



WILDERNESS WATCH

Keeping Wilderness Wild

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Minneapolis, MN Office
2833 43rd Avenue South
Minneapolis, MN 55406

Moscow, ID Office
P.O. Box 9623
Moscow, ID 83843

April 13, 2020

Plan Revision Team
3005 E. Camino del Bosque
Silver City, NM 88061

Sent Via the Internet Portal

Dear Plan Revision Team:

Wilderness Watch submits the comments on the draft Gila National Forest plan revision and draft EIS (DEIS). Wilderness Watch is a national wilderness conservation organization focused on the protection of all units of the National Wilderness Preservation System, including the Gila, Aldo Leopold, and Blue Range Wildernesses. The Gila and Aldo Leopold Wildernesses were part of the first Wilderness ever. Our work is guided by the visionary 1964 Wilderness Act (16 U.S.C. 1131- 1136). This comment focuses on the wilderness provisions of the draft forest plan and DEIS.

Regardless of Wilderness Act direction to protect untrammelled Wilderness, it appears the agency as a whole is headed on a recent and ill-advised trend to manipulate (trammel) Wilderness to make it fit certain agency expectations. For example, heavy-handed invasive species management could involve the use of herbicides, which equates to extensive trammeling of Wilderness. Since this Forest Plan and DEIS are apparently the place this issue will be addressed for the Gila National Forest (including wilderness), this is a crucial issue.

The draft forest plan frequently refers to wilderness character. It also lists certain attributes (the word used is qualities) of Wilderness, which the agency has stated in some documents are the attributes of wilderness

character and they can be in conflict with each other.¹ Such a reading needs to be rejected, as the laws of statutory construction require that the law be read harmoniously. For example, natural conditions are not in conflict with untrammeled Wilderness, rather natural conditions are what flow from untrammeled wilderness.

A critique to the approach in *Keeping it Wild 2* comes from other Wilderness professionals. Cole et al., 2015 note:

... to give practical meaning to wilderness character, KIW2 states that wilderness character should be defined as five separate qualities: untrammeled, undeveloped, natural, outstanding opportunities for solitude or a primitive and unconfined type of recreation, and other features of scientific, educational, scenic, or historical value. These five qualities include all the attributes mentioned in the Sec. 2(c) definition of wilderness in the Wilderness Act. They are considered to be equal in importance and often in conflict with each other (Landres et al. 2008, in press), making the concept of wilderness character internally contradictory rather than a single coherent stewardship goal.

We disagree. The purpose of the mandate to protect wilderness character above all else is to focus the attention of wilderness stewards on preserving the “essence” of wilderness—those qualities that are most unique and distinctive about wilderness and make it “a contrast with those areas where man and his own works dominate the landscape”. It is about differentiating the most important things to protect from the many other things that ideally might be protected in wilderness. For this purpose, wilderness character must be defined as a coherent whole, in a manner that is not internally contradictory. It cannot be broken down into separate qualities.

Cole et al. at 3.² It should be noted that Cole, the lead author, is a retired Forest Service wilderness research scientist. This is relevant in that by relegating untrammeled wilderness (sometimes referred to as wildness, though there are arguably differences) to one of five qualities, it can be de-emphasized, even though, in the words of the Act’s author, Howard Zahniser, “the essential quality of wilderness is its wildness.” This speaks directly to the concern we are raising. The agency seems to want to meddle in Wilderness and that desire seems to be increasing. Ecological manipulation, regardless of how well-intended, is not in keeping with untrammeled wilderness.

Projects whose purposes are to restore (or redirect) natural processes through the exercise of human agency are precisely the intrusions of human culture that the Wilderness Act meant to exclude from these special places.³ Wilderness designation brings a special protection for Wildernesses and requires the federal land management agencies like the Forest Service to not

¹ See *Keeping it Wild 2*, indirectly referenced in the DEIS at 493. Landres, P., et al. 2015. *Keeping it Wild 2: An updated interagency strategy to monitor trends in wilderness character across the National Wilderness Preservation System*. (General Technical Report RMRS-GTR-340). Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station

² This publication also criticizes portions of the management approach at the beginning of page 204 under the subheading *Wilderness Management*. Cole, David, Ed Zahniser, Doug Scott, Roger Kaye, Kevin Proescholdt, and George Nickas. 2015. *The Definition of Wilderness Character in “Keeping It Wild” Jeopardizes the Wildness of Wilderness*. 2015.

³ Kammer, Sean 2013. *Coming to Terms with Wilderness: The Wilderness Act and the Problem of Wildlife Restoration*, 43 Environmental Law 83, 86 (2013).

manipulate or dominate the wilderness. Rather, the Forest Service is required to protect the area's wildness. This mandate is reflected in the epigram written by Howard Zahniser, "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."⁴

Rather than simply referring to wilderness character, and leaving managers to make so-called trade-offs, the forest plan direction should more fully address what the Act actually says with the goal to allow Wilderness to be wild. The following two examples illustrate these concerns into more detail.

1- Guideline 1 states, "Intervention in natural processes through management actions should only occur when shown by a minimum requirements analysis that the management action is necessary to preserve wilderness character, protect public health and safety, and manage the area for the purposes identified within the Wilderness Act." Draft plan at 202. This is a perfect illustration of the problem we are raising. Aside from the fact that the MRA process is fatally flawed and relegates untrammeled wilderness to a second status, it also avoids doing site-specific NEPA analysis for trammeling actions in Wilderness. The statement is wrong in that it lists purposes (pl.) of the Wilderness Act (see also DEIS at 503, which makes the same error). Section 4(c) of the Wilderness Act refers to the **singular** purpose of the Act. Thus, any prohibited uses including but not limited to motorized equipment, motorized vehicles, mechanical transport, installations, and structures can only occur if "necessary to meet minimum requirements for the administration of the area for the purpose of this Act," which is clearly for preservation of Wilderness as articulated in section 2(a). That is a high bar and does not allow for prohibited uses for scientific study or maintenance of non-essential "user-created structures" which are "appropriately located and constructed campsites and user-created fire rings for wildfire prevention and in keeping with Leave No Trace Outdoor Ethics." Draft plan at 202. User constructed campsites in Wilderness are not consistent with the Wilderness Act or outdoor ethics.

2-Standard 10 on page 202 states "Non-native, invasive species shall be treated using methods and in a manner consistent with wilderness character in order to allow natural processes to predominate." What does that mean? Does that mean extensive use of herbicides including aerial spraying or introduction of non-native weed predators? What about prevention, which has proven to be the most effective way to prevent weed spread? If the agency were truly committed to ending weed spread, it would consider measures such as:

⁴ Brown, Perry L., Norman L Christensen, Hannah J. Cortner, Thomas C. Kiernan, William H. Meadows, William Reffalt, Joseph L. Sax, George Siehl, Stewart Udall, Deborah L. Williams, and James W. Giltmier. 2001. *Ensuring the Stewardship of the National Wilderness Preservation System*. Pinchot Institute for Conservation (2001).

- Require pelletized feed. It is extremely difficult if not impossible for rangers in the field to inspect hay brought into the Wilderness and to ensure that it is certified, “weed free.” Moreover, there is a great deal of doubt that all certified feed is in fact weed free. Pellets are a simple and proven-effective remedy. Even if horses are free of weeds when entering the Wilderness, they can still spread weeds if allowed to graze in areas that contain weeds. Spraying trail corridors does not resolve this concerns as stock graze more than just trail corridors. Indeed, stock grazing in areas with few weeds or without weeds will make those areas more vulnerable through grazing itself (which weakens the forage plants) and the potential for dispersal of weed seeds in the digestive system of the stock.
- Require that all assigned camp sites and administrative sites, will be made weed free within 5 years, or those sites will be closed to public use until they are certified as weed free. Failure to keep a weed-free site would result in an automatic permit revocation.
- Implement Wilderness-wide campsite standards that will eliminate bare ground that serves as a ready site for weed invasion.
- Quarantine all animals for at least 48 hours prior to entering the wilderness. Having a quarantine corral established at all stock trailheads and have the trailheads staffed (especially during hunting season) and stocked with pelletized feed (weed-free hay isn't, people would be required to either bring in pelletized feed for the quarantine or purchase it from the campground host at the trailhead) is a start.
- Require an inspection of all boats/rafts before entering the wilderness (Gila River).

All of this begs the question about domestic livestock grazing (not including packstock which are addressed above packstock). How will invasive weeds be contained in light of grazing, which occurs in all three Wildernesses?

Regarding livestock grazing, the Forest Plan should adopt a standard that vacant allotments in Wilderness, unless waived back due to the sale of base property, be permanently closed. This would reduce conflict with this nonconforming use in Wilderness.

Another nonconforming use, commercial services, should be subject to the same requirements that apply to other wilderness visitors. Most of page 206 is dedicated to allowing outfitters to evade the default group and stock size limits, 15 people 25 head of stock, which is better than the current direction.⁵ Standard 5 and standard 6 (length of stay limit in one place) allow for these

⁵ Some research suggests even the new limits might not be adequate. See Cole, David N. 1989. *Low-Impact Recreational Practices for Wilderness and Backcountry*. GTR INT-265. USDA Forest Service; Cole, David N., Margaret E. Petersen, and Robert Lucas. 1987. *Managing Wilderness Recreation Use: Common Problems and Potential Solutions*, GTR INT-265. USDA Forest Service; Watson, Alan E., Michael J. Niccolucci, and Daniel R. Williams. 1993. *Hikers and Recreational Stock Users: Predicting and Managing Recreation Conflicts in Three Wildernesses*. Intermountain Research Station Research Paper. USDA Forest Service; and Monz, Christopher, Joseph Roggenbuck, David Cole, Richard Brame, and Andrew Yoder. 2000. *Wilderness Party Size Regulations: Implications for Management and a Decisionmaking Framework*. USDA Forest Service Proceedings RMRS-P-15-Vol-4.

numbers to be exceeded by organized groups, presumably outfitters. Draft forest plan at 201. A commercial service is hardly necessary and proper if it needs to operate outside the prescribed limits. Good outfitters abide by the group and stock size limits. This provision could be viewed as punishing those good outfitters.

Furthermore, party-size regulations may be even more important as wilderness visits have skyrocketed, according to the DEIS (page 494).

The discussion of devolving wilderness administration to volunteers and partners is very disappointing. GAO reports have shown that agency funds dedicated to some resources are spent elsewhere. In essence, the agency's budget process is inscrutable making it unaccountable to the public. Thus, it is overly simplistic to blame the problem on lack of appropriated funds without knowing how those funds are actually spent or if they're even being requested. While volunteers may be important, they are not accountable to the public and they don't build a professional agency program, which is so sorely needed. The agency needs to prioritize Wilderness funding and stop treating it as the stepchild of agency programs. It speaks volumes when the Forest Service suggests volunteers can do the wilderness job, but it doesn't use volunteers for the forestry, engineering, range, or other professional positions.

Lastly, it is not clear to what degree the draft forest plan may already amend existing plans. Aside from the group and stock size limit, this is not clear.

Please keep us updated on forest plan revision.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Macfarlane". The signature is written in a cursive, flowing style.

Gary Macfarlane
Board Member