

The Road-RIPorter

Bimonthly Newsletter of the Wildlands Center for Preventing Roads. September/October 1998. Volume 3 # 5

Creatures

in the Dark Lagoon...

ORVs Running Rampant in Big Cypress Swamp

— by Brian Scherf



Far beyond the glow of Miami's sultry skyline, past the flagship of protected swamp country known as Everglades National Park, lies an under-protected reservoir of southern biodiversity, Big Cypress National Preserve. Once Seminole and Miccosukee Indian territory, the area harbors a diverse assemblage of plant and animal life. Though bisected by roughly one hundred miles of highway asphalt, the wildness of Big Cypress defines south Florida like the gaping jaws of an endangered 'gator.

— story continued on page 4 —

Bear Island Trail. Designated trails concentrate use and, without Best Management Practices and proper maintenance cause extensive damage. Note deep ruts and pool dug by swamp creatures. Brian Hunt photo.

From the Wildlands CPR Office

As advocates for road removal, people continually lambast us for being "opposed to access." We know you probably hear this as well, since many of you have called asking how to deal with this apparent conflict related to road removal. DePaving the Way discusses this question of access, and should provide you with some fodder for countering these attacks in your own region. Please feel free to take concepts and ideas from DePaving the Way or other articles in *The Road-RIPorter* to use for letters to the editor, Op-Eds in your local paper, commentaries on the radio, or articles in your newsletter. If you are interested in reprinting something in its entirety, just let us know, and cite it to the *RIPorter*.

In other news, motorized recreation issues continue to heat up locally and nationally. We are thrilled to be working with Friends of the Earth on the motorized recreation issue and together will be hosting a national strategy meeting in early November to address increased motorization of public lands. If you are interested in getting more involved in recreation issues, please let us know.

Just a note on the cover story: it's a combination cover story, bibliography notes, and legal notes filled with info about, and some creative ways to limit, ORVs. Thanks so much to Brian Scherf for pulling it together for us.

Thanks

Many thanks to the Peradam, Town Creek and Hershey Foundations for their recent and generous support of our programs. Also, we would like to thank all of our recent donors and new members. Your support, both financially and through your on-the-ground efforts fighting roads and motorized recreation, is what keeps us going strong. Keep on Rippin!

Coming Events

As we mentioned, motorized recreation work is really starting to take off. Jacob will be conducting his first ORV workshop in October or November at a location still to be determined. The field-based workshop will provide hands-on tools for monitoring ORV damage, legal tools for fighting ORVs, and strategies for increasing public pressure against motorized abuse of our public lands. If you are interested in attending this workshop, please contact our office for more details. Once the final dates and location are set, we will send out more information.



Bethanie Walder, Tom Youngblood-Petersen, and Dana Jensen pose for the inevitable office promo piece.

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Wildlands Center for Preventing Roads works to protect and restore wildland ecosystems by preventing and removing roads and limiting motorized recreation. We are a national clearinghouse and network, providing citizens with tools and strategies to fight road construction, deter motorized recreation, and promote road removal and revegetation.

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Much Ado about Access

— by Bethanie Walder

“Human beings are species, too, and we have a right to access...”

—Paraphrase from participant on a road obliteration field trip, Flathead National Forest, July 1998.

Excessive and continued road construction into wildland ecosystems effectively is turning the backcountry into the frontcountry. No matter how long, how potholed and how washboarded a road is, someone will always drive their vehicle to the end. Some will drive to the end of the road to reach a trailhead, and finally get away from roads and civilization and into the backcountry. Others might stop to pick huckleberries, especially if the road ends in a clearcut. Still others might be out for a scenic drive, and when they reach the end they'll turn around and drive back the way they came, on miles of dusty or muddy dirt roads.

As a matter of fact, the Forest Service commonly refers to scenic or pleasure driving as the highest recreational use of the National Forests. Most of this use occurs on—not off—roads. It also turns out that 80% of the use of National Forest roads occurs on only 20% of those roads. Are roads necessary for people to have access to the National Forests, and does removing roads take away access? The answers are tied to the definition of “access.”

Webster's defines access as: “1. A means of approaching; passage; and 2. The right to enter or use.” Nothing in these definitions, or any other common printed definition, states that the means of approaching or the right to enter must occur with a motorized vehicle.

100 years ago, nobody could access these lands except by foot, horse or boat. There were few roads. In many places, roads didn't provide motorized access until 20-30 years ago. Access required muscle, a bit of stamina, or perhaps a horse, mule or raft. Lewis and Clark created their great trail out west along the Missouri River by canoe and then through the mountains on foot. They had access not only to the land, but to all the species that wild land supported: grizzly bears, elk, salmon, bull trout, deer, wolves and more.

In the past, if you could no longer walk somewhere, you no longer had access to that place, even if it was the spot you had picked huckleberries for decades... even if it was your favorite place to hunt. It wasn't that you didn't have a right to go there, it was just that you no longer had a means of passage.

With every road we build into our wild lands (most of which are built for logging, not recreation) we create motorized access for humans while destroying access for wild species that depend on intact ecosystems. Removing roads reconnects the habitat that's been split, allowing grizzly bears, elk and other species to access their ranges more freely, and it also stops sediment from entering streams and choking fish. Removing roads recreates wild places.

While it is important to provide access to some areas for those who cannot hike or bike, that access will begin wherever the road ends. Regardless, trails will be developed from parking areas. The farther we pull roads out of wildlands, the more wildlands we have.

Every mile of road we remove restores access for wild critters. Every mile of road we remove creates more backcountry. And every mile of road we remove restores access for those of the human species who depend on quiet places, open spaces and wild encounters. Closing and obliterating roads is not about cutting off human access to wild places. It is about recreating wild places so humans and non-humans alike can continue to have access to them—access that does not depend on motors.

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Scott Bagley photo.

In the heart of wild Big Cypress Swamp beats an unnatural sound—motors from off-road vehicles. The Florida Biodiversity Project (FBP) has undertaken a two-pronged legal strategy to protect this precious remnant of low-lying wilderness. FBP is emphasizing sound science and environmental law by compelling the National Park Service (NPS) to address adverse ORV impacts in Big Cypress. In 1995, the FBP challenged the agency's current management of ORV use and compliance with major environmental laws such as the National Environmental Policy Act (NEPA), the Endangered Species Act, the Clean Water Act, and other regulations.

The FBP argued the NPS violated NEPA and the Clean Water Act: by conducting an inadequate analysis of direct, secondary, and cumulative impacts and mitigation measures; and by ignoring two feasible alternatives for ORV access along Interstate 75. Three years later, the NPS is on the verge of releasing their draft EIS, at which point activists will see how well the NPS has complied with the legal settlement and how much more work we have to do to protect the swamp.

Big Cypress: Swamped with ORVs

Big Cypress Swamp, located between Miami and Naples in southwest Florida, is a crown jewel of biological diversity. Its rich mosaic of wetland and upland plant communities include cypress, pinelands, hammocks, prairies, and marshes—hundreds of species, from the critically endangered Florida panther to the air plant. One hundred and twenty four rare, endangered, or threatened plants (Duever 1986a) and 34 listed species of wildlife are found here (NPS 1991).

The threat of large-scale residential development and a regional jetport proposal in the late 1960's sparked the establishment of the Preserve in 1974 to protect the western watershed of Everglades National Park. Big Cypress National Preserve recently was expanded to over 729,000 acres, encompassing the majority of the remaining Big Cypress Swamp. It is one of the largest contiguous conservation areas in the eastern U.S. when combined with the adjacent Everglades system.

The Preserve's enabling legislation allows regulated ORV use. In 1991 the NPS issued the final Big Cypress General Management Plan/EIS (NPS 1991), but later recognized that the Plan was inadequate to manage ORV use and mandated a separate ORV Management Plan. Four years later, they had no Plan, and NPS documents revealed accelerated levels of resource degradation (NPS 1994).

Messing with the Swamp

Compared to desert environments, less is known about the impacts of ORVs in wetland ecosystems (see the *Road-RIPorter*, 1(6)). Four types of ORVs are used in the Preserve: all terrain cycles; airboats; swamp buggies; and street legal 4x4's. Over the years they have impacted the Swamp adversely by creating an expansive 4,000 mile ORV trail network.

While NPS monitoring reveals compelling evidence of accelerated resource degradation, attempts to minimize impacts are disappointing (NPS 1994).

ORVs can adversely impact soils, hydrology, vegetation and wildlife in the Preserve. ORVs cut deep ruts, creating troughs and ridges of displaced soils (Lodge 1994), permanent soil displacement (Duever et al. 1986) and increased oxidation of exposed soils (Yamataki 1994). ORVs affect hydrology by altering the direction, speed, and quality of water (Beardsley 1995, Duever et al. 1981, NPS 1996). Vegetation impacts include loss of vegetative cover (Pernas 1992), flattening (Snyder 1994), tree mortality and root damage (Aust 1997), unnatural vegetative succession and spread of exotic seeds (NPS 1994). Wildlife are subject to direct mortality, increased hunting pressure (Duever et al. 1986a), disturbance (NPS 1990), altered feeding habits (NPS 1994), and habitat modification (Aust 1997).

The Lawsuit

In 1993 the Environmental Protection Agency (EPA) and the Army Corps of Engineers issued the "Tulloch Rule," requiring a Section 404 permit for redepositing dredged material that has more than an inconsequential effect. The soil impacts of swamp buggies are hardly inconsequential. The FBP argued in two enforcement petitions sent to the EPA and Corps that since the Park Service had to obtain a Section 404 permit to fill in small wetland areas for trail maintenance, they should be required to obtain a permit for the redeposit of dredged material caused by ORVs over thousands of miles of trails. The EPA replied that it did not have enough information to make a decision.

In 1995, the FBP filed a broad lawsuit against the government claiming violations of the Clean Water Act, the Tulloch Rule, NEPA, the Endangered Species Act, the Organic Act, the Preserve Enabling Legislation, and Executive Orders 11644 and 11990. Four specific claims were presented:



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Turner River Unit, 3/4 mile east of Airplane Prairie ORV access point. The tracks appear to have been made with a single pass. The rut is about 6 inches deep with an adjacent discharge ridge about 3 inches high. Note the root that has been exposed and peeled by the ORV tire. Brian Hunt photo.

1. The NPS violated the Clean Water Act by failing to obtain a Section 404 Permit for its decision to allow 2500 ORVs annually to degrade Preserve wetlands.
2. The NPS's refusal to undergo a Section 404 review for its ORV permitting program was arbitrary, capricious, and contrary to its responsibilities under the Preserve Establishment Act, the NPS Organic Act, and Executive Orders 11644 and 11990.
3. The NPS violated NEPA by failing to prepare a supplemental environmental analysis before increasing its ORV permit ceiling by 25%.
4. The NPS and FWS violated the ESA and its regulations by approving a management plan that could jeopardize the Florida panther.

The Settlement

After the FBP submitted a compelling Motion for Summary Judgement, utilizing 43 exhibits including expert testimony, a settlement was reached. The agreement was timely because the Courts later overturned the Tulloch Rule. The agreement was enforceable independently by the Court and would not preclude the plaintiffs from pursuing other claims later. The NPS in consultation with other appropriate federal agencies would be required to develop an ORV Management Plan and associated Supplemental Environmental Impact Statement (SEIS). The Plan's purpose is to establish a comprehensive system to regulate ORV use in Big Cypress to maintain the natural and ecological integrity of Preserve resources. The SEIS must analyze:

1. Methods to minimize impacts to Preserve resources, including soil, hydrology, vegetation, wildlife, and recreation from ORV use;
2. Use of Best Management Practices designed to avoid and/or minimize ORV impacts;
3. Criteria for developing a comprehensive designated trail system and/or use areas;
4. Management practices for particular vehicle types;
5. Methods for monitoring impacts and taking remedial action based on the monitoring results;
6. Procedures for closing, opening, reopening, and relocating ORV trails.

The settlement agreement mandates strict compliance with NEPA when analyzing resource impacts of the proposed I-75 recreational access areas. Before approving any Section 404 permits for these areas, the Corps must analyze the cumulative direct, indirect, and secondary environmental impacts associated with construction and maximum use of all proposed access, and all feasible alternatives.

Advice from the Swamp

Enforcement petitions, lawsuits, and settlement agreements are effective tools to compel agencies to comply with environmental law and incorporate the best available scientific data into resource management decisions. Activists must choose appropriate legal strategies with care.

Be prepared to do extensive research to provide a solid scientific and legal foundation for potential litigation. For example, some of the best sources on wetland impacts may be site specific and require the use of Freedom of Information Act requests. Be an expert on your region both from the perspective of the scientific literature and "on the ground" knowledge. Have a good understanding of applicable environmental laws and administrative regulations.

Resolving legal actions may take years. Be prepared to make a long-term commitment. The second half of the process—implementation—is equally important. Conservationists need to ensure full agency compliance with any resulting court ruling, settlement agreement, NEPA requirement, or required management action.

ORV proponents are well financed and organized. Activists must be proactive and build strong coalitions, remain vigilant to new developments, and solicit extensive public comment.

Brian Scherf is a board member of the Florida Biodiversity Project and a self-proclaimed Swamp Rat who lives out of his element in Hollywood, FL. For more info about FBP, contact them at rscherf350@aol.com

Note: The draft ORV Mgt. Plan/SEIS is scheduled for release in November with a 90-day comment period. Look for an action alert in the next issue of the Road-RIPorter.

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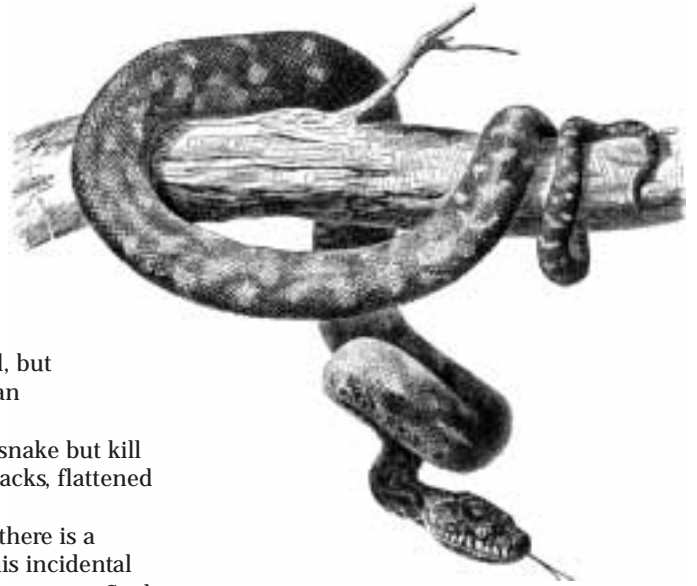
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— by Derrick Jensen

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ransfixed

by the Headlights
of the
Hurtling Machine



When I'm on the road, I always carry a baseball bat in the back of my truck to use each time I see a snake. If the snake is sunning herself, I stop the truck and use the bat to shoo her to safety. Sometimes, if the snake is especially sluggish, I loop her over the bat and carry her out of traffic. If she's already dead I don't use the bat at all, but carry her to my truck, then take her to some quiet spot where she can decompose with dignity.

But most often when I stop I have to use the bat not to save the snake but kill her. Too many times I've seen them live and writhing with broken backs, flattened vertebrae, even crushed heads.

I hate cars, and what they do. I do not so much mind killing, if there is a purpose; if, for example, I'm going to eat what I kill. But I despise this incidental killing that comes each time a soft and living body happens to be in our way. Such a killing is without purpose, and often even without awareness. I have driven through swarms of mating mayflies, and have seen a windshield turn red blotch by blotch as it strikes engorged mosquitos.

I once saw a migration of salamanders destroyed by heavy traffic in a late evening rain. I leapt from my car and ran to carry as many as I could from one side of the road to the other, but for every one I grabbed there were fifty who made it not much further than the first white line.

A couple of years ago someone dropped off a huge white rabbit near my home. Knowing the cruelty of abandoning pets into the wild and the stupidity of introducing exotics did not lessen my enjoyment of watching him cavort with the local cottontails a third his size. But I often worried. If at one hundred yards I could easily pick him out from among the jumbled rocks that were his home, how much more easily would he be seen by coyotes or hawks? Each time I saw him I was surprised anew at his capacity to live in the wild.

I needn't have worried about predators. One day I walked to get my mail, and saw him dead and stiff in the center of the road. I was saddened, and as I carried him away to where he could at last be eaten by coyotes, I considered my shock of recognition at his death. I had been, as I believe happens constantly in our culture—in our time of the final grinding away at what shreds of ecological integrity still remain intact—fearing precisely the wrong thing. I had been fearing a natural death.

But in one way or another, most of us living today—human and nonhuman alike—will not die the natural death that has been the birthright of every being since life began. Instead we will find ourselves struck down—like the rabbit, like the snakes, like the cat whose skull I had to crush after his spine was severed by the shiny fender of a speeding car—incidental victims of the modern, industrial, mechanical economy.

This is no less true for the starving billions of humans than it is for the salmon incidentally ground up in the turbines of dams, and no less true for those who die of chemically-induced cancers than it is for the mayflies I killed by the thousands, blithely driving from one place to another.

All of us today stand as if transfixed by the headlights of the hurtling machine that inevitably will destroy us and all others in its path. Oh, we move slightly to the left or slightly to the right, but I think, as I carefully place the rabbit in a tufted hollow at the base of a tree, that even to the last, most of us have no idea what it is that's killing us.

“Most of us living today—human and nonhuman alike—will not die the natural death that has been the birthright of every being since life began.

We will find ourselves struck down... incidental victims of the modern, industrial, mechanical economy.”

Derrick Jensen is the author of Railroads and Clearcuts, and Listening to the Land: Conversations About Nature, Culture, and Eros. He lives in Crescent City, California.

Bibliography Notes

Bibliography Notes summarizes and highlights some of the scientific literature in our 6,000 citation bibliography on the ecological effects of roads. We offer bibliographic searches to help activists access important biological research relevant to roads. We keep copies of most articles cited in Bibliography Notes in our office library.

So Why Didn't the Toad Cross the Road?

— by Dana Jensen

Amphibians are integral components of many ecosystems, in some constituting the highest fraction of vertebrate biomass (Burton and Likens 1975 as cited in Blaustein et al. 1994). Their populations play an important role in structuring communities of forest floor decomposers and affecting nutrient cycling rates and energy flow. Amphibians also are important food sources for avian and mammalian predators; because of their small body size and physiological characteristics they are able to exploit prey that larger animals cannot (Pough et al 1987), thus serving as an important link in the food chain. Amphibian populations are, however, declining, some to the point of extinction, and adversely impacting other organisms and forest ecosystems.

Habitat destruction and fragmentation are major causes of amphibian decline, but others include chemical pollution, acid precipitation, increased ultraviolet radiation, exotic species, pathogens, harvesting by humans, and natural population fluctuations (Blaustein and Wake 1990; Phillips 1990; Wyman 1990; Pechmann et al. 1991 as cited in Blaustein et al. 1994). Amphibian mortality also is attributed to habitat fragmentation by roads and highways.

Barriers to Migration and Dispersal

Many amphibians have annual life cycles requiring migration between habitats with different ecological properties, making the effects of barriers (like roads) profound (Reh 1990). Whether they have explosive breeding migrations or less conspicuous movements, populations depend on dispersal connections and "landscape linkages," often in a human-altered landscape (Gibbs 1998). Simple linear landscape structures including roads, levees, and ditches may act as physical and psychological barriers for amphibian movement (Mader 1984 as cited in Gibbs 1998) and substantial mortality agents (van Gelder 1973, Cooke 1988 as cited in Gibbs 1998). Other landscape features like streambeds may act as conduits for amphibian movement. Gibbs' study (1998) found that amphibians will attempt to traverse open land lacking roads, particularly where streambeds occur. Accommodating amphibians in human-dominated environments may require the identification of key landscape components acting as filters and conduits for dispersal (Harris and Scheck 1991 as cited in Gibbs 1998).



“Amphibian populations are declining, some to the point of extinction, and adversely impacting other organisms and forest ecosystems. Habitat destruction and fragmentation are major causes of amphibian decline, but others include chemical pollution, acid precipitation, increased ultraviolet radiation, exotic species, pathogens, harvesting by humans, and natural population fluctuations.”

Amphibian populations unable to disperse because of barriers may experience genetic isolation resulting in reduced heterozygosity. In one study, populations isolated by highways had only 0-4% variation in gene loci, suggesting highly inbred populations (Reh 1990). In addition, natural population fluctuations influenced by drought, rainfall, predation, and breeding impacts combined with anthropogenic effects could result in local extinction more easily than either factor alone.

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Fragmenting habitat through human intrusions like roads makes populations less resilient to natural population declines (Pechman et al. 1991).

Alteration of Microhabitats and Microclimates

Changes in forest structure and vegetation (including logging and road-building) alter microhabitats and microclimates. Amphibian populations correlate with the following microhabitat characteristics: quantity and quality of coarse woody debris, litter depth and moisture, understory vegetation density, and overstory canopy closure (Demaynadier and Hunter 1998). These structural and vegetative characteristics influence temperature and moisture regimes on the forest floor (Pough 1987). Roads alter these characteristics and result in edge effects likely to impact local amphibian populations. There is documented behavioral avoidance of road edges due to elevated mortality associated with road crossings (van Gelder 1973, Cooke 1988 as cited in Gibbs 1998). Forest edges associated with open land are more permeable to amphibian movement than road edges (Gibbs 1998). Maintaining some portion of the structural and vegetative microhabitat and microclimate elements will help minimize edge effects and hasten the rate at which logged stands are colonized by forest interior species (Demaynadier and Hunter 1998). Road construction in a forest environment, however, permanently alters these components.

Physiological Constraints

Amphibians are less adaptable to environmental changes because of physiological constraints. While human alteration creates landtypes that are dry and open, many amphibian species depend on moist refugia to maintain close contact with forest floor substrates. The maintenance of highly permeable skin that is cool and moist allows for efficient respiration. In addition, small size and slow movement result in relatively poor dispersal capabilities and small home ranges. These physiological factors cause amphibians to be especially sensitive to the abrupt transitions created by roads impacting their microclimate and microhabitat (Demaynadier and Hunter 1998).

Documenting Road Impacts

Several studies examine the impacts of road induced mortality on amphibians. A study in 1987 by Kuhn documented that 20-40 cars on a road per hour killed 50% of migrating common toad (*Bufo bufo*) individuals (Reh 1990). Another study on *Bufo bufo* conducted in Britain discussed the impacts of traffic on the toads' breeding migration of up to 1.5 kilometers. This study attributed only 4% of mortality to roads. Although road casualties were not thought to affect significantly overall breeding potential, measures were taken to protect the toads from road mortality. Warning signs were

posted encouraging motorists to slow down, and toads were collected in containers and released during times of heavy traffic (Gittins 1983). A study conducted on highway related toad mortality in a state nature reserve in the Netherlands reported 29% mortality for females crossing an asphalt road during breeding migration (van Gelder 1973).

A long-term study of the impacts of highway mortality on the largest known breeding migration of the flatwoods salamander (*Ambystoma cingulatum*) took place over a 22-year period. The study documented nightly migrations of 200-300 adults crossing a 4.3 km stretch of paved highway in 1970-1972, but these numbers dwindled to less than one individual per night in 1990-1992. Although this decline could be caused by both anthropogenic and natural factors, researchers were skeptical that highway mortality played a significant role. They based this assumption on documentation of few road kills and calculation of fewer than 5 cars/hour (Means 1996).

The continued survival of the larch mountain salamander (*Plethodon larselli*), a species endemic to the Columbia River gorge in Washington and Oregon, is dependent on unaltered talus slopes. Their populations are impacted by removing gravel from slopes for road building and maintenance, as well as clearcutting. Primary and logging roads follow the natural contour of the land, frequently bisecting major talus fields. Rocks from these fields are crushed to a size suitable for road surfaces, causing severe erosion and drastic changes in the soil properties of the slope. The resulting altered slopes are inhospitable to *P. larselli*. Examples of slope modifications by road-building are visible from major highways on both sides of the Columbia River (Herrington 1985).

In a study in Southern Appalachia where salamanders in the family *Plethodontidae* make up a large proportion of forest amphibian fauna (Demaynadier and Hunter 1998), the Red-backed Salamander (*Plethodon cinereus*) appeared more sensitive to clearcutting and forest edge effects than most anuran (frog or toad) species. This family of salamanders is affected by forest canopy loss due to its almost complete reliance on cutaneous respiration, a form of respiration limited by diffusion and most efficient when skin is moist and ambient temperatures are cool (Feder 1983 as cited in Demaynadier and Hunter 1998). This makes them particularly vulnerable to population declines due to clearcutting and canopy removal (Demaynadier and Hunter 1998, Pough et al. 1987). The biology of this species and its sensitivity to dry conditions makes the red backed salamander susceptible to population fluctuations (Pough et al 1987).

Protection from Road Impacts

These studies just begin to examine traffic and road induced mortality on amphibians. Ideas for protecting amphibians against these road threats on a landscape level



emphasize habitat connectivity. Researchers suggest the conservation of meadow land as a conduit for genetic transfer and for its favorable microclimate; linking nature reserves with moist, water-filled corridors such as ditches; preventing new barriers such as roads, highways, and railways; and providing spawning sites with summer, and winter habitat in close proximity (Reh 1990).

Some managers have implemented mitigation measures protecting amphibians from existing roads and barriers. In Switzerland, road blocks were erected to stymie motorists during toad migration. In other locales, traffic signs warning of crossing amphibians alert drivers. Some amphibians were helped across roads as they encountered barriers, and diverted into a tunnel or a pitfall in which toads were collected and transported to the other side of the road (Van Gelder 1973).

Conclusion

While it is apparent that amphibian population decline is attributable in part to anthropogenic causes, further research on the impacts of roads, and ways to mitigate the damages is needed. The preceding protective measures only begin to combat road-induced amphibian mortality. Preventing additional habitat degradation and restoring road-fragmented habitat can help amphibian populations stabilize and recover.



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FWS Issues Emergency Bull Trout Ruling

—By Dan Funsch

The US Fish and Wildlife Service (FWS) in mid-August responded to an unauthorized reconstruction of a forest road with an emergency ruling to list the Jarbidge River population of bull trout as endangered. The ruling, published in the Federal Register on August 11, grants the isolated subpopulation emergency protection under the Endangered Species Act (ESA) until April 8th, 1999, or until the FWS rules on its earlier proposal (June 10th) to list the species as threatened.

Located in northeastern Nevada near the Idaho border, the Jarbidge River and Jarbidge Canyon Road have been the scene of a showdown between Elko County officials and the federal government over land use management and jurisdiction. After flooding caused a road failure in 1995, the Forest Service began work on an environmental assessment to consider reconstruction or road removal. According to conservationists, the agency was leaning towards removing the road and constructing a trail to access the Humboldt National Forest. But Elko County officials insisted on rebuilding the road.

In mid July, Elko County passed a resolution and began reconstruction. They filled in some 300 yards of the river with debris left from the 1995 floods, and re-directed the entire river flow into a straight channel lacking pools or vegetative cover. This removed all riparian vegetation, dumped tons of sediment into the river, and according to the FWS, "completely destroyed all aquatic habitat" in the area. The effects on the 50 or so remaining bull trout that inhabit the Jarbidge, as well as the effects on downstream water quality and aquatic life, are uncertain and the subject of an ongoing evaluation.

Elko County stopped road work in late July after receiving cease and desist orders from the State of Nevada and the Army Corps of Engineers, but many are concerned they will begin road work again in the near future. The emergency ruling will help the federal government and conservationists strengthen their case against the road, should court action be necessary.

It's important to note the FWS first declined listing the Jarbidge population in June 1997, when it proposed a listing for the Columbia and Klamath River basin. Two Montana-based conservation groups, Alliance for the Wild Rockies and Friends of the Wild Swan, sued to force the agency to reconsider their decision for the Jarbidge, the Coastal/Puget Sound and the St. Mary River distinct populations. That lawsuit was successful, and a federal court ordered the FWS to reconsider, resulting in the June 1998 proposal to list all three populations.

What You Can Do

Write the US Fish and Wildlife Service today and support their emergency ruling. Also support the agency's June 10, 1998 proposal to list and protect the three bull trout populations mentioned above. Write to:

US Fish and Wildlife Service
Nevada Fish and Wildlife Office
1340 Financial Boulevard, Suite 234
Reno, NV 89502



Little Sheep Creek, Beaverhead-Deerlodge National Forest. George Wuerthner photo.

Deerlodge Backcountry —ATV Free

—Thanks to the Montana Wilderness Association

After 11 years of foot-dragging, the Beaverhead-Deerlodge National Forest (western Montana) plans to prohibit wheeled vehicles in 74,000 acres of nonmotorized roadless recreation areas as designated by the 1987 Deerlodge NF Plan. In its decision, the Forest Service cited resource damage caused by motorized vehicles. The ATV, jeep, and motorcycle closure in so-called "A4" areas is scheduled to take effect Sept. 4, 1998.

Portions of a dozen roadless areas were designated for motorized (A5) or nonmotorized (A4) recreation in the Forest Plan. In A4 areas, the plan stated "no motor vehicle use" would be permitted, except for snowmobiles "in some instances." But only half the A4 areas were actually closed to motor vehicles. The new order will implement the plan's prohibition on wheeled vehicles, however, no action has yet been taken to limit snowmobiles.

The order includes roadless country in the Sapphire, Long John, Flint, Highland, and Tobacco Root mountains.



East Fork of the Jarbidge River, looking downstream to its confluence with the West Fork. This picture is taken from just outside the Jarbidge Wilderness, looking north. The West Fork lies over the ridge on the left, and extends into the headwaters of the wilderness in a canyon similar to this one. Jim Coefield photo.

Help Stop Fee-Demo Program

—By Scott Silver

The American Motorcyclists Association, the International Snowmobile Industry Association and the National Marine Manufacturers Association represent the full range of motorized recreational pursuits. Would it surprise you that these companies are responsible for the Demonstration Recreation Fee Program, which starting in 1996, authorized the collection of user-fees for all forms of public lands recreation?

Fee-Demo, as this program is called, is the creation of the American Recreation Coalition (ARC), a powerful Washington lobby dominated by these and other motorized recreation interests. Their reason for promoting user-fees is simple: if you pay, you get to play. Motorized recreationists will gladly pay for access, especially if the alternative is being kicked off public lands by those damned environmental extremists.

This pilot project was scheduled to end in September of 1999. In February of 1998, ARC, working through Rep. Jim Hansen (R-UT), attempted, but failed, to grant this program permanent authorization. However, in July 1998, ARC inserted a rider into the Interior Appropriations Bill and successfully extended the Fee-Demo program for two more years.

In August 1998, Rep. Mary Bono (R-CA) and Rep. Lois Capps (D-CA) introduced legislation to immediately abolish Fee-Demo on all National Forests. This legislation will strike a blow to motorized recreationists who hope to buy access to public lands. This bill will be strongly opposed by ARC and the entire motorized recreation industry.

What You can do

Please support the Bono-Capps bill (H. 4447) and encourage your representatives to co-sponsor this important piece of legislation. In ending the Fee-Demo program, not only do we preserve nature as an amenity that we are free to enjoy, but we protect the environment from those who view recreation user fees as a mechanism for turning the great outdoors into a motorized hell. Please write:

Your Congressman
U.S. House of Representatives
Washington D.C. 20515

Your Senator —
U.S. Senate
Washington D.C.20510



Court Orders Plymouth to Restrict Use of ORVs on Long Beach

The Town of Plymouth, Massachusetts has been ordered by a federal court judge to restrict ORVs on Plymouth Long Beach for the protection of the threatened piping plover.

United States District Judge Patti B. Saris recently issued a preliminary injunction against the Town of Plymouth, and ordered the Town either to prohibit ORVs on the majority of Plymouth Long Beach, or to implement specific measures designed to avoid death or injury to the piping plover. The measures include establishing protective zones around piping plover nests, monitoring, and prohibiting ORV travel in piping plover habitat when flightless chicks are present.

The United States filed suit in March 1998 on behalf of the U.S. Fish and Wildlife Service alleging that Plymouth's practice of allowing ORVs to travel on Plymouth Long Beach violates the Endangered Species Act. Piping plovers are listed as threatened, and it is unlawful to kill or harm them. Piping plover chicks are particularly vulnerable to being run over by ORVs, and ORVs cause significant degradation to the birds' habitat. As Judge Saris noted, "Up to 325 vehicles can be admitted at one time. Pictures suggest that on hot summer days, the beach looks like a shopping mall at Christmas, with cars parked side-by-side along the beach." In 1996 a piping plover chick was run over by an ORV when Town officials delayed in authorizing a closure of the beach.

United States Attorney Donald Stern observed that the court's injunction should help ensure the piping plover is protected. "Undoubtedly some ORV enthusiasts will be disappointed by today's decision. We must keep in mind, however, that protecting the diversity of species is essential if we are to preserve the healthy environment that we enjoy here in Massachusetts. My office will continue its work to ensure the survival of federally protected species here in Massachusetts for future generations."

Introducing our New Guide: “The Road-Rippers Guide to Wildland Road Removal”

The road inventory sheet on the facing page comes from our new guide, “The Road-Rippers Guide to Wildland Road Removal,” by Scott Bagley. It is one of 3 inventory sheets in the guide, with the other two focused on assessing agency road removal proposals. While the inventory sheet is more useful once you’ve read the guide and its explanations of the different things you might encounter when inventorying a road, we thought it would give you a taste of what the guide is all about.

To order a copy of the guide, see the Order Form on page 15 of this RIPorter. The following paragraphs are excerpts from “The Road-Rippers Guide to Wildland Road Removal.”

Using the Road Inventory Form

Overall Road Information

By completing this section, you will gain a general understanding of a road prior to performing a more in-depth field inventory. Road type and access will tell you what the road is used for. Road history will reveal much about the potential and real impacts associated with a road. Knowing the year of construction will help you determine, for example, whether organic materials were incorporated into a road’s fill (initiating failure as it decomposes). Knowing maintenance history will help you determine the perennial problems associated with a road. For example, there may be sections of a road that have washed out on a regular basis, soaking up large amounts of maintenance money. Some roads may have surface drainage problems, requiring grading on a regular basis to stop rills from developing into gullies. Ask agency staff in order to find general information about a road.

Determine a road’s hillslope position either by looking at



Scott Bagley holds up a copy of the guide that he just completed, “The Road-Rippers Guide to Wildland Road Removal.”

the contour lines on a topographic map, or by estimating it in the field based on your sense of the surroundings. Refer back to “Prioritizing Road Removal within a Watershed” in the guide on page 19 to review the significance of hillslope position in determining a road’s relative hydrologic impact.

Sites and Segments

As you progress along a road, assign a number to each site and segment (and accompanying photo), and note this on the form in the appropriate location. Label each site on a topographic map for later reference. Since overall road information will be the same for all sites and segments, it may help to make your own forms with 3-4 sites or segments on each.

Sites

Determine the type of drainage structure, if one exists. If necessary, refer back to “What is a Road?” on page 5 of the guide to review drainage structures. Note culvert sizes for additional information. Determine the condition of culverts, the ground around the culvert inlet, the ground below culverts, and fill materials by observing them up close.

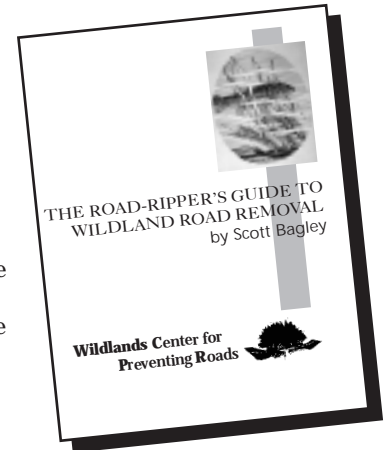
Segments

Surface shape refers to the direction water will flow from a road’s surface. Refer back to “What is a Road?” on page 5 of the guide to review road surface shapes. Don’t forget that insloped road segments concentrate water in an inboard ditch (allowing water to be more erosive than if it was dispersed).

The condition of the road surface, road fill, inboard ditch, and cutslope should be obvious by observing each portion of the road prism. Refer to “Understanding Watersheds and Soil Erosion” on page 9 of the guide to review rill and gully erosion.

Understanding Diversion Potential

Diversion potential refers to the likelihood that backed up water behind a plugged culvert will be diverted down the inboard ditch or road surface, or onto the adjacent natural slope, rather than back into the stream channel. You can determine whether a stream crossing has diversion potential by standing or kneeling near the stream on the uphill side of the road or on the fillslope. Stand or kneel so that the road surface is at your eye level, then determine where backed up water will flow if it reaches the elevation of the road surface. If the road grade slopes to either side of the stream crossing, there is potential for diversion. If there is a broad dip in the surface of the crossing, the backed up water will flow back into the stream on the downhill side of the road. Hence, a stream crossing with a dip in the road surface has no diversion potential.



Road Inventory Form

Overall road information

Road name/number	
Date	
Location	
Agency	
Road type (service, haul, spur, etc.)	
Access (car, 4wd, ORV, walk only) Will portions of the road need to be reconstructed (due to previous failures)?	
Road history (year of construction, maintenance history)	
Hillslope position (valley bottom, low/mid/high slope, ridgetop)	
Comments	

Sites

Site number	
Type of site (stream crossing, swale crossing, seep, ditch relief culvert)	
Drainage structure (culvert, log crossing, bridge, ford, fill only)	
Culvert condition (good, plugged, inlet/outlet rusted, inlet/outlet crushed, inside rusted)	
Ground condition around culvert inlet (eroded, good/armored)	
Ground condition below culvert (gully, good/water reinfilters)	
Fill condition (rilling, cracking, slumping, sagging, holes)	
Crossing history (now diverted, past diversion, no diversion, washed out)	
Diversion potential? (Y/N)	
Comments	

Segments

Segment number	
Surface shape (outsloped, insloped, crowned, flat)	
Surface condition (rilling, gullying, ponded water, holes)	
Fill condition (rilling, cracking, slumping, sagging, holes)	
Cutslope condition (rilling, slumping)	
Inboard ditch condition (good, converted to gully, blocked by debris)	
Does inboard ditch discharge directly into a stream? (Y/N)	
Comments	

Ask Dr. Roads



Dear Dr. Roads,

What's all this Bull about trout anyway? When I drive my 4 X 4 across a stream up here in the Northern Rockies, my front grille gets full of 'em, it don't matter if they're listed, de-listed, enlisted, or whatever. I just pull outa that stream, park my muddied rig on the other side, yank those Bulls from my grille, and cook 'em up on my engine right then and there. Dang they're good.

So what's my problem? Well some of my favorite roads to four wheel on are being dug up, taken out, and bein' turned back into plants or whatever (you know what I mean, they just ain't "there" anymore)—and I'm gettin' hungry!

—“**Big**” Rick Reation, Drivethru, Montana

Dear Rick,

Well now, that is a problem. The gall of those guys to make you, an honest-to-God U.S. taxpayer, get out of those trout's home. That is Bull! What with only 440,000 miles of roads on our National Forests, where's a guy got to go to get a decent dinner? Tell you what though. I know a way you can drive to your little heart's content on our national roads, and get dinner too! Did you know that every road they remove (if they do it right, that is) improves the streams so there'll be more fish? If you really want 4x4 fried fish, pull out yer fishin' rod and walk a few steps. If it's road kill yer after, how 'bout this...

Take any Interstate—shoot, just drive any darned paved road for that matter—and peel those blood-shot eyes towards the side of the road, and by golly you're gonna come up with fresh squirrel, rabbit, maybe even a deer—all deader than a doornail, smashed by the likes of your (and my) rig. You might even have some surprises and come across an URP (unidentified road pizza). Mama Mia! Save yourself some time (and save that grille on your 4 X 4 too from those slimy fish), and pull that belly up to some Road Kill tonight!

—**Dr. O. Blit Roads**

Send questions to:
Ask Dr. Roads, c/o Wildlands CPR
PO Box 7516, Missoula, MT 59807
or WildlandsCPR@wildrockies.org

Join Wildlands CPR Today!

Membership benefits both you and Wildlands CPR. You lend your support to our efforts, giving us more leverage in submitting comments, filing lawsuits, and creating pressure to prevent and close roads on public lands. In addition, your financial support helps us continue providing information and resources to activists throughout North America.

As a Wildlands CPR member, you'll have better access to these resources, because you'll receive:

- * Our bimonthly newsletter, *The Road-RIPorter*.
- * 10 free bibliography searches per year.
- * National support for your campaign through our newsletter and alerts.
- * Access to activist tools and public education materials.
- * Connections with groups working on similar issues, and networks with experienced road-fighting activists, lawyers and scientists.
- * Discounts on Wildlands CPR publications.

New Resources for Road-Rippers

Car Busters Magazine now available

Readers of The Road RIPorter might want to know: There's a new international magazine called Car Busters being published in France. "For a world without cars," reads the cover slogan, and without cars, who needs roads? Published in partnership with European Youth for Action, this spunky quarterly has as its goals: "to maintain and build the international car-free movement, publicize campaigns, facilitate international cooperation, inspire new activists."

Though it looks mostly at urban transport issues, it's so packed with information that most road-rippers should find items of interest in its pages. The first issue included reports about road subsidies in Poland, proliferation of roads in Hungary, and highway construction in Japan. Other articles included: "Closing Roads Reduces Traffic," "Car-Free Zones are Good for Business," and "Global 'Critical Mass' Against Climate Change." The magazine is a good source of tools and connections for activists, and is nicely spiced with cartoons.

A year's subscription costs 24 "Ecos" which translates to US \$17.50. You can get a sample copy for a small donation. Car Busters also welcomes submission of articles, artwork, letters, or distribution suggestions. Contact:

CAR BUSTERS Magazine & Resource Centre
44 rue Burdeau, 69001 Lyon, France
tel.: + (33) 4 72 00 23 57
fax: + (33) 4 78 28 57 78
carbusters@wanadoo.fr

Wildlands CPR Publications:

Road-Ripper's Handbook (\$15.00, \$25 non-members) —A comprehensive activist manual that includes the five Guides listed below, plus *The Ecological Effects of Roads*, *Gathering Information with the Freedom of Information Act*, and more!

Road-Ripper's Guide to the National Forests (\$4, \$7 non-members) —By Keith Hammer. How-to procedures for getting roads closed and revegetated, descriptions of environmental laws, road density standards & Forest Service road policies.

Road-Ripper's Guide to the National Parks (\$4, \$7 non-members) —By David Bahr & Aron Yarmo. Provides background on the National Park System and its use of roads, and outlines how activists can get involved in NPS planning.

Road-Ripper's Guide to the BLM (\$4, \$7 non-members) —By Dan Stotter. Provides an overview of road-related land and resource laws, and detailed discussions for participating in BLM decision-making processes.

Road-Ripper's Guide to Off-Road Vehicles (\$4, \$7 non-members) —By Dan Wright. A comprehensive guide to reducing the use and abuse of ORVs on public lands. Includes an extensive bibliography.

Road-Ripper's Guide to Wildland Road Removal (\$4, \$7 non-members) —By Scott Bagley. Provides technical information on road construction and removal, where and why roads fail, and how you can effectively assess road removal projects.

Trails of Destruction (\$10) —By Friends of the Earth and Wildlands CPR, written by Erich Pica and Jacob Smith. This report explains the ecological impacts of ORVs, federal funding for motorized recreation on public lands, and the ORV industry's role in pushing the ORV agenda.

Bibliographic Services:

Ecological Impacts of Roads: A Bibliographic Database (Updated Feb. 1998) —Edited by Reed Noss. Compiled by Dave Augeri, Mike Eley, Steve Humphrey, Reed Noss, Paul Pacquet & Susan Pierce. Contains approx. 6,000 citations — including scientific literature on erosion, fragmentation, sedimentation, pollution, effects on wildlife, aquatic and hydrological effects, and other information on the impacts of roads. Use the ecological literature to understand and develop road density standards, priorities for road removal, and other road issues.

Database Searches —We will search the Bibliography on the subjects that interest you, and provide results in IBM or Macintosh format (specify software), or on paper. We also have prepared a 1-disk Bibliographic Summary with results for commonly requested searches. Finally, we offer the full bibliography. However, you must have Pro-Cite or a compatible database program in order to use it.

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to the address below. Thank you!

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Visions...



Oregon Natural Desert Association photo.



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***The only things in the middle of the road
are dead armadillos and yellow stripes.”
—Jim Hightower***

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