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Kevin Proescholdt
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RE: Objection on the Draft Decision for the HiLo Project, Kawishiwi Ranger District,
Superior National Forest

Dear Mr. Proescholdt:

This letter is in response to your objection to the *Draft Record of Decision (DROD)* for the *HiLo Project Environmental Impact Statement (EIS)* on the Kawishiwi Ranger District, Superior National Forest (Forest).

To be eligible to object to a project, one must have submitted specific written comments for an eligible proposed project or activity subject to the objections process during a designated opportunity for public comment. Eligibility may also be established by basing the objection on project related new information that had not previously been available for comment per Code 36 of Federal Regulations (CFR) 218.5 and 218.7.

You have met the eligibility requirements, and I am responding to your objection in this letter.

Background:

The HiLo project draft decision includes vegetation management and associated transportation system activities; increasing recreation opportunities; and providing access to other ownerships on the Forest that meet desired resource conditions and objectives of the Superior National Forest Land and Resource Management Plan (Forest Plan), approved in 2004.

Activities alternative 2 would contribute to creating desired conditions of the Forest Plan by managing the age, composition, structure, and spatial pattern of forest vegetation. The types and locations of various treatments along the Boundary Waters Canoe Area Wilderness (Wilderness) would increase the potential for fire to play a more natural role inside the Wilderness and reduce the potential impacts to lands outside from a wildfire. The proposed activities would also modify the transportation system both to facilitate vegetation activities and to address the short-term and long-term needs of State and county agencies. (DROD, p. 1)

Detailed descriptions of the purpose and need and specific details of the selected alternatives and others considered can be found in the FEIS.



Objection and Review:

I have read your objection and have reviewed the EIS and DROD. A review team of resource professionals considered the eligible objections, reviewed the Project Record (PR), which includes the EIS and DROD, and participated in the review process.

From your objection letter, three issues were identified and analyzed.

Issue 1:

Manager-ignited fires are inconsistent with the Wilderness Act. This project would require a plan amendment.

Rule: The Wilderness Act (P.L. 88-577, September 3, 1964),

Analysis:

Language in Section 2(a) and 4(b) of the Wilderness Act requires the preservation of wilderness character, so the Responsible Official considered requirements of the Act, as well as direction in the Forest Plan, Minimum Requirements Decision Guide (MRDG), Forest Service Manual (FSM) 2320 and 5100 (DROD pg. 13). There will be effects on wilderness character, both positive and negative, if this project is implemented. The intended long term positive effects on wilderness character are consistent with the Wilderness Act.

Prescribed fire in wilderness is a trammeling action, but the intent of this action in 1314 acres of the Boundary Waters Canoe Area Wilderness (BWCAW) is to reduce the need for complete fire suppression in the event of a future lightning strike. Decades of fire suppression and a recent severe blowdown event have created conditions that could severely affect the safety of firefighters, recreationists, and property owners in the vicinity of the wilderness boundary.

The proposed prescribed burns in the wilderness, combined with vegetation management actions outside wilderness, are intended to reduce the risk of future extreme fire behavior in adjacent private property. Initiating a prescribed burn, trammeling action, now is expected to reduce the need for more extensive suppression trammeling actions in the future inside the wilderness boundary. In the FEIS Appendix F Response to Comments, the responses on page 2 clearly explain that trammeling impacts would be limited in extent and duration, and proposed management activities could reduce subsequent trammeling through wildfire suppression on future wildfires (FEIS section 3.3, Environmental Consequences) in a much larger portion of wilderness. FSM direction on wilderness management allows the use of prescribed fire to reduce, to an acceptable level, the risks and consequences of wildfire within wilderness or escaping from wilderness (FSM 2324.21).

Prescribed burning in wilderness also affects the natural quality of wilderness character. In the FEIS Appendix F Response to Comments (pp. 2-3) the response highlights the purpose and need to increase opportunities for allowing lightning caused fires to play their natural role in wilderness. FSM 2320 will be followed to treat the boundary to protect lives and private property first, so natural ignitions in the wilderness can be allowed to burn in the future.

There will be short term adverse impacts to the natural quality of wilderness character, with long term benefits to the natural quality. Effects on the natural quality were interpreted in the MRDG and chapter 3 of the FEIS: fire improves the natural quality in wilderness, and the purpose of the proposed fuels treatments is to protect public safety and private property outside wilderness so more lightning ignitions can be allowed to play their natural role in wilderness (pg. 90, DEIS).

It is true that the undeveloped and opportunities for solitude and primitive recreation qualities of wilderness character will be negatively affected in the short term during prescribed burning activities (DROD pg. 15). The intent of this project is to increase the probability of allowing for lightning ignited fires to play their natural role in wilderness and reduce the need to conduct suppression operations inside the BWCAW (DROD pg. 14). Based on this rationale, in the long term these qualities of wilderness character will be preserved, which is consistent with the Wilderness Act.

The proposed project would result in long term beneficial effects to the “other features of value” quality (boreal forest with an active fire regime; DROD pg. 15). Other features of value is a quality of wilderness character unique to each wilderness. The intent of this project is consistent with preserving wilderness character and therefore is consistent with the requirements of the Wilderness Act.

A summary of negative short term effects and beneficial long term effects to wilderness character is found in the FEIS on page 108:

“Alternative 2 would have adverse impact to three wilderness qualities from proposed management actions. The untrammelled quality would be adversely affected by intentional manipulation of ecological disturbance. The undeveloped quality would be adversely impacted by temporary installations, motorized tools, and mechanized transportation for prescribed fire operations. The solitude or primitive and unconfined quality would be adversely affected by management presence in the Wilderness and potential closures during firing operations. It would also be impacted by noise from prescribed fire operations and other vegetation treatments along the boundary of the Wilderness. Alternative 2 would restore the natural and other features qualities on 1,314 acres of Wilderness, and has the potential to adversely impact the solitude or unconfined recreation quality for short periods if closures are necessary during wildfires to protect public safety. Alternative 2 would also have long-term indirect benefits to all wilderness qualities. There would be short-term adverse impacts to three qualities in the smallest possible footprint in Wilderness to reset vegetation along the boundary so that future lightning ignitions can play their natural role in Wilderness...However, alternative 2 has the potential to have the least adverse impacts because the risk of fire escaping the Wilderness would be least, and therefore the decision space of fire managers could include greater deference to wilderness character.”

In this proposed project, manager ignited fires are consistent with the Wilderness Act, because the intent is to preserve and benefit wilderness character in the long term by increasing the likelihood that future lightning ignitions could play their natural role in a much broader area of the wilderness. If the wilderness boundary is not protected by this proposed project, all five

qualities of wilderness character - untrammeled, undeveloped, natural, opportunities for solitude or primitive and unconfined recreation, and other features of value – are more likely to be degraded by future suppression of all lightning ignited wildfires.

This project does require a Forest Plan amendment and a project specific amendment is included in this decision to authorize prescribed burning in the BWCAW. The Regional Forester delegated authority to the Forest Supervisor to sign this decision for the Hi Lo project, including prescribed burning within the BWCAW, in a letter dated June 29, 2017 (ROD, pg. 15).

Conclusion:

Requirements of the Wilderness Act were sufficiently considered in this analysis: prescribed burning in the BWCAW is intended to preserve wilderness character in the long term and is consistent with the Wilderness Act. A forest plan amendment to allow prescribed burning in the wilderness is required, and is included in the draft decision.

Issue 2:

Trammeling wilderness is not consistent with the best available science. No explanation for why active manipulation is necessary. Possible long term negative impacts of the project is not adequately disclosed or considered.

Analysis:

Implementation of a prescribed burn in the BWCAW was analyzed through the preparation of an EIS. This document and the DROD cites extensive justification in the form of science, local knowledge, public comment, tribal consultation, and the MRDG/Minimum Requirement Analysis (MRA). While the proposed action would be a trammeling in the BWCAW, a prescribed burn was the action analyzed and supported by current science. In addition, in depth description and analysis of the BWCAW and potential impacts to the wilderness were supported by numerous citations in Chapter 3 of the FEIS (Affected Environment and Environmental Consequences; pgs. 82-109).

The DROD (pg. 5) includes a clear discussion of past events and management in the project area, based on forest institutional knowledge and NEPA documents. The Responsible Official's decision is based upon knowledge and professional experience, communication with the public, tribes, and agencies, information within the project record, the FEIS, current conditions in the project area, relevant laws and regulations, comments and responses to comments, and community wildfire protection plans (DROD pg. 8-11). The combination of all these sources of information, including relevant and current science, provided the foundation for the final decision to implement a prescribed burn in the BWCAW.

The references on pages 180-188 of the FEIS include many technical reports, project records, and peer reviewed scientific articles on a variety of topics. While there is undoubtedly more information available in the scientific literature that could address prescribed burns in wilderness, the project record includes a broad spectrum of references providing background and supporting information for this project.

There is extensive explanation for why active manipulation is necessary. Page 5 of the DROD describes the existing condition, which was shaped as a result of both natural and human processes. Logging practices, timber management, fire suppression, and vegetation management have changed the ecosystem until there is an artificial buildup of fuels within the forest, most significantly in the form of balsam fir. Natural disturbance and forest succession have also contributed to the current situation, providing background and explanation for why active manipulation is necessary. As stated in the DROD, the existing condition throughout the project area is thoroughly described in the resource sections found in chapter 3 of the FEIS. The Rationale for the Draft Decision (pgs. 8-9), How Alternative 2 Best Meets the Purpose and Need (pgs. 9-11), and Key Issues Considered and Addressed (pgs. 12-16) in the DROD all explain in detail the reasons for why active manipulation is necessary, ultimately proposing action to benefit the wilderness in the long term. Prescribed burning in the wilderness will harden the boundary between wilderness and other lands, improve public and firefighter safety, and provide more opportunity for lightning caused fires to burn in the future, reducing the need for fire suppression actions which would have a negative effect on wilderness character. The FEIS Appendix F Response to Comments (pg. 3) also addresses this concern. The FEIS (pgs. 153-159) summarizes and discusses the existing condition (dead and down fuels combined with live fuels that could promote a higher intensity fire under adverse weather conditions combined with Wildland Urban Interface (WUI) and interspersed private lands in the project area), and desired condition (the project area boundary was determined adequate from a fuels management perspective). Fire behavior was modeled and described in this section, cumulative effects for alternatives 2 and 3 were described in this section of the FEIS and it was determined that the combined treatments would complement the purpose and need goals for fire and fuels management by improving conditions that minimize undesirable effects of wildfire.

This concern is also addressed in the FEIS Appendix F Response to Comments (pg. 2), with an explanation of the objectives of the purpose and need, policy in FSM 2320 (Wilderness Management) and 5100 (Fire Management). This information is also found on page 86 of the FEIS. An MRDG was completed to determine the minimum required action within wilderness to meet the purpose and need, and an effects analysis was completed for alternatives 1, 2, and 3.

On page 2 of the FEIS Appendix F Response to Comments it is acknowledged that there will be short term negative impacts but the goal of the project is long term benefit to the area. Past human and natural influence on the BWCAW have changed the landscape, and this project is intended to manage some of the consequences of these influences, therefore much of the focus in analysis documents is on the long term benefit to the wilderness expected to result from this project – to permit lightning-caused fires to play, as nearly as possible, their natural ecological role within wilderness and reduce the risks and consequences of wildfire within wilderness or escaping from wilderness. This includes reducing risk to public and firefighter safety and property located outside the wilderness (FEIS pg. 153). Ultimately, the goal is to reduce the necessity of future suppression efforts in the wilderness. Allowing fire to burn naturally in the event of a lightning strike will have a positive effect on the natural quality of wilderness character, reducing the chance of trammeling actions being taken. The FEIS goes on to describe current conditions and summarize environmental effects of alternatives, with comparison of current conditions and expected conditions after treatment. Negative impacts are discussed in the FEIS as well. Ground disturbance associated with HiLo project activities could create

conditions favorable to the introduction or spread of non-native invasive plants. This potential effect is analyzed briefly in this section and fully in the resource report (FEIS pg. 160). There are also unavoidable adverse effects disclosed in section 3.16 in the FEIS (pgs. 168-171) including negative effects to soil and water quality, habitat, visuals, noise, roadless, and wilderness.

Conclusion:

Prescribed burning in the BWCAW is adequately supported with references to policy, technical reports, science, public input, and knowledge of current conditions that were all included during analysis of this project. There is likely to be other applicable relevant science that could be reviewed for the project, but the objector should provide specific scientific articles that would apply to this concern.

There is adequate explanation throughout the project record for why active manipulation is necessary.

Possible long-term negative impacts of the project are adequately disclosed and considered in the FEIS, most specifically in the unavoidable adverse effects (section 3.16).

Issue 3:

The DROD and FEIS fail to show that the project is the minimum necessary in wilderness.

Rule: Wilderness Act of 1964, MRDG/MRA

Analysis:

Page 3 in the FEIS Appendix F Response to Comments describes the MRDG/MRA that was completed for this project. The MRA process is intended to help managers thoughtfully consider action and no action alternatives as well as list alternatives that were considered but not analyzed. Five action and one no action alternatives were analyzed for this project to determine the minimum tool required to meet the purpose and need for this prescribed burn in the BWCAW. These alternatives were carefully analyzed and proposed treatments only outside of wilderness were considered before proposing treatments inside wilderness (FEIS section 3.3).

An objective of this project is to allow fire to play its natural role in the wilderness in the future, therefore action is required now to treat the boundary, provide for public and firefighter safety, and reduce the future need for fire suppression activities in the wilderness. Ultimately, after careful analysis in the MRDG process, it was decided under Alternative 2 that treatments (prescribed burning in 1314 acres of the BWCAW) were the minimum necessary in wilderness to protect lives and property, and to reduce the likelihood or extent of continued fire suppression activities in wilderness – which have a negative effect on wilderness character. Prescribed fire units in the wilderness are proposed to protect lives and property, with the goal of allowing lightning caused fires to play their natural role in the wilderness, and limiting future fire suppression efforts in the wilderness, as described in the MRDG document.

Conclusion:

The decision disclosed in the DROD and FEIS is based on the MRDG, which guided the forest staff in determining the appropriate minimum tool necessary for this project: “Adaptive prescription – prescribe strategy and tactics based on fuels, terrain, and wilderness values. With possible use of both primitive tools/restraint as well as motorized equipment of chainsaws, motorized pumps, and fixed wing aircraft inside wilderness. Adaptive prescribed strategy and tactics.” Wilderness values and the minimum requirements for the project were carefully considered during the minimum requirements analysis process and are discussed at length in both the DROD and FEIS.

Overall Conclusion:

As specified at 36 CFR 218.11 (b), I must provide a written response to your objection. This letter satisfies the requirements of 36 CFR 218.11, Resolution of Objections.

I have reviewed the project in light of your objection issues, and find the Responsible Official has considered and, where needed, documented her responses to your comments. These are all in the Project Record.

In conclusion, I have reviewed your assertions that the project violates various environmental laws, regulations, polices, and the Forest Plan. My review finds the project is in compliance with all applicable laws and the Forest Plan.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)). The Responsible Official may sign the Record of Decision for this project.

Sincerely,



KATHLEEN ATKINSON
Regional Forester Eastern Region

cc: Brenda Quale, Peter Taylor, Connie Cummings