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Custer Gallatin National Forest
Attn: Forest Plan Revision Team
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Sent via the electronic portal

Dear Planning Team:

Wilderness Watch is providing these comments on the draft revised Custer Gallatin National Forest land and Resource Management Plan (LRMP). The comments are directed mainly at the “wilderness management” portion of the LRMP. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper stewardship of the National Wilderness Preservation System.

Introduction

The Custer Gallatin National Forests contain some of the most remarkable units of the National Wilderness Preservation System (NWPS). With 35% of the acreage within designated Wilderness, Wilderness forms a particularly important part of the Custer Gallatin National and the Greater Yellowstone Region. The draft plan shortchanges Wilderness and needs to be improved. In addition, there are important wildlands such as the Gallatin Range (Porcupine Hyalite WSA plus contiguous land for a 230,000-acre potential Wilderness on the Gallatin National Forest) that would make fine additions to the NWPS. Indeed, the roadless base on the Custer Gallatin would be designated as Wilderness under the Northern Rockies Ecosystem Protection Act (NREPA). Aside from NREPA, the recommendation contained in alternative D is the best of the options analyzed in the DEIS in terms of recommended wilderness, though alternative D¹ has serious shortcomings

¹ Table 179 in the DEIS is confusing because it appears to show that some areas previously recommended by the Forest Service for Wilderness are not recommended in alternative D. However, the text and maps suggest that opposite is true.

in other realms including the amount of manipulation it proposes, which could affect negatively affect wildlands including wilderness.² It also excludes areas that are recommended for Wilderness in NREPA

The Custer Gallatin National Forest contains one Wild and Scenic River, East Rosebud Creek, and other potential candidates. However, the wording the Forest Service has adopted regarding timber harvest confuses the management direction of both the existing and eligible segments. This concern applies throughout the forest plan and is not exclusive to the wild and scenic rivers (see also footnote 2). Timber harvest, according to the glossary means cutting for the use of wood fiber (commercial) and (not or) other putative multiple use benefits. That is very different than merely cutting a tree that may be leaning into a trail or over a picnic table. The Forest Service is trying to evade congressional and case law proscriptions on “timber harvest” by redefining what “timber harvest” means.³

Existing Wilderness

There is very little plan direction for dealing with Wilderness, though there is some positive direction in specific plan components discussed below. That is a problem as the current wilderness plans are described as drafts. They are cobbled together and would apparently end upon adoption of a new forest plan. The Designated Wilderness section also makes some crucial errors that could lead to extensive manipulation of Wilderness by the agency.

“Wilderness character is defined in terms of five qualities: natural, solitude, or primitive and unconfined recreation, undeveloped, untrammeled, and other features.” Draft Plan at 113.

Wilderness Professionals have critiqued how a mere monitoring protocol has come to drive wilderness administration and policy:

For those who care passionately about the stewardship of wilderness—as we do—nothing is more important to get right than the definition of wilderness character. Since the central mandate of the Wilderness Act is to preserve wilderness character, the future of our wilderness system is dependent on how wilderness character—something that is not explicitly defined in the Act—is interpreted. For the past decade we have voiced concerns over misinterpretation of wilderness character in agency monitoring protocols, the most recent of which is “Keeping It Wild 2.” (KIW2)(Landres et al. 2008, in press).

KIW2 defines wilderness character as “a holistic concept based on the interaction of (1) biophysical environments primarily free from modern human manipulation and impact, (2) personal experiences in natural environments relatively free from the encumbrances and signs of modern society, and (3) symbolic meanings of humility, restraint, and interdependence that inspire human connection with nature.” We have little problem with this. However, this conceptual definition is not used either in the KIW2 monitoring framework or as a guide to making wilderness stewardship decisions. Instead, to give

² The no-action alternative is the only legal option for the roadless Cabin Creek Wildlife Management Area (WMA). Congress mandated “to maintain presently existing wilderness character.” The DEIS proposes under all action alternatives that, “timber harvest may be allowed” in the WMA. This conflicts directly with the statute, which prohibits “commercial timber harvest” in the WMA. Current management direction also prohibits timber harvest as per congressional mandate.

³ Defining virtually all tree cutting as timber harvest agency along with the agency practice alleging multiple benefits for every single timber sale administratively repeals NFMA’s distinction between suitable and non-suitable lands.

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 page 3.⁴ 2015. Throughout the draft plan, there are sections dealing with “naturalness” (page 205) or explaining its importance. There is very little discussion of untrammeled or wildness.⁵ As the Wilderness Act’s author, Howard Zahniser, stated, “*We must remember always that the essential quality of wilderness is its wildness.*” 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.”⁶ Ensuring the Stewardship of the National Wilderness Preservation System at page 16. As such, the importance of untrammeled wilderness needs to be emphasized. For example, the draft plan on page 117 for pristine areas has only one sentence and says “**Untrammeled:** The wildness of the area contributes to natural integrity and the function of the natural ecosystem.” This is deficient. Further, reading the it may suggest untrammeled or wild wilderness is subservient to natural integrity. This problem is pervasive in the descriptions of the zones in the draft plan.

For example, the transition zone under Untrammeled states, “More actions are taken, such as weed treatment, although natural processes generally predominate.” While the guideline that prioritizes pulling or hand tool use before herbicides (draft plan page 116) is positive as far as it goes (a standard would be better), rather than trammeling wilderness through the use of herbicides, the agency should prioritize weed prevention because it is the most effective way to prevent weed spread. For example:

⁴ See attached.

⁵ While wildness and untrammeled are often used interchangeably, though arguably there is a difference. Wildness describes a condition in the area whereas untrammeled described the way we relate to the area so it is wild.

⁶ See attached.

- 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. One example illustrates this problem. Ventenata grass is a relatively recent invader. Supposed weed-free hay could easily contain this grass seed and it could be brought into the Wilderness.
- Prohibit 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 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.
- Adopt policies that recognize that trail systems are weed vectors and act accordingly.
- Require that all assigned camp sites (outfitter) and administrative sites, will be made weed free within 5 years, or those sites will be closed to 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 is a start. People would be required to either bring in pelletized feed for the quarantine or purchase it from the campground host at the trailhead).
- Require an inspection of all boats before entering the wilderness. While boating may not have been an issue when the Absaroka-Beartooth and Lee Metcalf Wildernesses were designated, the recent popularity of pack rafts in and around the Greater Yellowstone region may make this an important requirement.

Measures to prevent commercial livestock (other than pack stock) from spreading weeds could include:

- Close grazing in parts of allotments 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.
- Require that all grazing activities in Wilderness be done without motorized vehicles. Vehicles are a major way in which weeds are spread.

“Administrative authorizations for use of motor vehicles, motorized equipment, or mechanical transport shall be limited to the minimum necessary for the purposes of wilderness or human health and safety.” Draft Plan at 116. The prohibitions in section 4(c) of the Wilderness Act

(which includes the health and safety of those within Wilderness) are for the singular “purpose of this Act” not plural purposes. The purpose is explained in section 2(a) of the Act, which is the preservation of the areas as Wilderness. This is a serious misrepresentation of the Act and must be changed to the singular. The following paragraphs expound on this point.

Indeed, Wilderness is as much a process as place. It is "untrammelled by man" (wild or unconfined) retaining its "primeval character and influence." These relate directly to a process that is devoid of conscious human manipulation. This point becomes crucial in instances where it appears that wildness/Wilderness is at odds with what the agency terms naturalness. It is also important to recognize that wilderness can't be sacrificed for some perceived historical or cultural resource benefit.

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 human uses (both conforming and nonconforming) that could harm the wilderness and its wild processes. Wilderness is about process, not an end point. This is where the draft plan and DEIS fall short as they contemplate major human manipulation in Wilderness based upon proposed desired future conditions.

Section 2(a) of the Wilderness Act is clear. The “purpose” is “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness” through the establishment of “a National Wilderness Preservation System” and that system “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** (emphasis added) and so as to provide for the protection of these areas, the preservation of their wilderness character . . .”

Thus, the Wilderness Act charged the agency with “preserving the wilderness character” of wildernesses. The character implies both the condition and the process. The condition reflects the relatively unmodified landscape embodied in the definition of wilderness. It is something that all wildernesses possess, by law. The process is how those areas are to be treated after designation. Together, they define the natural conditions and wildness of these areas.

Section 4(b) of the Wilderness Act reinforces the importance of preservation of wilderness character. This section does so because it also lists the "public purposes" (plural) to which Wilderness Areas are devoted, as long as the purpose of preservation of wilderness character remains paramount. These "public purposes" are "recreational, scenic, scientific, educational, conservation, and historical use."

Further, trying to conflate the public purposes in wilderness with supplemental features, that wilderness may possess in section 2(c), leads to the absurd. For example, one cannot define educational use as the purpose of the Act. If so, an agency could build trams 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, yet some of the conclusions and management direction in the draft plan are a result of this kind of illogical thinking.

The draft plan also includes some descriptions of the three wilderness zones that were established through various planning efforts. The problem is the admission that for the transition

zone in Wilderness “Ecological conditions in some areas are moderately to substantially affected by the actions of the users.” Anything substantially affected is a direct violation of the Wilderness Act where human impacts are “substantially unnoticeable.” This amounts to an administrative de-designation of Wilderness.

“The Draft Wilderness Management Plans have not been finalized as a comprehensive management plan to date. Elements of wilderness management have been imbedded in other forest level planning efforts.” DEIS at 733. This suggests that any specific direction for the Absaroka-Beartooth or Lee Metcalf Wildernesses not included in the revised plan will be ended when the new LRMP is adopted. These elements should have been included in the Forest Plan since there are no extant wilderness management plans.

As such, the forest plan must provide some specific direction regarding preservation of wilderness and wilderness character. The plan should also set a deadline, say 2 years, for when new revised wilderness management plans are created for the two extant Wildernesses. Some ideas for additional standards or other forest plan components include:

Party limitations are too large. Research suggests that anything more than 9 head of stock affects wilderness character. We suggest that party size be limited accordingly, 9 visitors and 9 head of stock except in more sensitive areas where smaller party sizes may be needed. For example, the current prohibition of stock in certain areas of Absaroka-Beartooth Wilderness limits impacts at high elevations and should be retained.

There should be a prohibition on system trails (or any trails) in the pristine zone, zone 1.

The goal about recreational fish stocking (DEIS page 115) creates problems the agency recognizes. Fishing in the lakes on the Beartooth Plateau, for example has resulted in serious water contamination problems. Ending stocking of naturally fishless lakes would help solve this issue.

Motorized transport and mechanized transport are prohibited. This is positive. However, it may be important to include that mechanized transport includes but is not limited to bicycles, carts, wagons, sailboats, hanggliders, and the like.

Vacant allotments in Wilderness should be closed.

In addition to the guideline (it should be a standard) that outfitter and guide service days not be increased beyond existing authorized use levels, a needs assessment for outfitting and guiding should be done within two years. That may lead to fewer authorized service days.

The DEIS states on page 735, “The revised plan alternatives have explicit wildlife plan components which address education of visitors on how to travel and camp in grizzly bear territory which are not included in the current plans. The revised plan alternatives promote visitor use of wilderness to co-exist with bears.” Where is that positive direction included in the wilderness section of the draft plan?

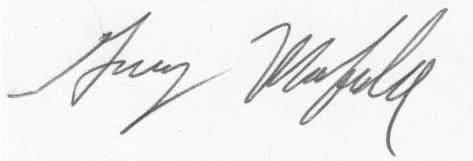
The agency should conduct an evaluation of all administrative installations and structures to see if they are indeed the minimum necessary for preservation of the area as Wilderness within two years. Ones that are not necessary should be removed with primitive means or allowed to fade back into the Wilderness. Aside from the administrative structures the agency exclusively uses,

structures for use by the public like corrals, hitch rails, and food storage poles (pages 118 and 119) are allowed. This detracts from Wilderness and sets up certain areas as sacrifice zones, allowing for heavier use in those areas than what would be appropriate in Wilderness. It also reduces the self-reliance that visitors should have in Wilderness.

Summary

The draft plan and DEIS have some positive plan components, as far as they go. However, absent existing final wilderness management plans, the current direction would apparently be abandoned by the new forest plan. Further, some of the language in the draft plan and DEIS would turn the Wilderness Act on its head. The assumption that wilderness must be manipulated to maintain wilderness character has no basis in law. Rather, it is contrary to the very concept of wilderness. Wilderness and natural conditions should not be in conflict, according to the laws of statutory construct. Some parts of the DEIS and draft plan seem to place them at odds and elevate naturalness above wilderness. This leads to a management paradigm where manipulation is emphasized over an administration paradigm where restraint is emphasized. This is contrary to wilderness as untrammeled and a self-willed landscape.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Macfarlane", written in a cursive style.

Gary Macfarlane

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