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William Dunkelberger

Forest Supervisor

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Dear Supervisor Dunkelberger:

Wilderness Watch and Western Watersheds Project provide these comments on the scoping notice for amending the Humboldt and Toiyabe National Forests' plans as they pertain to four Wildernesses: Santa Rosa-Paradise Peak, Arc Dome, Alta Toquima, and Table Mountain. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System. Western Watersheds Project is a nonprofit organization dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West.

We do appreciate the effort the agency is undertaking to better administer these Wildernesses. Nonetheless, we have several questions and suggestions for improving the proposal. They are detailed below.

#### Introduction

The scoping package would update the 1986 plans of both national forests. We were unable to locate these documents on the Forest Service's website. Since the Wildernesses were established in 1989, they did not establish specific management direction for these four Wildernesses. Indeed, with the exception of the then-existing Jarbidge Wilderness (now nearly double its previous size), none of the Wildernesses on the national forest system in Nevada were then designated as such. This leads us to ask a question as to why these Wildernesses, and not the others, were selected for this amendment process. Have the plans been amended since 1989 for the other Wilderness located on the two national forests?

We ask this because the Humboldt-Toiyabe website does indicate that some of the other Wildernesses have party size limits of 75, yet others have no limits on party size. Are these numbers, which far exceed any reasonable number for Wilderness, indeed accurate? If so, will they be updated soon?

Also, it is a bit curious the scoping letter states the "Current Land and Resource Management Plan direction is adequate" and still professes a need for the project. Could you please explain this apparent discrepancy?

The scoping package further notes the purpose "is to establish management

direction that focuses on preserving wilderness character for all four wilderness areas under a policy of non-degradation.” This leads us to ask the questions are there monitoring data to suggest that degradation is now occurring? What are the causes? What actions have been taken to correct the problem? If no monitoring has been done, is there a reason why it hasn’t been done?

### Wilderness and Wilderness Character

The scoping letter on pages 2 and 3 has some commendable goals. However, it fails in recognizing the fundamental tenet of Wilderness.

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 requires the federal land management agencies like the Forest Service to not manipulate or dominate 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 proposal. When it states agency managers should refrain “from the deliberate manipulation or management of wilderness resources except as necessary to promote another quality of wilderness character” it profoundly errs and reflects an ignorance of Wilderness.

Wilderness is as much a process as place. It is “untrammelled 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 comes down on the side of structures, visitor experience, or other qualities of wilderness character other than untrammelled

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 contemplates 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 a 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 untrammelled 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. Rather than limit decisions to rare occurrences, as it was intended and has wilderness stewardship was conducted by the agencies until recently, the MRDG process is now being used to justify new kinds of manipulative management actions that strike at the very heart of wilderness.

### Opportunity Classes

Do the three proposed wilderness opportunity classes already exist in the forest plans as written? We ask this questions, as the plans are not online, danger of. Also, there is a danger with setting up opportunity classes as this may allow degradation from the current conditions. Not all areas mapped as opportunity classes 2 and 3 may have the impacts allowed in those classes, especially in these lightly visited Wildernesses.

The maps that show the opportunity classes have very wide corridors for the trails. Is this really necessary given the kind of use these areas receive? Instead, if opportunity classes were to be instituted, more site-specific information on use away from trails would be necessary. Further, the narrative in the scoping package seems to suggest a much narrower corridor for system trails.

### Specific Standards and Guidelines

While some of the proposed standards and guidelines would benefit wilderness administration, many of them are not consistent with the Wilderness Act. There are also other standards and

guidelines that could be implemented which would benefit Wilderness.

Major problems are the proposed standards and guidelines for fish and wildlife, including those for specific Wildernesses. Aside from a very few standards--prohibiting goats and llamas in bighorn sheep habitat, the possibility that fish stocking might be ended under certain conditions, and the prohibition to construct artificial watering facilities in only one of the Wildernesses--almost every other fish and wildlife standard and guideline would violate the Wilderness Act by trammeling the Wildernesses, using prohibited actions such as motorized use or both. For example, trammeling Wilderness by removing augmenting or introduction of wildlife due to natural processes with motorized means is counter to the Wilderness Act. Further, Preparing an MRA without an EA or preferably an EIS on actions that would approve motorized vehicle use in Wilderness also violates NEPA.

A most glaring example is the guideline that states, "Wildlife water developments may be authorized if the structures and facilities will enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations." By definition, artificial watering sources can't produce more naturally distributed wildlife populations. This is simple game farming and prohibited by the Wilderness Act.

Similarly, the proposed research standards and guidelines conflict with the Wilderness Act. Unlike the fish and wildlife sections, there is a commitment to comply with NEPA.

Vegetation manipulation is another area where the proposed action would violate the Wilderness Act. For example, the agency does not have the legal authority for mechanical treatment in Wilderness. In terms of allowing fire to play its role, the proposed action is a mixed bag. In one instance, the proposed action promotes a structure over Wilderness.

The proposed direction for outfitter and guides is missing key elements. Outfitting and guiding is a nonconforming use in Wilderness that is may be allowed (it is not required) only under certain conditions. Has the agency conducted a needs assessment for outfitting and guiding in these Wildernesses? This is an obvious first step.

The proposed action would require outfitters to provide maps of their camps. However, the agency needs to determine where outfitters are allowed to set up camps, not the outfitters. Also, outfitters must, not should, adhere to party size standards. Outfitters should not be exempt from requirements that apply to the general public.

Regarding recreational and outfitter stock use, we have some weed prevention ideas for your consideration:

Require pelletized feed for recreational stock. It is extremely difficult if not impossible 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.

Prohibit pack stock grazing and/or use in areas that currently contain weeds until the

weeds are eliminated. Stock grazing on weeds along trails or in meadows carry and deposit those weed seeds into other parts of the Wilderness. Even if stock are free of weeds when entering the Wilderness, they can still spread weeds if allowed to graze in areas that contain weeds.

Require that all assigned campsites (outfitters) be made weed free within 5 years, or those sites will be closed to public, commercial, and administrative 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. The proposed action is a step in the right direction, but the amount of disturbed areas could be reduced in the various opportunity classes

Adopt policies that recognize that trail systems are weed vectors and act accordingly.

Quarantine all pack stock 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.

There is very little information on nonconforming uses such as grazing. For example, there is no indication if there are any structures that would fall under the grazing guidelines and, in particular, whether a request for motorized use would go through an EA or EIS. The scoping package maps indicate few if any fences in the Wildernesses.

There is also no indication on the extent of grazing in the Wildernesses or, in the event of an allotment being waived back to the Forest Service, that the agency would consider permanent retirement to benefit wildlife or watersheds. There is no indication that there may be any conflicts between livestock and wildlife, such as bighorn sheep. There is no direction on how to handle such conflicts.

Measures to prevent livestock from spreading weeds could include:

Close grazing in areas that currently contain weeds until the chance of weed spread is negligible.

Implement measures to prevent weed spread when livestock are entering the allotment. This could include herding away from infested areas or measures to prevent weed spread from where the livestock were previously held.

Reduce the conditions for weed establishment by using herding in lieu of supplement or salt distribution. Concentrated areas like salt blocks create conditions where weeds grow.

Conduct grazing activities without motorized vehicles. Vehicles are a major vector for weed spread.

### Livestock Grazing

As noted earlier, please provide more information on this issue. Are all the Wildernesses at issue subject to commercial livestock grazing? At what intensity? What are the allotments and operators? What monitoring has been done on livestock grazing impacts? Have complaints on grazing impacts been received by the public? Are the allotments meeting relevant Forest Plan standards? Do any wilderness structures support the grazing (such as troughs)? Are there any proposals from the ranchers to upgrade the structures, add structures, or use motorized vehicles for herding? We would oppose such activities as they would degrade wilderness character.

Please keep us updated on this proposal.

Sincerely,

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