

Protection and Management of the Pacific Crest National Scenic Trail in Oregon

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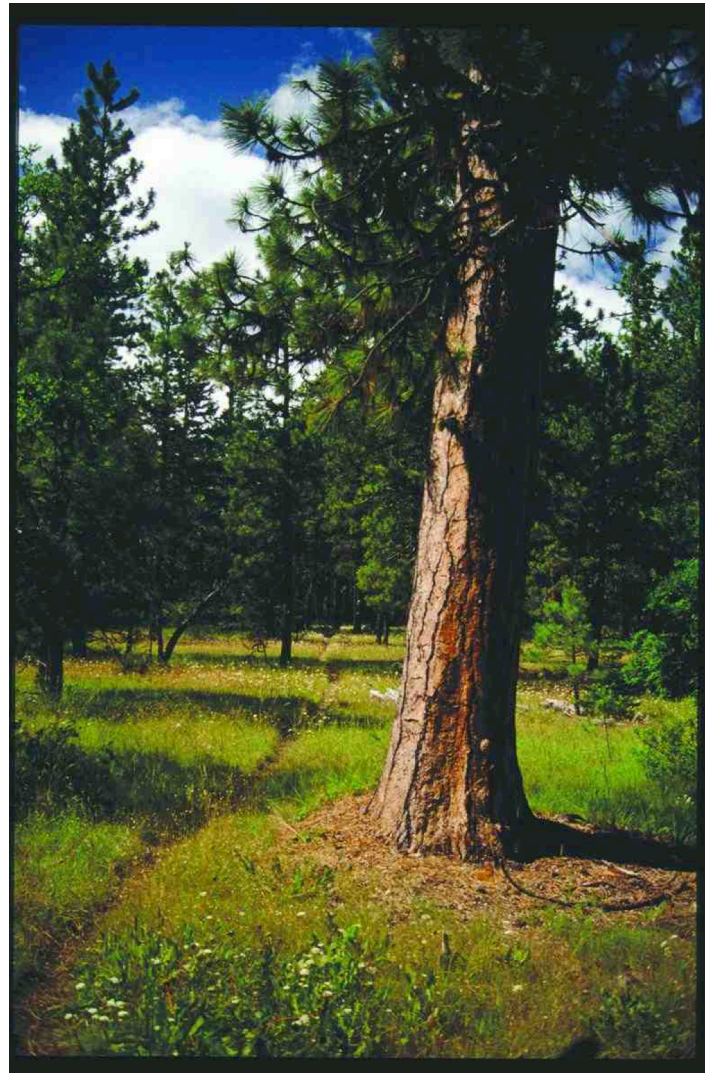
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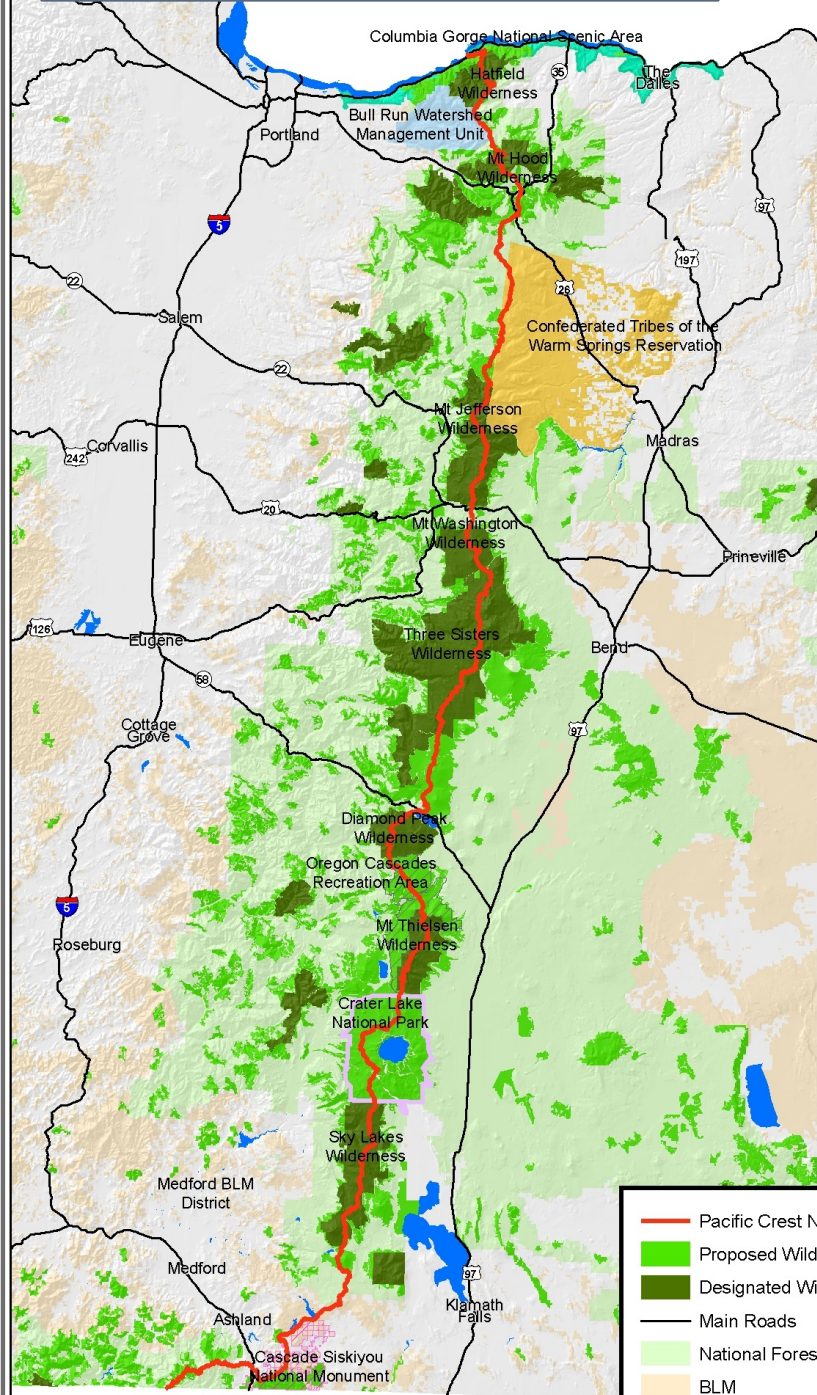


The Pacific Crest National Scenic Trail in the Cascade-Siskiyou National Monument.
(Elizabeth Feryl, Environmental Images)

Abstract

Congressional designation of the Pacific Crest National Scenic Trail (PCNST) as a unit of the National Trails System conferred mostly recognition—and little protection—to this popular trail and environs. The iconic trail traverses much public lands that are separately protected by other Acts of Congress and so protect and enhance the trail itself. However, other segments of the PCNST on public lands (especially on lands administered by the Bureau of Land Management outside of the Cascade-Siskiyou National Monument) are not formally protected and may be threatened by various land uses. A new Congressional “corridor” designation—analogueous to the protective management corridor applied to units of the National Wild and Scenic Rivers System—should be extended to the PCNST in Oregon. The National Scenic Trail Protection Corridor would provide permanent protection to PCNST segments in Oregon not otherwise protected by special congressional land designations.

Pacific Crest National Scenic Trail



	Pacific Crest National Scenic Trail
	Proposed Wilderness Areas
	Designated Wilderness
	Main Roads
	National Forest Boundary
	BLM
	Water Bodies



Protected and Unprotected Segments of the Pacific Crest National Scenic Trail

The Pacific Crest National Scenic Trail (PCNST) is an original unit of the National Trails System, established by Congress in 1968.¹ Unfortunately, the mere inclusion of a trail in the National Trails System confers much *recognition* but little *protection* for the trail and corridor against inappropriate land management activities. Any protection afforded the trail in Oregon from logging, roading, mining, grazing, off-road vehicles and other activities that degrade the recreational value of the trail are coincidentally provided by other congressional designations along the route, such as Wilderness areas,² Crater Lake National Park, Columbia River Gorge National Scenic Area, Mount Hood National Recreation Area and Bull Run Watershed Management Unit.

Another congressional designation, the Oregon Cascades Recreation Area, not unlike the situation for the PCNST, confers more recognition than protection to this portion of the Cascade Crest.

Administrative protection of the trail corridor by the responsible land management agencies is essentially non-existent (see threats below). The PCNST traverses mostly federal national forests, but the various national forest³ land and resource management plans have *no* special land management designation and/or essentially *no* standards and/or guidelines specific to managing and protecting the PCNST. Similarly, the Bureau of Land Management Medford District Resource Management Plan and the Cascade-Siskiyou National Monument Management Plan, while acknowledging the trail's existence, provide minimal protections to the PCNST corridor.

Threats to the Pacific Crest National Scenic Trail

- **Mining.** The General Mining Law of 1872 permits individuals to file mining claims anywhere on public lands, unless the lands have been specifically and permanently withdrawn from mining by Congress (or temporarily withdrawn by administrative action). While the potential for commercial mining along the PCNST in the Oregon High Cascades is generally low due to the unfavorable geology,⁴ new technologies that make previously non-commercial mineral deposits commercial and/or frivolous mining claims are always possible. In contrast, there are potentially exploitable mineral deposits located along the PCSNT in the Siskiyou Mountains. In addition, the PCNST in Oregon passes through areas with potential geothermal power resources.
- **Commercial Logging.** The Forest Service and Bureau of Land Management (BLM) have authorized clearcuts very near—and even on—the PCNST in the past and could do so again in the future.
- **Road Crossings.** Overwhelmed by a vast road system of its own making, and restricted by its own budget, the Forest Service and BLM are failing to even maintain their current road systems. It may well be that certain forest roads crossing the PCNST are unnecessary and should be closed and rehabilitated to protect local watersheds and the trail experience, as well as save taxpayer money.

¹ National Trails System Act, 16 U.S.C. §§ 1241-1251 (Pub. Law 90-543, as amended by Pub. Law 108-342).

² Mark O. Hatfield, Mount Hood, Mount Jefferson, Mount Washington, Three Sisters, Diamond Peak, Mount Thielsen, Sky Lakes and Soda Mountain.

³ Mount Hood, Deschutes, Willamette, Umpqua, Winema and Rogue River national forests.

⁴ However, in 1982 Congress paid over \$2 million (the company also took additional tax deductions) to a mining company to prevent mining on Rock Mesa, adjacent to the PCNST in the Three Sisters Wilderness. The company sought to mine materials for bunion scrapers and bird beak sharpeners.

- **Off-Road Vehicles.** ORV use continues to increase dramatically on federal lands. Conflicts between motorized and non-motorized recreation use should be minimized. In the case of the National Trails System, any conflict between off-road vehicle use and a nationally recognized trail should be resolved in favor of the trail.

- **Livestock Grazing.** The PCNST passes through several federal livestock grazing allotments. Livestock grazing harms the environment and conflicts with the recreational enjoyment of the trail.

<i>Table 1</i>	
Pacific Crest National Scenic Trail - Oregon	
FEDERAL PUBLIC LAND DESIGNATION	Miles
Congressional Protection Areas That Provide Coincidental PCNST Protection	
• Columbia River Gorge National Scenic Area	5.8
• Bull Run Management Unit	8.3
• Mount Hood National Recreation Area	5.0
• Designated Wilderness*	203.3
• Crater Lake National Park	31.9
• Cascade Siskiyou National Monument	12.8
<i>Subtotal</i>	<i>267.1</i>
Federal Lands That Provide Little or No Coincidental PCNST Protection	
• Oregon Cascades Recreation Area	16.5
• Other National Forest Lands	94.5
• Other Bureau of Land Management Lands	15.0
<i>Subtotal</i>	<i>126.0</i>
Non-Federal Public Lands	
• Other Ownerships	34.8
<i>Subtotal</i>	<i>34.8</i>
Total in Oregon	427.9
• Outside of other Congressional Protections	

Protecting the Pacific Crest National Scenic Trail

There are presently six kinds of special Congressional designations that coincidentally ensure the Pacific Crest National Scenic Trail in Oregon is preserved for the enjoyment of current and future generations:

- **National Scenic Area.** 5.8 miles of Pacific Crest Trail traverses the Columbia River Gorge National Scenic Area. While the authorizing law directs the Forest Service to protect the area, the statute proscribes little, including logging. In the past the agency has attempted to place clearcuts in this national scenic area.

- **Wilderness.** The strongest protection Congress can provide to segments of the PCNST is to include underlying public lands in the National Wilderness Preservation System. 203.3 miles PCNST currently pass through designated Wilderness areas (Mark O. Hatfield, Mount Hood, Mount Jefferson, Mount Washington, Three Sisters, Diamond Peak, Mount Thielsen, and Sky Lakes), all managed by the Forest Service.

- **National Park.** 31.9 miles of the PCSNT pass through Crater Lake National Park, managed by the National Park Service. National park designation provides excellent protection to the trail.

- **Watershed Management Unit.** 8.3 miles of the PCNST pass through the Bull Run Watershed Management Unit, part of the Mount Hood National Forest and managed by the Forest Service.

Public use of the PCNST is the sole exception to the no public entry rule for the watershed management unit. Thus Congressional restrictions to protect Portland, Oregon's water source also coincidentally protect the PCNST.

- **National Recreation Area.** 5.0 miles of the PCNST pass through the Mount Hood National Recreation Area (some of which is also designated as Wilderness).

- **National Monument.** 12.8 miles traverses the Cascade-Siskiyou National Monument (some of which is also designated as Wilderness), managed by the Bureau of Land Management.

A seventh congressional designation, unfortunately, provides little coincidental protection to the PCNST:

- **Oregon Cascades Recreation Area.** 16.5 miles of the PCNST traverse the Oregon Cascades Recreation Area, a one-time Congressional designation that emphasizes recreation, but also allows logging, grazing, powerlines and off-road vehicles in the area.

Protecting Unprotected Trail Segments of the PCNST in Oregon

Outside the aforementioned congressional classifications, the PCNST traverses national forest land (94.5 miles), Bureau of Land Management holdings (15.0 miles) and non-federal lands (34.8 miles). 22.0 miles of this non-federal land mileage is on the Warm Springs Indian Reservation. The 14.8 miles private lands are interspersed with BLM lands in southern Oregon.

Congress should enact a new protective classification:

- **National Scenic Trail Protection Corridor.** Congress should establish a protection corridor analogous and comparable in width to that for Wild and Scenic Rivers. The Wild and Scenic Rivers Act, which established the National Wild and Scenic Rivers System, requires certain protection and management for the land corridor along rivers and streams in the system. Congress should enact the following language into law.

Proposed Legislative Language

(a) Within 12 months of enactment of this act, the Secretary shall establish a protection and management corridor for the Pacific Crest National Scenic Trail in Oregon. The corridor shall:

(1) include an average of 320 acres of land per mile of trail;
(2) be drawn to include recreational, scenic, historical, wildlife, water, and other resources associated with the trail and that are in need of protection;
(3) be withdrawn from all location, leasing, and sale under the mining, mineral leasing, geothermal leasing laws, and disposal under the public land laws;
and

(4) be managed to protect and enhance enjoyment of the trail by maintaining the trail corridor in a natural and undeveloped state as possible.

(b) The use and maintenance of state highway and utility corridors in established rights-of-way shall not be affected by this section.

(c) Activities permitted on public lands under existing special use permits shall not be affected by this section.

(d) Forest roads crossing the trail or within the management corridor shall be limited to those necessary for the proper use and administration of adjacent public lands, as determined by the Secretary in applicable management plans.

(e) Where the protection and management corridor established by this subsection is within an area designated by Congress for special management, the most restrictive provisions of law will apply.

(f) This subsection requires discrete actions on the part of the Secretary that shall be enforceable under the Administrative Procedures Act.

(g) The protection and management corridor described in this subsection will not include any private or tribal lands; however any non-federal lands that come into federal ownership, the provisions shall then apply.

Conclusion

Congress established the Pacific Crest National Scenic Trail in 1968 as an original unit of the National Trails System. However, the law only recognized the existence of the trail and does not prescribe any protection for the trail corridor. A protective management corridor comparable to that afforded to units of the National Wild and Scenic Rivers System should be conferred to the PCNST in Oregon to preserve the trail for current and future generations.

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