direction regarding evaluating wilderness suitability in plan revision.

Establishment of the Nellie Juan College Fiord Wilderness Study Area

The wilderness values of the Nellie Juan and College Fiord areas have been recognized by a series of administrative and legislative actions over the past 25 years, culminating in the Alaska National Interest Lands Conservation Act (ANILCA):

1. In 1973, the first Roadless Area Review and Evaluation (RARE I) recommended evaluating a 704,000-acre Nellie Juan New Study Area for wilderness.
2. The 1974 Chugach National Forest Land Use Plan identified an area of approximately 530,000 acres as the Nellie Juan Wilderness Study Area. The Plan called for the area to be managed "in an undeveloped state while the study is being conducted." To the best of our knowledge, no study was ever completed.

No recommendation for wilderness study was made in the 1974 Plan for the College Fiord region, but two areas, Harriman Fiord and Columbia Glacier, were recommended for study as scenic areas.

3. In 1979, the RARE II Final Environmental Impact Statement identified two areas, Nellie Juan (696,000 acres) and College Fiord (847,000 acres), as "Administratively endorsed Wilderness Recommendations".
4. In 1980, ANILCA created the Nellie Juan-College Fiord Wilderness Study Area (WSA), approximately 2.1 million acres in size:

ANILCA Sec. 704. In furtherance of the purposes of the Wilderness Act the Secretary of Agriculture shall review the public lands depicted as "Wilderness Study" on the following described map and within three years report to the President and the Congress in accordance with section 3 (c) and (d) of the



Wilderness Act, his recommendations as to the suitability or nonsuitability of all areas within such wilderness study boundaries for preservation of wilderness: Nellie Juan- College Fiord, Chugach National Forest as generally depicted on a map entitled "Nellie Juan-College Fiord Study Area", dated October 1978.

When Congress created the WSA, it did not impose any time limit on itself with respect to deciding whether to designate the Nellie Juan-College Fiord area as wilderness, nor did it build into the legislation any automatic expiration of the study area designation. Congress did establish a timeframe for the Secretary of Agriculture to make a recommendation on the suitability of the WSA for wilderness designation, which will be discussed below.

Current Legal Status of the WSA

Questions regarding the current status of the WSA, and specifically, whether it retains the status of a congressionally designated wilderness study area, are clearly answered by examining the chronology of administrative actions since ANILCA:

1. The 1984 Chugach Land and Resources Management Plan (Forest Plan) recommended designating approximately 1.7 million acres of the Forest as Wilderness. Most of this area is within the WSA, with approximately 50,000 acres in the Paradise Lakes area outside the WSA. The Record of Decision (ROD) states:

Until Congress acts on a wilderness recommendation, the areas recommended and the Nellie Juan-College Fiord Wilderness Study Area will be managed to maintain their presently existing character.

It should be noted that this statement refers to the 53,000 acres outside the WSA and the entire 2.1 million acre WSA, not just the recommended area.

2. Concurrent with the development of the Forest Plan EIS and based on the ROD, the Forest Service completed a legislative Final Environmental Impact Statement (FEIS) and Wilderness Study Report recommending wilderness designation for approximately 1.7 million acres as identified in the Forest Plan. These documents were prepared to fulfill the congressional direction to the Secretary of Agriculture to "report to the President and the Congress...recommendations as to the suitability or nonsuitability of all areas within such wilderness study boundaries for preservation of wilderness." (ANILCA Section 704).

The FEIS reiterates WSA management direction from the Forest Plan ROD in two places: "Until Congress acts on this recommendation, the legislatively specified Nellie Juan-College Fiord Wilderness Study Area will be managed to maintain its presently existing character" and "Until the study is complete and Congress has acted on the recommendations, the Study Area will be managed so as to maintain its presently existing wilderness character" (p. ix and p. II-15, respectively).

The documents were transmitted to the Washington Office in 1985 and thereafter to the Department of Agriculture. A second copy of the FEIS was transmitted to Washington around 1990. To date, there has been no congressional action on the recommendation.

Given that Congress has clearly reserved to itself the authority to designate or not to designate wilderness, and given that it did not impose any legislative time limit on the study area designation (the Secretary of Agriculture's actions notwithstanding), the Forest Service continues to have a responsibility to manage the WSA to preserve its wilderness character. The means by which the Forest Service fulfills this responsibility are discussed in the next section.

Regional Policy regarding Management of the WSA

Regional policy regarding management of designated Wilderness and the WSA was first developed in 1983 as a supplement to Forest Service Manual 2320. This supplement expresses how the direction in the ROD to maintain the existing character of the WSA until Congress acts, will be implemented on the ground. Excerpts from the latest revision of the supplement (R-10 Supplement 2300-95-1) follow:

2320.2 - Objectives. Manage designated Wilderness and the wilderness study area to meet the spirit and intent of the 1964 Wilderness Act, while recognizing and allowing for specific exceptions authorized in ANILCA.

2320.3 - Policy. Subject to valid existing rights, the wilderness study area shall, until congress determines otherwise, be administered to maintain presently existing character and potential for inclusion into the National Wilderness Preservation System. Management of the study area will follow the same direction provided for wilderness established by ANILCA, to the extent consistent with law.

The principle of nondegradation of conditions existing on the date the area was established will guide the management of designated wilderness and the Nellie Juan Wilderness Study Area, to the extent consistent with ANILCA. ANILCA makes many exceptions to the Wilderness Act in order to minimize impacts on existing uses and in recognition of the unique conditions in Alaska.

Implementation of WSA Direction

The legal status of the WSA, the Regional Forester's direction in the ROD, and regional policy regarding WSA management are incorporated into the 1984 Forest Plan in forestwide standards and guidelines, and in management area direction. Appendix I displays the relevant sections of the Plan. This policy and direction has been reinforced over the years through public statements of the Forest Service, including responses to congressional inquiries and to the public. Examples of how this direction has been applied over the last twenty years include:

- No new cabins have been built since 1983.
- Only primitive trails have been developed.
- Temporary camps for the taking of fish and game have been authorized.
- Requests for major permanent developments have been denied.
- Fisheries improvement projects have been undertaken, keeping the wilderness character in mind.
- No timber harvest has occurred.
- Access to mineral claims has been authorized, consistent with the wilderness character.
- Tourism activities have been limited to small groups with no facilities.

- During the oil spill clean up, all work crews were required to stay below the beach vegetation line to conduct clean-up activities.
- All support facilities for the oil spill clean up were based on the water, with no land-based support allowed.

Decision Space regarding Wilderness in Forest Plan Revision

The Forest Service's decision space with respect to the wilderness issue in plan revision is defined by ANILCA as well as other federal laws important to forest planning, such as the Multiple Use Sustained Yield Act (MUSY), the Wilderness Act, the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the host of other laws pertinent to forest planning. Taking these legislative mandates chronologically, we find that:

- National Forests are to be "administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes". Furthermore, multiple use means "the management of all the various renewable surface resources....so that they are utilized in the combination that will best meet the needs of the American people.... some lands will be used for less than all of the resources...." (MUSY, Sections 1 and 4(a)).
- It is the "policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness...to be composed of federally owned areas designated by Congress as 'wilderness areas'...." (Wilderness Act, Section 2).
- It is the responsibility of the Federal Government to "preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice...." (NEPA, Section 101(b)(4)).
- "In developing, maintaining, and revising plans for units of the National Forest System....the Secretary shall assure that such plans ... provide for multiple use and sustained yield....and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness..." (NFMA Section 6 (e)(1)).
- ANILCA includes several sections which must be looked at together to understand ANILCA's implications for wilderness recommendations in plan revision.

Section 708 addresses RARE II, which was a complex process on the Chugach NF. In brief, the RARE II decision released three management areas on the Chugach NF from further consideration for wilderness, while the rest of the Forest including the Nellie Juan and College Fiord areas, were placed in the further planning category. It was expected that 'further planning' lands would be evaluated for wilderness suitability and potential wilderness recommendation through the forest planning process. Appendix II provides additional detail regarding RARE II on the Chugach NF.

With this background, three subsections of ANILCA Sec. 708 are of particular interest:

- ⇒ Section 708(b)(2) states that lands evaluated under RARE II in Alaska provided adequate consideration of wilderness suitability and no additional suitability studies needed to be

done *prior to revision of initial forest plans*. There is a clear implication that additional suitability studies could be undertaken as part of plan revision. Section 708(b)(2) exempted both the 'further planning' lands and the WSA, since Section 704 specifically directed the Secretary of Agriculture to study the suitability of the WSA for wilderness designation:

ANILCA Sec. 708. (b)(2) with respect to the National Forest lands in the State of Alaska which were reviewed by the Department of Agriculture in the second area roadless review and evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act or the area listed in section 704 of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the establishment by law for completion of the initial planning cycle;

- ⇒ Section 708(b)(3) is the section that released lands not designated as wilderness, for wilderness study, or in further planning status. These lands became available for other purposes *pending revision of the initial plans*. Once again, Congress left the door open to considering wilderness suitability of all national forest lands during revision:

ANILCA Sec. 708. (b)(3) areas reviewed in the Final Environmental Statement and not designated as wilderness or for study by this act or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans;

- ⇒ Section 708(b)(4) simply states that the Secretary of Agriculture will not conduct any further *statewide* reviews of roadless areas for wilderness suitability. In other words, there was to be no RARE III in Alaska for national forest lands:

ANILCA Sec. 708. (b)(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Alaska for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Another important section in ANILCA that needs to be considered with regard to wilderness evaluation in the plan revision is Section 1326(b):

ANILCA Sec. 1326. (b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

Congress clearly states its intent that no further *single purpose studies* be conducted in Alaska to consider establishment of new conservation system units, which includes wilderness areas. Obviously, the specific direction in Section 704 was an exception to this general direction. In addition, forest planning is not a single purpose study, since the entire land base and a wide range of management strategies are analyzed, as directed by NFMA.

- With regard to the lands designated in ANILCA Section 501(b), I have examined both the language of ANILCA and the implementing regulations. Section 501(b) states:

ANILCA 501. (b) Subject to valid existing rights, lands added to the ... Chugach National Forest by this section shall be administered by the Secretary in accordance with the applicable provisions of this Act and the laws, rules, and regulations applicable to the national forest system: *Provided*, That the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper/Rude River addition and the Copper River-Bering River portion of the existing Chugach National Forest, ...: *Provided*, That the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations....

The implementing regulations at 36 CFR 241, Subpart B state that

....a multiple-use activity may be permitted or authorized within the areas of the Chugach National Forest subject to this subpart only after a determination by the responsible Forest Officer that such activity is consistent with the conservation of fish, wildlife, and their habitat. A use or activity may be determined to be consistent if it will not materially interfere with or detract from the conservation of fish, wildlife, and their habitat. (36 CFR 241.22)

It is apparent that lands designated by ANILCA Section 501(b) may be evaluated for suitability for wilderness, but that evaluation **MUST** include a consistency determination as defined in the regulations. Furthermore, evaluating these lands for suitability for wilderness or, indeed, for any other multiple-use activity, should only be undertaken if there is public interest in doing so, or resource management reasons to do so.

So what do I conclude is the decision space regarding evaluating wilderness suitability and making wilderness recommendations as part of forest plan revision? NFMA directs us to consider all resources and all uses in forest planning, including wilderness. Doing so is the only way to develop the analysis needed to make informed decisions on trade-offs among all the potential management actions we may take. Such comprehensive planning is not a "single purpose study" prohibited by Section 1326(b) of ANILCA.

In Section 708, Congress states that wilderness suitability studies are completed only as far as the initial forest plans are concerned, but wilderness suitability may again be considered when those initial plans are revised. Thus, we may and, in fact, are obligated to look at not only potential additions to the National Wilderness Preservation System, but also to the National Wild and Scenic River System, or the National Trail System, if there is public interest in doing so, or resource management reasons to consider such recommendations as we revise the forest plan.

Planning Direction for Evaluating Lands for Wilderness Suitability

In the Environmental Impact Statement, all inventoried roadless areas, including the those within the WSA and 501(b) areas, may be considered for wilderness suitability where there is public interest or resource management reasons to do so. Based on results of scoping to date, it is clear to me that there is public interest in both increasing and decreasing the area recommended in the 1984 Forest Plan for wilderness designation, develop a range of alternatives that do both. On lands within the WSA that are not recommended for wilderness in each alternative, apply other management prescriptions that reflect the overall theme of the alternative, and analyze the resultant outputs and effects.

The revised Forest Plan will provide the basis for implementing the selected alternative in the Record of Decision from the EIS. If the Regional Forester selects an alternative for implementation that includes a recommendation for wilderness designation, we will manage the recommended area to maintain its wilderness character until Congress makes a decision on the recommendation. Furthermore, so long as Section 704 remains in effect and until Congress makes a determination regarding wilderness designation, we will continue to manage the entire WSA to maintain its wilderness character no matter what other management prescriptions were applied to it in the EIS. Conversely, areas outside the WSA that are not recommended for wilderness in the selected alternative need not be managed to maintain wilderness character.

In addition, the items agreed to in Appendix III will be followed in this analysis.



DAVE R. GIBBONS
Forest Supervisor

Appendix I Current Forest Plan Direction

Additionally, the following Forest-wide standards and guidelines established the level of management to be applied to the WSA and recommended wilderness outside the WSA in the 1984 Forest Plan:

Forest-wide Standard and Guideline:

B03 WILDERNESS AREA - FULL SERVICE MANAGEMENT

B. Subject to valid existing rights, the areas recommended for wilderness and the Nellie Juan-College Fiord Wilderness Study Area will, until Congress determines otherwise, be administered to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Concurrently, management will follow direction established in the Alaska Lands Act [ANILCA] for wilderness management in Alaska.

Management Area Direction

The following Management Area Standard and Guideline appears in several Analysis Areas in which the WSA occurs or wilderness designation is recommended.

B03 WILDERNESS AREA - REDUCED SERVICE MANAGEMENT

Recommend to Congress approximately 1,445,000 acres (46%) of this Analysis Area [acreage varies by Analysis Area] along with approximately 258,000 acres of adjacent Analysis Areas for designation as a wilderness area of approximately 1,703,000 acres.

Subject to valid existing rights, the areas recommended for wilderness and the Nellie Juan-College Fiord Wilderness Study Area shall, until Congress determines otherwise, be administered to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Concurrently, management will follow direction established in the Alaska Lands Act [ANILCA] for wilderness management in Alaska.

In August 1984, the Record of Decision for the Forest Plan was appealed. Numerous issues were appealed; one of which had to do with recommended wilderness and management of the WSA. The appeal was settled through an agreement that became official in January 1986 (Forest Plan Amendment #1). Following are the terms of the agreement in relation to the WSA:

A. The Regional Forester agrees to cause amendment of the Forest Plan as necessary to incorporate the following interim management measures:

As indicated in the Forest Plan and July 27, 1984, Record of Decision, until completion of Congressional action on the Wilderness Study Area, the Nellie Juan and College Fiord Management Areas will be managed to be consistent with the wilderness management guidelines in ANILCA. Should Congress enact legislation on the Wilderness Study Area designation question prior to REVISION of the Forest Plan, any portion of the Study Area not designated as 'Wilderness will be managed consistent with maintaining Recreation Opportunity Spectrum (ROS) class Semi-Primitive Non-motorized conditions (see Appendix A - ROS Setting Characteristics and ROS Experience Opportunities), subject to valid existing rights, until the Forest plan is revised.

**Appendix II
RARE II Release**

In 1979, the national Final Environmental Impact Statement for the second Roadless Area Review and Recommendation (RARE II) was completed, including the Alaskan Supplement.

For the Chugach National Forest, the RARE II decision identified most of the Forest for Further Planning. Lands in the Further Planning category were to be evaluated for wilderness suitability in a future planning effort, such as the initial round of forest plans. Lands identified for Further Planning were to be managed to protect any wilderness character pending completion of the evaluation.

Only the Road Corridor and two areas, Resurrection Pass (001B) and the lower Snow River area (005B) were identified for Nonwilderness (all on the Kenai Peninsula). One area was recommended for wilderness, Two Indians (001A). This land was transferred to the Kenai Wildlife Refuge in ANILCA. Nellie Juan and College Fiord were identified in RARE II as Administratively Endorsed Wilderness Proposals and included lands outside the National Forest boundary. Because the administration had already endorsed these areas for wilderness designation, they were not further evaluated in RARE II.

It should be noted that the Copper River/Rude River and northern College Fiord areas were not a part of the Chugach NF at the time of RARE II. They were added to the Forest by ANILCA in 1980.

Within a year of the completion of RARE II, ANILCA provided further clarification and direction on RARE II lands. Section 708 speaks specifically to National Forest lands and RARE II releases. Section 708 does three things:

1. It deems the analysis and findings of RARE II to be adequate as to wilderness suitability for initial forest plan development.
2. It declares that the lands released in RARE II do not need to be managed to maintain their suitability for wilderness.
3. It prohibits the Forest Service from conducting any statewide roadless study for wilderness purposes.

Section 708 also provides an important exception to Items 1 and 2 by specifically excluding three categories of land from this direction: areas designated as wilderness (none exist on the Chugach NF); areas designated for further study in ANILCA (the Nellie Juan-College Fiord Wilderness Study Area); and areas remaining in Further Planning in RARE II (most of the Chugach NF).

The initial Forest Plan analyzed all of the Forest (except for the areas released in RARE II) for wilderness suitability. The selected alternative identified 1.7 million acres for wilderness recommendation.

In Forest Plan revision, all lands, including those released in RARE II, can be considered for wilderness designation.

Appendix III**Resolution of Chugach Powder Guides' 1999 Activities****The appellants agree to:**

1. Appellants agree to amend their January 29, 1999 appeal so that it does not seek to prevent the operations of Chugach Powder Guides in the 1999 season, or object to the portion of the decision allowing operations in the 1999 season, subject to the limitations in this agreement. This agreement constitutes the amendment to the appeal. Appellants agree to allow the stay to be lifted on the issuance of the permit for the 1999 season, subject to the limitations in this agreement. The appeal as amended will continue to be processed pursuant to Forest Service regulations.
2. The appellants reserve their right to challenge the Regional Forester's decision on their appeal through court actions, except as it applies to the 1999 season through approximately April 30, 1999. Appellants reserve their right to challenge any future NEPA decision through the administrative appeals process and/or through court actions.

The Chugach National Forest agrees to:

1. Moose Creek, Ptarmigan, East Twentymile (with the exception of Bear Valley), North Twentymile, and West Twentymile Zones will not be included in Chugach Powder Guides' 1999 permit. Consideration of these zones in future permits will only occur after the Forest Plan Revision ROD or other applicable ROD is signed, or all signatories agree to a change.
2. Chugach Powder Guides' permit will require that helicopters stay at least 1 mile from any sighted goats. However, the Chugach National Forest still believes that a 1/2 mile separation distance between goats and helicopters provides adequate protection from significant disturbance to mountain goats. The 1 mile permit requirement will be in effect until the Forest Plan Revision ROD or other applicable ROD is signed. Flight paths may be deviated from in times of emergency or when safety would be compromised.
3. Until the Forest Plan Revision ROD or other applicable ROD is signed, permits for outfitter/guide helicopter operations in the Chugach National Forest:
 - A. will only be authorized in areas approved in current decision/NEPA documents (Chugach Powder Guides, Valdez Heli-Ski Guides, and the Lorraine A. Temple Godwin Glacier operations), as modified by this agreement;
 - B. will be of one year or less in duration;
 - C. will need the appropriate levels of NEPA analysis;
 - D. may be reissued to existing permit holders or in the event of expiration, termination or revocation, may be issued to new operators, however, a permit will not be offered if the permit holder, or their successor in interest, does not seek to have the permit reissued (note: this would not prevent a new operator from obtaining a permit through a competitive bidding process which involves the prior permit holder);
 - E. may be issued to no more than one operator in each of the three areas approved in current decision/NEPA documents.

4. During Forest Plan Revision, Forest Service Handbook 1909.12, Chapter 7 will be followed for Wilderness evaluations in the land management planning process undertaken by the Chugach National Forest. The decisions of the Regional Forester, Chief of the Forest Service, and the Secretary of Agriculture regarding the Forest Plan Revision are not constrained by this agreement. The attached narrative helps clarify these evaluations.

All parties agree to:

1. Work together, and with other interested parties, to see that motorized/nonmotorized issues are appropriately addressed in the revision of the Forest Plan, or other analyses of this issue.

Appellants:

Nicole Whittington-Evans
Assistant Regional Director, Alaska
Wilderness Society

Date

Gabrielle Barnett
Turnagain Arm Conservation League

Date

Kevin Harun
Executive Director
Alaska Center for the Environment

Date

Forest Service:

Dave Gibbons
Forest Supervisor
Chugach National Forest

Date

I concur with the resolution:

Dave Hamre
Owner
Chugach Powder Guides

Date

**Chugach National Forest Appeal Negotiations
Consideration of Helicopter Use in Wilderness Evaluations**

The appellants have expressed a concern that allowing another season of helicopter skiing will lessen the Wilderness potential of these areas. More specifically, the activity will continue to build a constituent base which will weigh in against Wilderness designation for these areas during the Forest Plan Revision process. As part of the negotiated settlement of their appeal, they are requesting the Forest Service to not consider prior helicopter use and associated activities during the evaluation of potential Wilderness in the plan revision.

Discussion

Forest Service Handbook 1909.12, Chapter 7, describes the process for Wilderness evaluations in the land management planning process. It outlines three major steps: inventory, evaluation, and review and approval. It is clear from the criteria listed in the inventory step that helicopter skiing will not prevent an area from being inventoried as potential wilderness. The review and approval step is strictly procedural, and unaffected by helicopter skiing.

The evaluation step identifies 3 considerations, capability, availability, and need. The availability and need considerations provide background to address the appellants requests. Capability assesses the areas opportunities and capabilities to meet wilderness objectives, and is not affected by helicopter skiing.

One of the factors identified in availability is other resource demands the area could satisfy. It includes current use, outputs, trends, and potential future use. Helicopter skiing is one of the many factors to include in this section. This section also discusses "land generally unavailable for wilderness" (section 7.22a). A case could be made that established helicopter skiing fits into either item #4 ("phenomena of such unique or outstanding nature that general public access and special development to facilitate public enjoyment should be available") or item #5 ("clearly documented resource demands such as for . . . developed recreation areas such as winter sports sites").

Need is the final consideration. Planners must consider how designation may contribute to local and national distribution of Wilderness. The current and future public need is identified through the public involvement process.

Response

Based on the preceding discussion and Forest Service policy:

- Many factors are considered in Wilderness evaluations. The Forest Service will not deny that these uses have occurred, or are occurring in these areas. However it is agreed we will not weigh helicopter skiing any more than other factors.
- The Forest Service will not consider helicopter skiing as meeting any of the criteria in section 7.22a, "land generally unavailable for Wilderness".

- The public involvement process will not be a vote counting process. The number of constituents weighing in on an issue will not be a determining factor.
- The Forest Service recognizes that some of the areas that would be under special use permit for helicopter skiing likely qualify for, and may be suitable for Wilderness designation.

In summary, Forest Service direction identifies procedures for Wilderness evaluations. Many factors are involved during these studies, and issuance of a special use permit for helicopter skiing will be one of many factors considered, in only one step of the process. The activity will not preclude consideration for wilderness, nor carry any more weight than any other factor.