Wilderness Landholders Seek To Retain Vehicle Use Rights

Owners of land surrounded by the Selway-Bitterroot Wilderness area, informed by the U.S. Forest Service that their common practice of commuting through the area in motorized vehicles must stop by Sept. 1, have appealed to Secretary of Agriculture Orville L. Freeman.

Seven owners of land within the boundaries of the Nezpepe and the Bitterroot National Forests, through their attorney, Ray McNichols of Orofino, told Freeman in a recent letter they "feel they have a right to the use of modern equipment for ingress and egress to their property and protest the attempted curtailment of that right. They further," McNichols wrote Freeman, "wish to advise that there have not, and do not, consent or agree to cease using motorized vehicles as the same have been used for years. When the Department's position as to their attitude has been clearly ascertained, my clients will determine what steps will be required to protect their rights."

In a letter, McNichols said it appears "that the rights of the private owners to ingress and egress to their property in a reasonable manner has run head-on into the restriction against use of motor vehicles."

Owners Told To Desist

Despite earlier published reports to the contrary, the Forest Service contends there was never any intention to allow continued use of motorized vehicles. Their use instead of horse-drawn vehicles has been common about seven years. The regional forester's office at Missoula, in August 1963, notified the owners that use of "jeeps between government-owned airstrips in the wilderness area and their lodges and lodges would have to cease by Sept. 1.

According to the Forest Service, three of the four private land owners appear to accept the restriction. The exception is Sid Hinkle, co-owner of Selway Hunting Lodge. (Hinkle is one of McNichols' clients. The attorney stated he represents seven persons he represents own most of the private land within the wilderness area.)

"We are notifying Sen. Ensign that no provision has been made in the management plan in the use of motorized vehicles to areas within the wilderness beyond airstrips. Transportation in parts of this wilderness, except for landings at the three specified airports, is limited to primitive means," McNichols said. "Horse-drawn vehicles can be used to transport people and goods from the Shearer airstrip to the lodge." He told the Idaho Free Press, Grangeville, that he had interpreted Ensign's answer that he could continue to use a Jeep. Further, he believes the use of motor vehicles can be authorized by the Forest Service under its present regulations.

He cited the section he contends contains power for use in accordance with a statute right to ingress and egress and one which states that "roads over national forest lands reserved from the public domain and necessary for ingress and egress to and from property shall be allowed under appropriate conditions determined by the Forest Supervisor.

John R. Moldsgraven, supervisor of the Nezpepe Forest, notified the private land owners that "the Moose Creek airfield provides access to the vicinity of your property. The trail from the Moose Creek administrative site provides access to your property. This is a trail for horse and foot travel. Motorized travel is prohibited on this trail."

Suggests Use Of Horses

Moldsgraven suggested the lodge operators use horse-drawn vehicles to and from the airport but reminded that such use must be "approved under regular special use permits.

Besides questioning possible disruption of "rights of access to the land by air," Mrs. Hinkle in a letter of March 28, 1963, "if not has there been any provision for the purchase of these few properties." the government. She wrote Henry Engle, owner of the North Star Ranch.
Owners Told To Desist

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According to the Forest Service, three of the four private land owners indicated agreement to accept the restriction. The exception was Sid Hinkle, owner of Selway Hunting Lodge. Hinkle is one of Nichols’ clients. The attorney stated that he believes he represents most of the private land within the wilderness area.

Edward F. Cliff, chief of the Forest Service, said a misunderstanding of an answer to an inquiry regarding access to the land by airplane confused the Forest Service’s position and led to inaccurate newspaper stories. He said the inquiry related first to Sen. Clark Ensign of California by Mrs. Alma Hinks, Hinkle’s partner, asked “whether this (wilderness) bill will affect us. Will we be denied the use of the U.S. Forest Service airport at Shevak (a forest service facility)?”

Cliff, in a letter to Rep. Compton P. White of Idaho said “our reply was directed to the issue of the manner in which the Wilderness Bill would affect the use of the airstrip itself as a public access facility.”

Nothing in the act shall impair any customary access right or privilege presently enjoyed by owners of private land. This would insure continued access to her property in the manner presently notified the private land owners that “the Moose Creek airfield provides access to the vicinity of your property. The trail from the Moose Creek administrative site provides access to your property. This is a horse and foot trail. Motorized travel is prohibited on this trail.

Suggest Use Of Horses

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Besides questioning possible restriction of access in her land by air, Mrs. Hinks of the H & H Flying Service at Redding, Calif. asked Engle in her letter of March 25, 1960, “has there been any provision for the purchase of these few properties by the government?”

Cliff’s office wrote back that she can expect “customary access right or privilege presently enjoyed” without referring specifically to access by air.

To the second question, Cliff’s office wrote, “Section 4 of the bill also authorized the Secretary of Agriculture to acquire as part of the wilderness system any privately owned ground within any portion of such system. We have not thought of

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JACK B. NIMBLE
PORTRAITS ARE COMMENDED BY
press who have been shocked by the seemingly reckless abandon with which President Johnson often conducts himself in public. The presidential press corps, which still has not recovered from the assassination of President Kennedy, has disapproved of President Johnson’s fast driving, his habit of shaking hands with visitors through the bars of the White House gate, of jumping from his automobile to mingle with the people on crowded sidewalks. This disapproval rests almost completely on a sincere concern for the safety of the President of the United States. These men know it is not precisely true, as the President said Saturday, that “I am exercising all the precautions that prudent men responsible

An Unfortunate Dispute In The Wilderness

A vaguely written letter from a Forest Service official in Washington, D.C., to Sen. Claire Engle of California has brought about an unfortunate dispute in the Selway-Bitterroot Wilderness Area of Idaho. The owners of several pockets of private land in the wilderness area are protesting an order of the Forest Service that they must cease driving motorized vehicles across federal land between a Forest Service airstrip and their properties.

The property owners claim they were assured by the Forest Service that they would be permitted to continue using the customary means of access to their ranches, which they took to mean they could go on using Jeeps. What the Forest Service official said, in a letter to Senator Engle, was that these people could continue to use the airstrip. Unfortunately, the letter was vaguely worded, and by the time the chief of the Forest Service had clarified the matter the property owners were convinced that their right to drive Jeeps in the wilderness area had been officially confirmed. The Clearwater Tribune of Orofino applauded what it believed was a reversal of the old rule against motorized, vehicles. “It is heartening,” said the paper editorially, “to have a high level reversal of a useless ruling that would do Idaho people no good.”

Naturally, it was something of a disappointment to the property owners when the chief of the Forest Service pointed out that motorized vehicles could not be used beyond the airstrip, and now they have filed a formal protest with the Secretary of Agriculture.

The Forest Service has ruled that ranchers using Jeeps and tractors between the airstrip and their home place must return to horse-drawn vehicles, which they were using until tractors and Jeeps came into use six or seven years ago. The Forest Service now realizes that it erred in permitting this use when the area was still in primitive status. But it also realizes that if this use isn’t stopped now it may be difficult to forestall a proliferation of Jeep and scooter trails in the wilderness — after which, of course, there would be no more wilderness.

The dispute is a needless one because the regulations are plain and they are not likely to be relaxed. But it illustrates the constant pressure that will be exerted by landowners to compromise the wilderness so long as those enclaves of private land remain. The owners cannot be blamed for wishing to enjoy the fullest possible use of their property even when it conflicts with wilderness standards, but this conflict of interest can ultimately serve no good purpose. The wilderness bill, which has passed the Senate twice and is again marking time in the House, provides for the acquisition of such properties and that is the only effective solution to the problem. — L. H.

Letters

The Tribune welcomes letters from our public on issues of concern to us and assumes the letters will be signed. Letters over 100 words will be edited for space in keeping with our policy of publishing short, concise letters. Letters will be acknowledged. Letters to the editor, for publication, should be addressed to: The Tribune, 333 N. Main St., Pocatello, Idaho 83201.

Hatred And Fear

To the Tribune: We are amazed how one funadist radio program has managed to create so much hatred and fear, and all in the name of Christianity. Recently it has especially attacked the Church of England, banning prescribed prayers and reading in the public schools and the people who support them.

I am first year that there are a number of people who are opposed to the prescribed prayer and reading in the public schools who are not Communists or atheists, nor even God hating. We, too, are devoted to the principles of liberty and justice which this country was founded upon, and it is precisely for this reason that we take the position we do.

For one thing, I would refuse to have their prayers and Bible readings. I would also refuse to have the religious communions, including the Protestant, Catholic, and Jewish. Would they object to the removal of the child's commandments in the Torah, also? Is the purpose of this supposed to represent a form of religious preference? These people lack the opportunity for children to take part in Bible and reading, or lack the opportunity for their religious preference others.

This column has also put

The Non-Candidates: Of Course, They're Not Running

The non-candidate is aabyrin especially common in American politics. He is readily distinguished by his eagerness to appear on TV to be known as he is running or being hailed as a public figure. Generally, his eagerness is obvious, but he covers it up with a veneer of evasion — without leaving anybody in doubt.

This purposeful ambiguity, however, seems promising only in pursuit of high office — say, United States senator and up. It's not for candidates for the Board of Aldermen or the Legislature. At that practical level nobody takes the chance that the voters may be slow on the uptake. Very few persons, however, miss the