



**BITTERROOT CROSS-COUNTRY SKI CLUB**  
OCTOBER • 2012 NEWSLETTER



### **Membership Renewal Time**

It's that time of year again, October, when the payment for annual memberships is due. Remember, your dues help pay the bills generated by grooming the trails at Chief Joseph Pass. Making your payment no later than the October meeting is a big help.

A convenient form appears at the end of this newsletter. And, be sure to supply your email address so you will be able to receive our monthly newsletter.

Thank you.

Sawyers and Swampers after a day on the trails



trails

## President's Message - October 2012

Last winter our groomers systematically tried various new equipment and different grooming methods on the ski trails at Chief Joseph Pass. Based upon the results of those trials and recommendations from both Mel Holloway and Jim Aronson who lead the grooming teams, the purchase of new grooming equipment was authorized during our regular April 2012 Club Meeting.

The new equipment includes 2 new snowmobiles, both designed specifically for grooming, and several pieces of grooming equipment designed and manufactured by West Yellowstone Track Systems. This equipment is being purchased with one goal in mind, making the job of grooming easier. I'm happy to report that the purchase of the new equipment will be completely covered with money from the RTP grant that our Club was awarded last winter (December 2011).

Even though we have a terrific group of expert and experienced groomers, learning the complexities of the new machines and equipment will take time and some experimentation. Although it is not expected-after all, our groomers are darn good at what they do-don't be surprised if grooming results during the first few weeks vary a bit, especially if the trails receive exceptionally large dumps of snow.

To further simplify the lives of our groomers, a substantial amount of work is being done on the ski trails before winter arrives. Debris, fallen trees, old logs, stumps, and overhanging branches are being removed from the trails. Some trees that seem likely to fall on the trails this coming winter are being cut now to save the groomers from having to deal with them during ski season. At the request of the groomers, a few of the trails are being widened in places-they get really tired of being slapped in the face by snow-filled branches-and a couple of curves slightly

straightened. Because the Forest Service is increasing demands that we concentrate on safety, the bottom curve of Gold Medal-where it connects with Timber-is being straightened.

The idea for establishing new ski trails designed for use by skate skiers was introduced during a meeting last spring by Kay Fulton. It's taken all summer to get approval from the Forest Service, but we finally managed. Thanks, Kay.

The Forest Service granted permission for the grooming of additional trails (using existing roads) north of the Chief Joseph Trail System. They are authorized for multi-use which means shared by skiers, people on snowshoes, dogsleds, and snowmobiles. About 15.5 miles of new trails were approved, but only 12 miles will be ready by this winter. The others will be added later. Arrangements are being made to have the new trails groomed by others so our grooming teams will not be responsible for additional work-they already do enough!

The new trails will not have set tracks and, although everyone will be welcome, are expected to be used mostly by those wanting to skate ski. Access to the new trails will be from the north end of Broadway and from the snowmobile parking lot at the corner of Highways 93 and 43. As you are probably aware, the pressure to accommodate skate skiers at Chief Joseph Pass has increased substantially during the past few years and has reached a point at which it could no longer be ignored. Adding the new trails provides trails for skate skiers without having to rely on the existing Chief Joseph trails, trails which were designed specifically for family-friendly classic-style skiing.

Mike Hoyt, Club president

### **My Perspective** - George Corn

At this point the Forest Service has decided to charge a fee for the use of the Gordon Reese cabin and placed it on the Rental Reserve system for rent to the public. It is now one of the 24 public rental cabins in the Beaverhead Deer Lodge National Forest. The Board has told the Forest Service that the club will no longer assist in maintaining the cabin. The Forest Service is offering a certain number of free nights for members of the public willing to do prescribed maintenance. Several club members have decided to volunteer to do this, which is unquestionably their decision as individuals to make. However, the question has also been raised as to whether the club as a whole should take on that obligation.

I think the membership has already been sounded (polled by email on July 18th) on that issue and decided against it, but if it should come to a vote on whether the club should take on that obligation I vote "no" for these reasons:

1) Volunteering: I volunteer so people can do things for free. I think of volunteering as a donation of my time to others. To me it's not a donation if someone is charging for my time. During my 30 years in the Bitterroot, parks and playgrounds have been built by volunteers up and down the valley. I have had good fortune to help on a few of these projects. The public isn't charged a dime for the use of these public areas which is the wonderful way of this valley. Folks volunteer their time, energy and money as a gift to others. If someone has to pay for my time, then I have given them nothing.

The fact that the trails and overnight use of the cabin are free to the public is a major reason I am a member of this club. In the early 1980's, before this club was started, I, and other members of the National Ski Patrol, took people on free ski tours in the Chief Joseph/Anderson Mountain area. Because of that, I was asked to attend a pivotal meeting held in April of 1989, hosted by Bill Grasser at Lost Trail and attended by representatives from the three national forests that surround the area. As reflected in the Forest Service minutes of that meeting, there was absolutely no talk of charging the public for anything.

To me that was the major attraction of the Club because free use of groomed trails would get more people out in the winter to ski on their public lands. The free use of the cabin just added to that attraction. I feel confident that the immense amount of volunteer labor and material, much of it from the community, that went into making the area what it is today would not have occurred if a fee was charged. Requiring people to pay for what was free, due to volunteer efforts, debases these efforts and vitiates my incentive to volunteer.

2) The Forest Service should use the money it is charging for the cabin's upkeep and not expect volunteers to further subsidize the government. The club should focus its efforts on paying for grooming and grooming equipment and let the FS use the money it collects from use-fees to maintain the cabin. The Forest Service does this with its other 24 cabins on the Beaverhead-Deer Lodge Forest, the Lolo Forest, and the Lolo Pass Visitor Center. There is no reason it shouldn't be done with the Gordon Reese Cabin.

The money raised by the Club comes from the community. It should not be used to subsidize the upkeep of the cabin when the Forest Service is collecting fees for that purpose. I think it is wrong to solicit funds from the community to pay for the cabin's upkeep when the Forest Service is collecting fees for the same purpose (and sending part of that fee to Canada). As mentioned, the Forest already maintains its other cabins so, why would it need help maintaining this one? Also, if the Forest Service needs help with the maintenance, why did they change the status quo in the first place?

3) Forest Service Supervisor Dan Myers' trumped up justification (the "ethics" opinion) for changing the arrangement with the Club has killed my desire to work with the agency. There were no legal reasons for the Forest Service to change the arrangement with the Club that had existed for the past 12 years. That arrangement was no different in substance from the campground host arrangement that is used in virtually all national forests.

On July 9th, after several months of negotiations Mr. Myers sent a letter noting that he was going to implement a "fundamental change" in how the Forest Service dealt with the club. At that point I decided to research the legal basis he was using to justify these changes at Chief Joe and break faith with the volunteer efforts which had previously been supported.

The following are just a few of the points I found in my research:

1. The regulations cited by the Forest Service attorney do not apply to this situation;
2. The lawyer's opinion was not binding on Myers; and
3. The lawyer who gave the opinion works for an office that advises government employees on how to avoid individual conflicts of interest and not on the individual relationships between volunteer groups and the Forest Service as an Agency. (In other words, if Myers wanted to know if it was legal to hire his brother-in-law's company to do the reservations, this was the office to go to.)
4. The Office of General Counsel was the proper agency to have asked for an Opinion. (Interestingly, Myers, who was challenged on his pronouncement that the Club must get rid of the donation tube, referred that question to the Office of General Counsel. This brings the question of why he didn't go to them on the much larger and more important question regarding changing the status quo regarding the cabin?)

(I hope to have a copy of my legal critique along with a one page highlight sheet and the opinion from the FS lawyer posted on the club's website when the webmaster returns. Until then contact me for a copy. Also, I believe a copy of all this material is now posted on <http://www.westernsloopenofee.org/> as well.)

4) The Forest Service should have its hands full to keep it from doing more harm. During my research I became aware of how vigorously the Forest Service is pushing an extreme pay-for-play model for basic recreational use of our national forests. I'm not talking about paying for developed sites such as campgrounds which is legal and appropriate. Rather, the Forest Service, for the last 6 years, has been illegally and aggressively, charging for simply parking at trailheads and driving on Forest Service roads. The agency did this despite the plain text of the law forbidding such conduct.

The agency ignored citizen requests to obey the law and quit charging the fees for simply parking or driving on Forest Service roads, leaving citizens no choice but to sue in order to use their public land. The Forest Service fought the suit but in February, and earlier this year, the Ninth Circuit Federal Court of Appeals ruled, in a case arising in Arizona, that the Forest Service's actions regarding these fees were illegal, noting that the law was explicit and clear on this point. It is very disturbing to me that the Forest Service engaged in this blatant illegality. Worse, the Forest Service's response in many instances has been to ignore the Court's ruling and continue to charge the illegal fees.

Here is the point: if the Forest Service would actively and openly defy a federal appeals court but find it essential to follow a non-binding opinion from a lawyer about matter outside the scope of his responsibilities, what's next for the public at Chief Joseph? If Mr. Myers would arbitrarily change a long standing arrangement, verbal though it was, that has allowed the public to use a cabin built by volunteers and donated for free use what's next for Chief Joseph?

Will the public be charged for parking? Has the club proved the area is popular enough to make money for the Forest Service? Will the Forest Service argue times have changed? Get another cooked up legal opinion, and a concessionaire, who will then charge the public for grooming and trail use? Who knows?

But if the Forest Service can disregard a federal law passed by Congress and ignore a federal court ruling by an appellate court, then more arbitrary decisions about Chief Joseph is quite likely. So, if the Forest Service can make this transition about the cabin so easily, then there is certainly a greater likelihood for more change in the future. I don't have any confidence that such change will benefit the public.

For these reasons I would vote "No, the Club should not assist the Forest Service in any way with the cabin."

George Corn



### **Position Statement - Reese Cabin**

Based on interaction between our Club's Board members and representatives of the Beaverhead-Deerlodge Forest that have taken place since February of this year, it is necessary to state our current position regarding the Gordon Reese Cabin.

On July 18th of this year, an email request-for-input was sent to all Club Members who receive the electronic version of our newsletter. More than 50% of those reading the request-just over 100 read the request-responded,

an unusually large response for polling. Members overwhelmingly (74%) answered that they do not want the Forest Service to charge a fee for use of the Reese Cabin during ski seasons, do not want the Cabin rented during hunting seasons, and are opposed to fees of any sort for the facilities or trails at Chief Joseph Pass. Approximately 13% of the respondents seem willing to continue volunteering to take care of the cabin no matter what the Forest Service does.

Suggestions for how to achieve their wishes varied but the majority of respondents stated that our Ski Club should not contribute funds or volunteer services to support the Reese Cabin if the Forest Service continued to insist on charging for its use during the ski season.

Based on that feedback, an email letter was sent on July 23rd to Mr. Myers indicating the desires of our Members. The email clearly specified that Club Members:

- Were opposed to a Reese Cabin rental fee during the ski season;
- Did not want the Cabin rented during hunting season;
- Requested authorization to use an existing road system north of Chief Joseph Trails for the development of multi-use trails that could be used by skate skiers; and
- Wanted an agreement which would remain in place for a period of not less than 5 years.

On August 13th we received Mr. Myers' letter-of-response dated August 8, which specified:

- He was sticking to his decision to initiate a fee of \$29 per night for use of the Reese Cabin during the ski season;
- He would not expand the summer rental into September and October (hunting season);
- He supported Club efforts to add multi-use trails for use by skate skiers and others;
- We would not be required to obtain Special Use Permits unless we charged for an event or the number of attendees exceeded 75;
- He wanted our Club to continue grooming the Chief Joseph Trail System; and
- He would set aside 30 nights during the ski season for our Club's members to perform the "heavy maintenance" (his terminology) for the Reese Cabin.

On August 14th another email letter was sent to Mr. Myers (CC'd to the Chief of the Forest Service, Tom Tidwell) which, after praising Mr. Myers for the support he did offer, clearly restated the position of our Club's membership in relation to fees for using the Cabin during ski season.

That email letter detailed that our Ski Club members were:

- Willing to continue maintaining and grooming the Chief Joseph Trail System;
- Hoping to continue offering help, direction, and support for day-use visitors;
- Waiting for the Forest Service to provide us with a written agreement authorizing use of the existing road system north of the Chief Joseph Trail for multi-use skate skiing;
- Not currently planning to solicit or receive funds from the Forest Service for our freely-offered all-volunteer service to the public; and
- Because of his determination to begin charging for the use of the Reese Cabin during ski season, our Club

would not be supplying any support, maintenance, or operational assistance for the Cabin.

Mr. Myers responded in a letter dated August 21st confirming our Club's decision not to continue support of the Reese Cabin and stating that the Forest Service would be looking elsewhere for volunteers to take care of the cabin.

Then, on September 4th an invitation-only meeting was held in Missoula attended by Mr. Myers, several Forest Service representatives (some from Region 1), and a few others who, although Club members, were representing only themselves. During that meeting Mr. Myers agreed to reduce the \$29 charge for use of the Reese Cabin during the ski season to \$9 (the registration fee). It was understood by some attending the meeting that, because of the reduction of the Cabin rental, Mr. Myers would also allow our Club to reconsider the question of providing support services for the Cabin.

On September 10th we received another letter from Mr. Myers dated September 7th. This letter relayed his decision to reduce the charge for the Reese Cabin to include only the \$9 registration fee for the upcoming season but implied that charges during subsequent winters would be higher. Attached to this letter was a press release clearly stating, "The Forest Service will sign up other interest members of the public as volunteers to help with the maintenance of the cabin."

At a Club Board Meeting that took place on September 11th, there was a discussion of the contradiction between an understanding held by some who attended the September 4th meeting and the position stated in Mr. Myers' September 7th letter. After several days attempting to clarify this inconsistency, a September 15th phone conversation with Nate Gassman of the Wisdom Ranger District, confirmed that, indeed, he understood that Mr. Myers was firm in his decision to acquire volunteers from the general public and that our Ski Club will not be involved with the support of the Reese Cabin.

Subsequently, Mr. Myers sent the above-mentioned press release letter to everyone who inquired about the Reese Cabin situation and, on September 24, sent out a press release indicating that the Reese Cabin would be available for rent during this coming winter.

The results of this series of events are:

- Our Ski Club will not provide support services for the Reese Cabin during the 2012-2013 ski season;
- Volunteers from the general public, some of whom are also Club members, will provide support services for the Cabin this winter;
- The Forest Service plans to keep the Cabin open to the public as a warming hut during the daytime (hours as of yet unknown);
- Our Club will continue to groom the ski trails at Chief Joseph Pass;
- For now, use of all trails will remain free of charge to the public; and
- Several additional miles of trails will be groomed (by others) for multi-use and skate skiing.

Although our Ski Club will not be providing support services for the Reese Cabin during the upcoming season, the current position of the Club does not stop individual members from using their personal resources (time and money) to help with the "heavy maintenance" which the Forest Service feels is required for the Reese Cabin.



### **Ski Club Members:**

A small group of club members called by some as the "Old Timers" and by others as The Friends of the Hut have formed around the central theme that we do not agree with the decision made by Club Leadership to NOT maintain the Hut this winter. This non maintenance decision includes not cleaning the toilets or bringing water into the Hut every Friday. We have a strong commitment to the Hut that overrides any objection we may have to the Forest Service using the National Reservation System or charging fees for overnight stays at the Hut. We believe Club Leadership has made a serious error as the Forest Service (Wisdom Ranger District) cannot and will not maintain the Hut as we have for the last eleven years and we cannot stand by and watch the Hut fall into a state of disrepair. Therefore we are working with Nate Gassmann to fill the 30 volunteer nights with people that are knowledgeable about and committed to maintaining the Hut. Ten of us worked with two Forest Service employees to clean and prepare the Hut for winter use, and the Forest Service and Americorp are stocking the basement with firewood. There are 19 Fridays and 11 Tuesdays available for volunteers. The toilet at the Hut will be cleaned on Fridays by the Friday night volunteers, and the Forest Service will clean the toilet in the parking lot. There will be a meeting with Nate, for all those involved in the 30 nights, to go over the detailed responsibilities and sign the volunteer forms. This meeting will be later in October in Hamilton.

Ten of the 30 nights have been reserved by those of us involved in forming this group and we want to make the remaining 20 nights available to anyone interested in preserving the Hut that so many of us treasure. At this time there are limits of one night per volunteer or family.

If you or someone you know would like to participate in this opportunity please call Nate at 406-832-3178. That is the Wise River Ranger District as Nate manages recreation for both Ranger Districts. The phone calls can start as soon as you receive this newsletter.

Sonny and Judy LaSalle

### **Funds awarded: Mansion, ski club receive grants from Montana Office of Tourism**

October 4, 2012 - By Perry Backus, Ravalli Republic

The Bitterroot Cross-Country Ski Club's request for \$22,000 to purchase trail grooming equipment for maintaining ski trails at Chief Joseph Pass made the cut.

Victor Bjornberg of the Montana Office of Tourism said the state received 30 grant applications totaling \$2.3 million in requests.

The grant for the ski club is unique for the program, Bjornberg said. "It's the first time that one similar to this has been recommended for approval," he said. The committee liked the fact that the club's grooming activities at Chief Joseph attracted non-residents to the area. It also liked the economic side benefits to local businesses in the community the ski area offered, Bjornberg said.

The ski club's president, Mike Hoyt, said the club will purchase two new snowmobiles and additional grooming equipment with the grant monies. "We are looking to make life a lot easier on the volunteers who run the grooming machines," he said. "Right now, I don't think that we have any snowmobile that is newer than five or six years old. And some of the grooming equipment has been around since the club first got started."

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# Membership Renewals / Dues

**Annual Memberships EXPIRE November 1st  
Renew Your Membership Now!**

- \*Individual \$15                      \*Family \$25
- \*Supporting Individual \$30       \*Supporting Family \$40

**MEMBERSHIP DUES**  
Nov. 1, 2012- Oct. 31, 2013

Mail To: Bitterroot Cross-Country Ski Club  
PO Box 431, Corvallis, MT 59828

**NAME(S):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TYPE OF MEMBERSHIP:**(see above) \_\_\_\_\_

**AMOUNT ENCLOSED:**\$ \_\_\_\_\_

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