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July 10, 2017

Douglas Smith, District Ranger  
ATTN: Hi Lo Project  
Kawishiwi Ranger Station  
1393 Hwy 169  
Ely, MN 55731

Sent via: [comments-eastern-superior-kawishiwi@fs.fed.us](mailto:comments-eastern-superior-kawishiwi@fs.fed.us)

Dear District Ranger Smith,

The following comments on the Hi Lo Project come from Wilderness Watch, a national wilderness conservation organization focused on the protection of all units of the National Wilderness Preservation System, including the 1.1 million-acre Boundary Waters Canoe Area Wilderness (BWCAW) on the Superior National Forest.

Wilderness Watch has had extensive experience with the BWCAW, going back over 50 years. Wilderness Watch's Senior Advisor, Stewart M. Brandborg, helped pass the 1964 Wilderness Act, P.L. 88-577, and directed the Wilderness Society from 1956-76, the first four years on the Governing Council and afterwards as the executive director. He dealt with controversies surrounding the BWCA during his entire 20 years at the Wilderness Society, continuing on to today. I helped pass the 1978 BWCAW Act, P.L. 95-495, through Congress and co-authored the definitive history of that struggle, *Troubled Waters: The Fight for the Boundary Waters Canoe Area Wilderness*. I have been actively engaged in BWCAW issues since 1974 and have continued so through today.

As we understand the Hi Lo Project from the August 2016 Scoping Report and the June 6, 2017, letter from the Kawishiwi District Ranger, there are at least two general areas in which Wilderness Watch has concerns: the planned use of human-ignited prescribed fire on 1,314 acres within the BWCAW, and proposed management activities within five separate roadless areas abutting the BWCAW.

## WILDERNESS ACT ISSUES

**1. The Wilderness Act requires that Wildernesses are to be untrammeled and unmanipulated.** The overriding purpose of the

Wilderness Act is the preservation of wilderness character. Section 2(c) of the Wilderness Act defines “Wilderness” as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Congress was clear through the Section 2(a) “Statement of Policy” that Wilderness areas “shall be administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character...” Pursuant to Section 4(b), “each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such areas for such other purposes for which it may have been established as also to preserve its wilderness character.”

## **2. Active manipulation of Wilderness is not necessary for the administration of the area as wilderness and is not necessary to preserve wilderness character.**

The Forest Service (FS) provides the following describing the purpose and need of the project:

**Why:** Purposes for the Hi Lo Project include improving and restoring existing stand conditions to promote long-term healthy, productive, diverse ecosystems with an emphasis on wildlife habitat; reducing impacts and risks of an uncharacteristic wildfire impinging on populated and high use recreation areas; providing and granting reasonable access requests to other landowners; and increasing and enhancing recreation opportunities consistent with the desired conditions outlined in the Forest Plan.

The project area is bordered by the Wilderness on nearly three sides resulting in a relatively narrow band in the middle of the project area. Proposed actions along the BWCAW boundary would be focused and thoughtfully planned and implemented to achieve the objectives and desired conditions, such as protecting lives and private property, allowing lightning fires in the Wilderness to play their natural role, promoting forest conditions that are resilient to future wildfires, and creating a mosaic of fuel

treatments that increase the complexity of future wildfire burn severity and fire effects. Proposed actions would also retain the high recreation value and wildlife habitat, provide forest products to struggling wood fiber markets, and provide work for businesses dependent on recreation and forest products.

Scoping Report at 3. The purpose and need statement of the project is not focused on wilderness administration, and indeed, the Scoping Report does not analyze impacts to wilderness character or compliance with the Wilderness Act at all.

The FS provides no explanation for why this active manipulation is necessary to administer the wilderness pursuant to the Wilderness Act within the Scoping Report. In the Scoping Report, the FS states that “The primary objectives related to fire are: 1) treat around the boundaries of the Boundary Waters Canoe Area Wilderness to reduce fire intensity and rate of spread, so that fires can continue to play their nature role in Wilderness, 2) to treat hazardous fuels around WUI areas and natural and cultural resources at risk of high severity fire, 3) to increase the complexity of the vegetation across the landscape so that subsequent fires burn with high complexity, and 4) to increase the amount of forest restored in a healthy condition to reduce the severity and magnitude of fires, insects, and disease (O-ID-1, FP p. 2-19).” Scoping Report at 6. This rationale for the action likewise does not serve a wilderness purpose; rather, it is focused on a broader goal of fire management and habitat manipulation, primarily outside of the BWCAW.

Wilderness Watch supports allowing natural ecosystem processes like fire to operate within designated Wildernesses like the BWCAW. We are quite familiar with the ground-breaking fire ecology research conducted within the BWCAW by the late Dr. Miron L. “Bud” Heinselman. But the deliberate human-ignited prescribed fires being proposed are nonetheless human manipulations of the wilderness ecosystem, ignited by humans for human purposes and ignited at times chosen by humans. As such, prescribed fires as proposed in the Hi Lo Project are the kind of manipulations that the Wilderness Act militates against.

The Forest Service has not demonstrated that ecosystem modification or modification of natural processes is “[t]he minimum requirement for administering the area as wilderness” or that the authorized action would restore biological integrity, diversity, or environmental health of the wilderness area. The only attempt at a wilderness-based justification for the otherwise prohibited activities within wilderness is the FS’s unsupported statement that these actions will serve to “treat around the boundaries of the Boundary Waters Canoe Area Wilderness to reduce fire intensity and rate of spread, so that fires can continue to play their nature role in Wilderness.” Scoping Report at 6.

This rationale represents a serious departure from the foundational principles embodied within the Wilderness Act. One cannot reverse trammeling through more trammeling. Howard Zahniser, drafter of the Wilderness Act, stated that “[a] wilderness is an area where the earth and its community of life are untrammelled by man. (Untrammelled – not untrampled – untrammelled, meaning free, unbound, unhampered, unchecked, having the freedom of the wilderness.)” Likewise, the FS’s wilderness management direction in the

Forest Service Manual (FSM) describes “untrammeled” as: “an untrammeled area is where human influence does not impede the free play of natural forces or interfere with natural processes in the ecosystem.” FSM 2320.5 (2).

Additionally, the notion that “natural” conditions that have long been absent within a particular area due to fire suppression and past logging practices can somehow be reconstructed within that area with prescribed fire (to protect property outside the Wilderness) is suspect. Add to that the rapidly changing nature of our forests from climate change, and it becomes nearly impossible to discern a historical “natural” baseline point from which we should gauge “naturalness.” This is why Howard Zahniser’s foresight is so important. He focused, primarily, on the “untrammeled” character of wilderness in the Wilderness Act knowing that what is “natural” for that area will necessarily flow from what is “untrammeled.” (Senate Comm. on Interior and Insular Affairs, *Hearings before the Committee on S. 1176*, 85<sup>th</sup> Congress, 1<sup>st</sup> sess., June 19-20, 1957, pp. 212-13.) The uncontrolled, unmanipulated processes in wilderness create the state of naturalness for that area. This is important because this provides us with a baseline from which to measure our management actions outside of wilderness. If we start managing wilderness the same way we manage lands outside of wilderness, through active manipulation, we lose the untrammeled baseline and we thus lose what is “natural” for that area at that point in time.

**Conclusion.** Wilderness Watch opposes the proposed inclusion of prescribed fire treatments within the BWCAW as proposed in the Scoping Report. The wilderness portions of these treatments should be withdrawn from the Hi Lo Project. If the prescribed fire treatments within the BWCAW are retained, the Forest Service must conduct a full environmental impact statement (EIS) to fully analyze the impacts to wilderness character and to provide an adequate range of alternatives to the proposed action.

## ROADLESS AREA ISSUES

The Scoping Report indicates that the Hi Lo Project will impact five roadless areas within its boundaries, three of which are Forest Plan Inventoried Roadless Areas (IRAs) and two Roadless Area Conservation Rule (RACR) Areas. The five roadless areas are Agassa, Baldpate Lakes, Big Lake, Hegman Lakes, and North Arm Burntside Lake. Baldpate Lake is both an IRA and a RACR area. All five of the roadless areas abut the BWCAW.

The Scoping Report calls for primary treatments on 4,233 acres of the roadless areas, including 1,833 acres of even-age and uneven-age harvests.

The Scoping Report also indicates, “Some temporary roads would also be needed for accessing USFS stands to carry out forest vegetation management activities. Temporary roads would only be used for short periods of time, would not become part of the permanent forest transportation system, and would be closed between management activities and decommissioned after all management activities have been completed. Some temporary roads would use existing road corridors and some temporary roads would be

new construction. Some of the existing temporary road corridors are planned for decommissioning under the Echo Trail EIS and upon completion of management activities in Hi Lo they would still be decommissioned.” (Scoping Report at 16.)

Wilderness Watch opposes any road construction in the roadless areas, and any other activities that would alter the undeveloped roadless character of the areas.

Indeed, all of these roadless areas are contiguous to the Boundary Waters Canoe Area Wilderness. Development of these areas could have an impact on the Wilderness itself. Additionally, the Roadless Area Conservation Rule does not allow for roadbuilding – temporary or permanent – except under narrow circumstances. None of these circumstances apply to this project (see 36 CFR 294.12). The issue of logging is similar. The roadless rule does not allow for logging, except under rare circumstances that include “generally small diameter” trees. The reasons for this project in the scoping letter, quoted in this comment, are not consistent with the narrow requirements of the Roadless Area Conservation Rule (see 36 CFR 294.13).

Wilderness Watch urges that any unofficial or user-created roads in any of the roadless areas not only be decommissioned, but obliterated. Such action would protect the roadless character of the areas, and prevent an unofficial or decommissioned road from continuing to be used by unauthorized users, leading to it becoming permanent over time in the roadless area.

Because the Hi Lo Project proposes activities in Roadless Areas, the Forest Service must conduct a full environmental analysis via an environmental impact statement (EIS) as required under FSH 1909.15 Section 21.2. This EIS should include an alternative that excludes logging and road construction in the roadless areas. This EIS must also analyze the impacts to the BWCAW from the proposed activities in the Hi Lo Project.

Please keep Wilderness Watch on your contact list for further steps in the Hi Lo Project.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Proescholdt". The ink is a reddish-brown color.

Kevin Proescholdt  
Conservation Director