



P.O. Box 9175, Missoula, MT 59807 • (P) 406.542.2048 • wild@wildernesswatch.org • www.wildernesswatch.org

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(P) 208.310.7003

Randy King, Superintendent
Attn: Wilderness Stewardship Plan
Mount Rainier National Park
55210 238th Avenue East
Ashford, Washington 98304-9751

Sent via the Internet

Dear Superintendent King:

These are Wilderness Watch's comments on the scoping letter for the Mt Rainier Wilderness Stewardship planning effort. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System. The extraordinary Mt Rainier Wilderness provides the opportunity to set the standard in wilderness administration and stewardship for the National Park Service (NPS) in keeping wilderness wild. We have some questions and suggestions for the upcoming plan.

Wilderness and Wilderness Character

The scoping brochure fails to recognize the primary tenet of Wilderness, its wildness. This failing is also revealed in the proposed alternatives.

The 1964 Wilderness Act governs the stewardship of the wilderness system. This visionary law defines Wilderness in part 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." Untrammelled means unmanipulated or unconfined, where humans do not dominate or impose human will on the landscape. Wilderness designation brings a special protection for Wildernesses and forbids the federal land management agencies like the Park Service from manipulating or dominating the Wilderness. Rather, federal agencies are required by the Wilderness Act to preserve the wilderness character of Wildernesses, in essence to protect their wildness. This mandate is reflected in the epigram written by the drafter of the Wilderness Act, Howard Zahniser of the Wilderness Society, who wrote, "*With regard to areas of wilderness, we should be guardians not gardeners.*"

This fundamental tenet of wilderness stewardship was reiterated in a program review initiated by the four federal agencies and conducted by the Pinchot Institute for Conservation in 2001. The purpose of the study was to examine the critical management issues facing Wilderness. One of the eight "fundamental principles" for stewardship emphasized the need to preserve the wildness in Wilderness. As the Pinchot report stated, "Protection of the natural wild, where nature is not

controlled, is critical in ensuring that a place is wilderness....Since wild is a fundamental characteristic of wilderness that is not attainable elsewhere, if there is a choice between emphasizing naturalness and wildness, stewards should err on the side of wildness.”

Therein lies the problem with the scoping brochure. For example, page 4 shows a lookout that may not be the minimum necessary for administration of the area as Wilderness in the Other Features of Value category. Further, this building is presented as a benefit to wilderness character; that is completely at odds with Wilderness. Given the plain language of the Wilderness Act, which generally prohibits structures, the 11th Circuit Court of Appeals decision in *Wilderness Watch v. Mainella*, and the U.S. District Court decision in *Olympic Park Associates v. Mainella*, it is quite remarkable that the Park Service would continue to suggest that maintaining a host of agency structures, under the guise of historic preservation, is consistent with federal law. The Wilderness plan should explain how each of these structures meet the Wilderness Act’s section 4(c) prohibition on structures and how maintaining them complies with the Act and the court decisions mentioned above. The plan should decide to remove structures not necessary for management of the area as wilderness, or, in instances where their deterioration is ongoing and assured, allow them to naturally fade away. Any other structures need to go through an analysis to determine if they are the minimum necessary. Most Wildernesses don't need structures like toilets. If the NPS thinks they are needed, it may be because the area is being over-used. That calls for the NPS to rethink the allocation issues.

Wilderness is as much a process as place. It is “untrammled by man” (wild or unconfined) with “primeval character and influence.” These relate directly to a process that is devoid of conscious industrial human manipulation. This point becomes crucial in instances where it appears that wildness/Wilderness is at odds with naturalness or other attributes.

According to the laws of statutory construction, the law should be read so there is no internal division. However, the scoping letter sets up such conflicts, and seems to come down on the side of structures, visitor experience, or other qualities of wilderness character other than untrammled wilderness or wildness.

The Wilderness Act did not prescribe management that would maintain pre-Columbian flora and fauna, as desirable as that may seem to some. The Wilderness Act did not prescribe a pre-settlement vegetative condition, as desirable as that may seem to some. It did not prescribe that man-made artifacts be protected from natural processes. There is no charge to manage for specific end points. Management is very carefully used in the Wilderness Act and mainly in conjunction with managing things that could harm the wilderness and its wild processes. Wilderness is about process, not an end point. This is where the scoping letter utterly fails as it may contemplate significant manipulation in wilderness based upon desired future conditions.

Further, trying to elevate the public purposes (section 4b) or supplemental features, that wilderness may possess in section 2(c), as the singular purpose of Act leads to the absurd. One cannot define educational or scenic uses as the purpose of the Act. If so, an agency could build a structure over and around some scenic feature to protect some unique feature from natural processes or build trams, hotels, and visitors centers to allow visitors to see an ecologically educational site that is difficult to access due to rough terrain and conclude that is consistent with

wilderness designation because it is “necessary to meet minimum requirements for the administration of the area for the purpose of the Act.” The Wilderness Act intended no such thing.

Again, the key value of wilderness is untrammled or wildness. Using the wilderness character monitoring protocol and the MRDG process as bases not for monitoring and evaluation but for management decisions to seek trade-offs is an abuse of the intent of the protocol and the MRDG. The scoping letter is not clear whether this would happen but the first two paragraphs on page 5 lead the reader to believe that it could happen. If management actions are things like managing the numbers of visitors through allocation systems so that impacts don't occur, that would be positive for wilderness. If management actions are things like cutting trees or manipulating habitat to make it more like what managers think it should be, that would be a negative impact on wilderness character. In other words, management actions should be directed not at altering or manipulating the Wilderness, rather at administering human use in such a way as to preserve wilderness character.

Alternatives

One of the biggest concerns is with the range of alternatives. There is no alternative that strives to keep the Wilderness wild or untrammled. All alternatives should ensure that the wilderness character of these areas is maintained and possibly improved. Improvement of wilderness character would rarely, if ever, be from active restoration activities. Rather, such improvement would come from two main areas. The first is careful stewardship of recreation and other allowable uses. That way, it may be possible to eliminate designated campsites, at least in some areas, which would eliminate some of the impacts documented in the scoping letter. The second would be an agency management paradigm that recognizes the necessary restraint in administering wilderness and minimizes the impact from any nonconforming uses. In other words, allowing wilderness to be wild and self-willed.

Alternatives or alternatives that live up to the intent of the Wilderness Act should be developed. While some of the elements below are in one or more potential alternatives in the scoping brochure, there is no alternative that incorporates them all. Key elements to any alternative are:

- include a strong wilderness character monitoring program. This would include monitoring of agency-authorized use of motorized equipment, which should be extremely rare to nonexistent;

- allow natural processes to define the character of the wildernesses;
- prohibit the use of motorized equipment and permanent structures for wildlife, cultural resource, or scientific purposes;

- require that all public uses of wilderness listed in section 4b of the Wilderness Act be conducted in a manner consistent with wilderness preservation. For example, this means no motorized use and no installations or structures;

ensure that any outfitting and guiding, if and where allowed, be both necessary and proper for wilderness;

insist that in any extremely rare case where exceptions are allowed for management {see section 4(c) and discussion below}, that those exceptions be for the singular purpose of preservation of wilderness and that they be the minimum necessary; and

review policies about party size, numbers of stock, and backcountry allocations to ensure those policies meet the intent of the Wilderness Act.

Some of the objectives under the various alternatives may or even would have a beneficial impact. These include removing structures and installations (including structures at designated campsites), requiring the use of bear canisters, and managing day use though allocation quotas. Some of the other objectives would have negative impacts. Examples include proposals to manipulate Wilderness and proposals to construct facilities and structures, including more trails.

Other Concerns with the Scoping Brochure/Newsletter

One of the questions the NPS has asked the public to respond to, though perhaps well-intended, contains errors and give a false perception of what wilderness is. That question asks what “visitor services and facilities would you like to see?” Wilderness is special precisely because it is a place in contrast to our civilization without facilitates or structures, as noted in Section 4(c) of the Wilderness Act. The context of the question suggests the kind of amenities--facilities and services like eating establishments, lodges or even information centers--that are prohibited in wilderness. The context of that question would be akin to the NPS asking citizens whose statue they would like to see occupy the Lincoln Memorial next time they visit or what advertising slogans would be appropriate for the Washington Monument. Regardless of the intent, that question is improper.

The Park Service’s own policies suggest that providing visitor facilities and services is inappropriate in Wilderness:

*Park visitors need to accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena that are inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate risks that are normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations, including those associated with ethnographic and cultural resources.
(NPS Management Policies 6.4.1)*

The rationale for accepting wilderness “on its own terms” goes beyond the absence of structures; it is the heart of our relationship to Wilderness. By yielding our uses and demands we learn one

of the most important lessons from Wilderness—the need for restraint. The ability to accept places as they are, and to let them be, is a primary lesson of Wilderness. This is the message the NPS should embrace in its stewardship of the Mt. Rainier Wilderness.

Aside from the inappropriate issue of the *Other Features* addressed previously, page 5 of the scoping brochure reveals serious problems in the Wilderness. While these are presented as issues of concern and not hidden, the fact remains the reader is led to believe two things: first, they are ongoing inside the Wilderness; and second, they are not necessarily big or major problems. These problems are not minor and are associated with activities that negatively affect untrammelled, natural, undeveloped and solitude or a primitive kind of recreation. The photos and descriptions point out: a) natural--campsite soil compaction and the photo shows an obvious “constructed campsite that has been artificially leveled; b) untrammelled--a chainsaw being used for *hazard tree* management (two problems in one photo); c) undeveloped--a structure that appears to be a large and permanent station of some sort; and d) solitude or a primitive and unconfined recreation—the photo depicts a helicopter in the Wilderness. To the extent that these are ongoing activities, the agency has failed in its duty to preserve wilderness character.

The scoping letter states specific needs that the wilderness stewardship plan is supposed to address. Two of them raise questions and concerns that warrant further comment. The first is, “Clarify how decisions about wilderness administrative actions are made and documented.” Does that mean approval of any of the prohibited actions in section 4(c) would be subject to no further evaluation and public involvement under NEPA? Any consideration and approval of the very narrow exceptions in section 4(c) of the Act need to go through public involvement and site-specific analysis under NEPA to ensure the intent of the Wilderness Act is met.

The second is, “Evaluate the current plotting of the wilderness boundary and consider adjustment where non-conforming administrative infrastructure is present.” Congress rather than the NPS determines the boundaries of Wilderness. If the agency has made an error in plotting the boundary (see Title IV of PL 100-668), the agency may have authorization to correct clerical errors so long as said errors clearly deviate from what Congress mapped and intended. In that case, the question must be asked, “Why weren't those clerical errors corrected over two decades ago when the official boundary was finalized?”

This disturbing statement also raises a couple of more questions. Were illegal infrastructures placed after designation by the NPS in the Wilderness? If the nonconforming structures were in the recommended wilderness at time of designation, why were they not removed by the NPS to meet the obvious will of Congress? This may be a serious problem of accountability.

Lastly, we suggest that a map of the Wilderness be supplied in the next round of public input with sufficient detail to determine the extent of problems like those raised in the preceding two paragraphs. One reason this is important is the map on the wilderness.net site shows several odd internal exclusions in the Wilderness and some or most may simply be computer-mapping errors. Thus, the boundary needs to be clearly identified and any issues or problems clearly explained.

Summary

The physical nature of much of the Wilderness makes cross-country travel a challenging experience, requiring stamina and backcountry skill. The Park Service has a unique opportunity here to live up to the ideals in the Wilderness Act by producing a plan that commits to fulfilling the letter, spirit, and intent of the Wilderness Act by allowing the wilderness to be wild. While that may be a change from some current agency operations in the Mt. Rainier Wilderness, the NPS has the opportunity, the duty, and one would hope the vision to come up with an outstanding plan for this remarkable area.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Macfarlane". The signature is fluid and cursive, with the first name "Gary" being more prominent than the last name "Macfarlane".

Gary Macfarlane
Board Member