



WILDERNESS WATCH

Keeping Wilderness Wild

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May 21, 2018

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

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 extensive experience with the BWCAW, going back over 60 years. Wilderness Watch's late 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. Continuing that active involvement, I guided canoe trips in the Boundary Waters Canoe Area Wilderness for 10 years, and continue to take many personal trips there as well. I helped pass the 1978 BWCAW Act, P.L. 95-495, through Congress and co-authored the definitive book on that struggle, *Troubled Waters: The Fight for the Boundary Waters Canoe Area Wilderness*.

As we understand the Hi Lo Project from the Draft EIS and the March 29, 2018, letter from the Kawishiwi District Ranger, there are at least two areas in which Wilderness Watch has concerns: the planned use of human-ignited prescribed fire within the BWCAW on 1,314 acres, and 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:

The purpose of the Hi Lo project is to maintain and promote native vegetation communities that are diverse, productive, healthy, and resilient by moving the vegetation component toward landscape ecosystem objectives described in the 2004 Superior National Forest Land and Resource Management Plan (Forest Plan p. 2-23, O-VG-1). There is a need to manage the amount, distribution, and characteristics of vegetation so that it is more representative of the historical range of natural variability. (Forest Plan, D-VG-3, p. 2-22). The associated transportation system (including gravel pits) needed for long-term vegetation management in the project area is also addressed.

While developing the proposed action, the interdisciplinary team collaborated with and reviewed data from the State of Minnesota, Lake and St. Louis Counties, and Tribal representatives. Primary reasons for collaboration were to try to design similar forest management activities that would occur across ownership boundaries. The interdisciplinary team also proposed road management activities that would meet the multiple needs of landowners and forest visitors.

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. These actions are needed to contribute to the overall success of achieving the following Forest-wide goals and objectives for disturbance processes, vegetation management, timber management, wildlife habitat improvement,

recreation, and scenery as described in the 2004 Superior National Forest Land and Resource Management Plan (Forest Plan).

DEIS at ii-iii. The purpose and need statement of the project is not focused on wilderness administration, and indeed, the DEIS does not adequately 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 DEIS. In the DEIS, the FS states that “Primary project objectives related to fire, fire risk, and hazardous fuel are: 1) treat the boundaries of the Boundary Waters Canoe Area Wilderness to reduce fire intensity and rate of spread, increasing opportunities allowing fires to play their nature role in Wilderness, 2) treat hazardous fuels around WUI areas and natural and cultural resources at risk of high severity fire, 3) increase vegetation complexity across the landscape, so subsequent fires burn with high complexity, and 4) 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).” DEIS at 5. 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.

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 the boundaries of the Boundary Waters Canoe Area Wilderness to reduce fire intensity and rate of spread, increasing opportunities allowing fires to play their nature role in Wilderness.” DEIS at 5.

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 “untrammelled” as: “an untrammelled 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 “untrammelled” character of wilderness in the Wilderness Act knowing that what is “natural” for that area will necessarily flow from what is “untrammelled.” (Senate Comm. on Interior and Insular Affairs, *Hearings before the Committee on S. 1176*, 85th Congress, 1st 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 untrammelled baseline and we thus lose what is “natural” for that area at that point in time.

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. I have a complete set of all his published writings, and I helped edit his final book, *The Boundary Waters Wilderness Ecosystem*. 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.

Conclusion. Wilderness Watch opposes the proposed inclusion of prescribed fire treatments within the BWCAW as proposed in the DEIS. 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 DEIS indicates that the preferred alternative for 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 DEIS preferred alternative (Alternative 2) calls for logging 1,362 acres within the Big Lake and Agassa Lakes IRAs, 172 acres of prescribed burning in the Hegman Lakes RACR area, and 2,589 acres of prescribed burning within the Big Lake IRA, Agassa Lake IRA, and North Arm Burntside Lake IRA.

The DEIS also indicates, “some temporary roads would be needed for accessing NFS 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, while some would be new construction. Some existing temporary road corridors are planned for decommissioning under the Echo Trail EIS. These would be used as temporary roads for the Hi Lo project and then decommissioned.” (DEIS at 14-15.)

Wilderness Watch opposes any permanent or temporary 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 no 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 official 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 has properly chosen to conduct a full environmental analysis via an environmental impact statement (EIS) as required under FSH 1909.15 Section 21.2. The DEIS includes an alternative that excludes logging and road construction in the roadless areas. The Final EIS must also analyze the impacts to the BWCAW from the proposed activities in the Hi Lo Project.

PREFERRED ALTERNATIVE

Wilderness Watch strongly urges the Forest Service to adopt either Alternative 1 or 3 as its preferred alternative. These alternatives avoid prescribed burning in the BWCAW, and avoid logging in the Roadless Areas.

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

Sincerely,

A handwritten signature in dark ink that reads "Kevin Proescholdt". The signature is written in a cursive, flowing style.

Kevin Proescholdt
Conservation Director