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December 16, 2010

Annemarie LaPalme  
Sitka Ranger District  
204 Siginaka Way  
Sitka, AK 99835

Dear Ms. LaPalme:

Wilderness Watch is providing these comments on the scoping letter for the White Sulphur Springs Cabin, Bathhouse, and Trail Project in the West Chichagof-Yakobi Wilderness. Many of these comments and concerns were provided to Forest Service staff in a phone call on November 30, 2010.

### Existing condition

The scoping letter states the existing bathhouse, cabin and trail have structurally deteriorated enough that action is needed to *protect visitor's safety*. Wilderness Watch agrees that safety concerns created by administrative structures must be addressed. By removing the existing structures the Forest Service would eliminate the *visitor safety* concern. The remaining dangers would be natural dangers—the type that contribute to the opportunities for risk, adventure, solitude, and other aspects of an authentic wilderness experience. These are the attributes of Wilderness that managers should be seeking to provide and protect.

The question for Wilderness stewards then becomes which structures if any are *necessary* to meet *minimum requirements* to preserve wilderness character? Those structures that are not required to preserve wilderness should be removed.

### Cabin

The Alaska National Interest Lands Conservation Act (ANILCA) states that public use *cabins* in existence at the time of Wilderness designation may be permitted to continue and may be maintained or replaced, subject to restrictions necessary to preserve the wilderness character of the area. While the FS may have the discretion to replace the existing cabin, it is difficult to see how doing so will preserve the area's wilderness character. By definition, Wilderness is “undeveloped” federal land, retaining its “primeval character...without permanent improvements or human habitation.” The agency's policy for monitoring wilderness character states that the presence of structures degrades wilderness character (see *Keeping it wild: an interagency strategy to monitor trends in wilderness character across the national wilderness preservation system. Gen. Tech. Rep. RMRS-GR-212. Landres, et al. 2008*). Both the law and policy suggest, at



a minimum, that neither the footprint nor any other impacts related to the cabin should increase or expand the cabin's impact on the area's wilderness character.

According to the FS website the existing structure is a 12' X 14' cabin with a capacity of four. The scoping letter states the new proposed structure is 15' X 17' cabin with a capacity of six. This is an increase of 50 percent in both size and capacity. The larger size and capacity of the new cabin appears to violate the legal requirement to preserve the area's wilderness character. It also seems to make little sense given the stated concern about the loss of solitude in the area. How does increasing the size and capacity of the cabin address the loss of opportunities for solitude at the site? How does it meet the requirement to preserve wilderness character?

Given the concern about the degree of development at this Wilderness site, why does the FS propose to increase the size and capacity of the cabin? Will the Forest Service be able to collect higher fees from the larger capacity cabin? Is that what's driving the proposal to build a larger cabin?

### Bathhouse

Both the Wilderness Act and ANILCA prohibit replacement of the bathhouse. The Wilderness Act prohibits structures and installations in Wilderness and ANILCA incorporates this prohibition. The exception for cabins in ANILCA does not apply because the bathhouse is not a cabin any more than a garage, warehouse, or gymnasium is a cabin. While almost any type of structure or shelter could serve as a cabin, the bathhouse has not served as a cabin and is not allowed under ANILCA's exception for public use cabins. (The scoping letter incorrectly states that ANILCA provides for the continuation of existing public use cabins *and shelters*. Section 1315(c) of ANILCA in fact refers only to cabins, not shelters.)

Even if it were legal to replace the bathhouse, it would be wrong to do so in Wilderness. Visitors to Wilderness must be willing to face Wilderness on its own terms. Comfort and convenience are not appropriate standards by which to measure or provide for a wilderness experience. One visits Wilderness to experience nature unmitigated by human actions. A wilderness experience is enhanced by the elements—wind, rain, snow, sun, etc.—any effort to remove nature from the experience only serves to degrade both the area's wilderness character and the visitor's wilderness experience. Though some may have grown accustomed to what the scoping letter describes as the “unique hot springs experience” provided by a covered pool, this experience is better suited for a resort, not a Wilderness.

### Helicopter

The scoping letter notes that the replacement of structures and the use of mechanical transport and motorized equipment are prohibited by the Wilderness Act “except as necessary to meet minimum requirements for administration of the area.” This truncated citation incorrectly drops the key limiting phrase from that sentence: “*for the purpose of this Act.*” The fundamental determination that must be made before a generally prohibited use can be allowed is whether the underlying project (in this case replacement or removal of the structures and repair of the trail) is necessary to meet the minimum requirement to preserve the area's wilderness character.

Replacing the cabin and bathhouse are not necessary to preserve the area's wilderness character and thus cannot justify the use of a helicopter.

The trail itself might meet the minimum requirement test, however the use of a helicopter to maintain or reconstruct the trail does not. The scoping letter acknowledges the trail can be reconstructed without the use of a helicopter. Most if not all materials can be found on-site and those that aren't available can be brought by boat, off-loaded on shore, and carried to the locations they are needed along the trail (less than one mile).

### Trail

As noted above, use of a helicopter in Wilderness for repairing or reconstructing the trail does not meet the minimum requirements test. The trail work can be completed using materials found on site or transported by boat to the Wilderness boundary. The use of gravel (that must be airlifted from another location) might make for a more durable trail requiring less maintenance, yet that isn't the appropriate standard for Wilderness. If it were, one might justify paving trails or building sidewalks. Native materials should be used. If native materials are unavailable, then the location or existence of the trail should be reconsidered.

### Commercial Use

The scoping letter states the bathhouse is currently used by outfitter-guides. The Wilderness Act limits commercial services "to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas." Has the Forest Service conducted an analysis (i.e. "needs assessment") to determine to what extent commercial services are necessary and proper with respect to the White Sulphur Springs area?

### Alternatives

None of the action alternatives as described in the scoping letter are consistent with the Wilderness Act or ANILCA.

Alternatives 1, 2, and 3 propose replacing the existing cabin with a larger cabin with a higher capacity. ANILCA allows for replacement of existing structures, but not replacement with larger, more expansive facilities.

Alternatives 1, 3, and 4 call for replacing the bathhouse, which is clearly in violation of the Wilderness Act and ANILCA.

Alternative 2 proposes to remove the bathhouse, but to replace it with another unlawful structure—"an outdoor pool with rock or wood decking around the pool."

Alternatives 1, 2, 3, and 4 provide a *developed* hot springs in the Wilderness either with or without the bathhouse.

Alternative 1 proposes to use gravel for surfacing the trail. The gravel would be airlifted to the site by helicopter, a prohibited motor vehicle. Alternatives 2, 3, and 4 leave open the possibility of using gravel to surface the trail. As with Alternative 1, the gravel would require the use of a helicopter.

The “no action” alternative is the only one that is consistent with the Wilderness Act and ANILCA and only then if the removal of the existing structures is done in a fashion that meets the minimum requirements test in the Wilderness Act.

#### Additional Considerations and Questions:

White Sulphur hot springs were developed before the area was designated Wilderness and it's likely that current use patterns are somewhat the result of the degree of the development that exists at the site. Because the project could result in a significant change in the types and amount of development at the site the EA should address how these changes could affect visitor use (type and amount) and how those changes affect the perceived need for any facilities at the site.

What effect will eliminating the bathhouse have on visitor use?

What effect will eliminating the bathhouse have on cabin rentals? Will the site be less preferred, perhaps negating or reducing any perceived need to replace the cabin?

What effect will eliminating either or both the bathhouse and cabin have on use along the trail? Is the trails current condition adequate for lower use levels? Can repairs or upgrades to the trail be justified with lower use levels? Will a lower standard suffice?

Will the need for greater solitude (privacy) be met by simply removing the bathhouse and restoring the natural hot springs (fewer visitors), thereby negating the need to move the cabin to a new site?

What is the cost of constructing and maintaining these structures? How much additional wilderness ranger presence is necessary to look after the infrastructure and manage the higher levels of use? Given limited budgets, how does the expenditure of funds to replace and maintain these structures stack up against other priorities, such as increased wilderness ranger presence in the field?

#### Recommendations

Wilderness Watch recognizes that the historical use of the site and ANILCA's allowance for continuation of public use cabins creates some unique management challenges at White Sulphur Springs. The situation also presents a unique opportunity to protect and restore a special place and to provide a unique wilderness recreation experience undiminished by the works or evidence of man. We recommend the following actions:

1. The bathhouse should be removed. The hot springs and the area surrounding them should be restored to their natural condition. Burnable items could be burned on site and the remaining items packed to a location where they can be hauled off by boat. Under no condition should the bathhouse be replaced or the hot springs developed.

2. The cabin, too, should be removed. From reading the scoping letter it appears this site is relatively heavily used by day-users to the extent that both opportunities for solitude and privacy are compromised. Removing the cabin and bathhouse will restore the physical attributes of the wilderness setting and improve the opportunities for solitude and a sense of remoteness important to a wilderness experience.
3. Should the Forest Service choose to replace the cabin, the new cabin should be of equal or smaller size and constructed of materials that can be packed by non-motorized means to the site.
4. If the trail is reconstructed it should be done using native materials obtained on site (preferred) or brought by boat to the edge of the Wilderness then hauled on foot to the needed location. No motorized or mechanized transport or equipment should be used on the project.
5. All work should be completed using traditional skills and without motorized vehicles or equipment.
6. The “no action” alternative is the only one that meets the letter and spirit of the Wilderness Act and should be selected.
7. The Forest Service should use this opportunity as a “teachable moment” to educate visitors about the value of Wilderness, the incompatibility of this kind of development in a Wilderness context, the agency’s legal and ethical responsibility to preserve the area’s wilderness character, and the need for both managers and visitors to practice restraint—even sacrifice—in order to preserve Wilderness for future generations.

We appreciate the opportunity to provide these comments. Please don’t hesitate to contact me if you have any questions or need clarification regarding our comments.

Sincerely,

George Nickas  
Executive Director

cc: Fran Mauer, Wilderness Watch Alaska Chapter chair