

In the Line of Fire

A disturbing encounter raises issues of hiker safety on public lands

PHOTO BY "QUANTUM GURU"



View from the summit of Mount Higgins, in the Mount Baker-Snoqualmie National Forest. A confrontation this summer between hikers and a shooter raises troubling issues about safety and law enforcement on public lands.

BY ANDREW ENGELSON

A Troubling Encounter

On a recent Saturday in July, WTA members Frank and Val Herbert went for a hike on the Mount Higgins Trail in the Mount Baker-Snoqualmie National Forest not far from Darrington. Ascending above the clouds, the couple reached the summit at about 11 a.m., where they enjoyed views of White Horse, Three Fingers, Glacier Peak and Mount Baker. It was a fantastic hike.

On the descent, however, a disturbing incident tarnished the experience.

The couple heard the sound of shooting below, and as they approached the crossing of Dick Creek, about halfway down the trail, the noise became very loud. About 100 feet from the creek, the shots were extremely loud and came in rapid succession. Frank yelled down the trail to alert the shooter that hikers were

approaching.

The shooter became belligerent and began yelling at the Herberts, warning them if they came any further, they'd "regret it." The shooting continued. "I've hiked for years on thousands of miles of trails," said Frank Herbert, who lives in Arlington, "and this was the first time I've ever been truly afraid."

The couple went back up the trail, and then proceeded to try to find a route off-trail to detour around the shooter. They bushwhacked through prickly devil's club, found a crossing of the creek and eventually returned to the trail. The Herberts made it safely to their car, but they were concerned about another pair of hikers they'd seen on the trail.

What made the incident doubly disturbing was it was only a few days after the one-year anniversary of the murders of two Seattle women on the Pinnacle Lake Trail last year.

Frank and Val then drove to the Darrington Ranger station to report the incident. The two Forest Service employees at the information desk were,

according to Frank Herbert, "of no help at all." Only after being pressed, did they take down contact information, and told the hikers they could sometimes find the local sheriff's deputy "hanging out at the fire station." The couple went to the station, but couldn't find the deputy, and eventually called 911 to file a report. "I was a little frustrated," Frank told me over the phone recently. "They had absolutely no clue how to respond. It was kind of like, 'you're on your own.'"

The Herberts contacted WTA about the incident, and I followed up with the U.S. Forest Service and local law enforcement about the confrontation and the Forest Service's response.

A Lack of Law Enforcement

I asked Greg Rasar, a Snohomish County Sheriff forest patrol deputy who works on contract for the Forest Service, whether the ranger station's response was appropriate. "No, it wasn't," he told me. After he had learned of the incident, Rasar wrote a detailed e-mail to the Darrington District Ranger to ensure that temporary seasonal employees of the Forest Service understood protocol for reporting crimes. That document is now being used by the district to better train front desk employees.

"Basically" said deputy Rasar, "we've instructed them that in any situation, if anyone feels endangered, don't second guess it—call 911."

Rasar indicated that an officer was dispatched to the Mount Higgins trailhead about an hour after the report was filed, and that the officer saw no cars at the trailhead and did not proceed up the trail.

Peter Forbes, the district ranger for Darrington, said that since the incident, there have been discussions among staff about proper procedures. Forbes also pointed out one troubling fact that could have played a part in the lack of response. Since May of this year, the Dar-



rington District has not had an armed law enforcement officer patrolling the Mountain Loop Highway. That's correct: one year after the Pinnacle Lake murders there have been even *fewer* armed law enforcement officers working the area this summer.

According to Forbes, a new Forest Service law enforcement officer (LEO) has been hired, but until this person completes six months of training, the district will be without an LEO until March 2008. "The Snohomish County Sheriff's Office has helped pick up the slack," Forbes told me.

But according to Snohomish County deputy Rasar, his hours have been reduced recently because grants hadn't come in to adequately fund his position. And complicating his efforts to patrol the Mountain Loop is the fact that the washout near Monte Cristo has made it harder to patrol each half of the loop. "That isolates things, when you have to drive 40 or 50 miles around to get to the other side," he told me.

To its credit, the district is working to get a new LEO patrolling the region as soon as it can. And the encouraging news for hikers is that the Forest Service has an increased budget for law enforcement in Region 6, which covers all national forests in Oregon and Washington. In a detailed article in the November/December 2006 issue of *Washington Trails*, I noted that the entire Mount Baker-Snoqualmie National Forest had just five law enforcement rangers to cover a forest about the size of Delaware.

But, according to Dan Hawkes, Forest Service Region 6 Patrol Commander, since March of this year, the region now has additional funds to fill existing LEO vacancies, plus to add eight new LEOs in Oregon and Washington. In our state, that includes new law enforcement officers at Amboy, Kettle Falls, Walla Walla, and—most importantly for the Mount Baker-Snoqualmie—at North Bend.

"We're still down from the levels we were at in 1997," said Hawkes, "but to my knowledge this is the first upswing in law

enforcement staffing in the region since we went to the LEO system in 1993."

Much of the impetus for more LEOs comes from a disturbing trend taking hold in California and reportedly moving north: rampant marijuana growing. Hawkes reports that officers recently discovered a record number of plants in the Mount Hood National Forest, and that other growing operations have been found in southern Washington and parts of the Colville National Forest.

"With these and other urban-interface issues," said Hawkes, "there are many complexities to law enforcement on these large areas of land."

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Guns On the Forest

Target shooting is not illegal on Forest Service land. "Traditionally, it has been allowed, where appropriate," said Peter Forbes of the Darrington District. However, unsafe shooting practices are prohibited by federal law. The law states that one can never shoot on or across a road, a body of water or within 150 yards of a residence, building, campsite, developed recreation area or occupied area, into any cave, or in a manner or place whereby any person or property is exposed to damage or injury. According to deputy Rasar, "a trail would qualify as a developed recreation area." Additionally, if a shooter is behaving in an unsafe or threatening manner, or is intoxicated, those are all citable offenses.

Certainly, the Mount Higgins incident fit that description. "This was the most blatant confrontation I've heard about," said Rasar. But what about shooting in

general? Most hikers in the Cascades have heard shooting at one time or another—and not the more regulated and conscientious shooting practiced by hunters.

Rasar will confront shooters, when it's safe to do so. "If I hear shooting," he said, "and I don't know which direction the shooter is firing, it makes me uneasy." Rasar reports he'll cite those who are blatantly shooting in an unsafe manner. But if there's no life endangerment, he'll more likely try to educate shooters about the laws. He'll often recommend that shooters take their sport to public ranges in Arlington and elsewhere.

In addition to noise and potential safety issues, target shooting sometimes results in environmental impacts and litter. Peter Forbes notes that the district has had problems with target shooters leaving a mess. "They often like to go to gravel pits and blast away at anything and everything," he said. "It creates a bit of a mess." The district has been working to close problem areas down, where everything from bottles to refrigerators have been shot up and left behind.

Though the Forest Service doesn't have extensive staff to educate shooters, they've put up barriers and signs describing applicable laws. Deputy Rasar has visited local shooting ranges to get the word out about regulations on public lands.

As for hikers who encounter shooters, it's up to them to gauge their safety and to report any incidents to authorities. Dan Hawkes of Region 6 says, "It's really incumbent upon hikers to be situationally aware and to report serious incidents." He notes that studies show only about 36 percent of all crimes are ever reported.

Hopefully, the Forest Service will ensure that all of its employees know how to help hikers report those crimes when they happen.

Thoughts on this issue? E-mail andrew@wta.org. ♦