



## WILDERNESS WATCH

*Keeping Wilderness Wild*

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May 17, 2024

Mr. Thomas Hall, Forest Supervisor  
Superior National Forest  
8901 Grand Avenue Place  
Duluth, MN 55808

Re: BWCAW Management Plan/Forest Plan Amendment

Dear Supervisor Hall,

The following comments from Wilderness Watch respond to your invitation for public input on the revision of the Boundary Waters Canoe Area Wilderness (BWCAW) Management Plan as a Forest Plan Amendment. As you know, Wilderness Watch is a national wilderness conservation organization headquartered in Missoula, Montana, with offices in Minnesota and other regions. Our focus is the protection and proper stewardship of all units of the National Wilderness Preservation System, including the BWCAW.

As an aside, I was deeply involved in the process to develop the 1993 BWCAW Management Plan. Part of that involvement dealt with writing a 45-page policy paper entitled “Visitor Use in the Boundary Waters Canoe Area (BWCA) Wilderness,” (Attachment C). As a result, Wilderness Watch is quite familiar with the contents of the 1993 plan. Prior to that, I played a significant role in the passage of the 1978 Boundary Waters Canoe Area Wilderness Act, P.L. 95-495, and co-authored the definitive history of that effort in *Troubled Waters: The Fight for the Boundary Waters Canoe Area Wilderness*.

The following are issues that Wilderness Watch urges the Forest Service to analyze in its upcoming NEPA analysis and include in the revision of the BWCAW Management Plan:

**1. Commercial Towboat Use.** Wilderness Watch encourages the Forest Service to make plans to eventually end all commercial towboat use in the BWCAW as Congress intended with the 1978 BWCAW Act, P.L. 95-495. The Forest Service has defied the intent of Congress on this issue now for 40 years, since Congress intended all towboat use to end as of January 1, 1984. (See statement by Senator Wendell Anderson, chief Senate author of P.L. 95-495, who explained to his colleagues that towboats would only be “Permitted for 5 years on Moose Lake, Newfound, Sucker and Saganaga.” *Congressional Record*, Oct. 9, 1978, p. S17890.)

Even assuming the Forest Service has some discretion to continue commercial towboat authorizations beyond 1984, there are two distinct issues the Forest Service must address to comply with law: 1) the Wilderness Act's ban on commercial enterprise and its narrow exception for only necessary commercial services, and 2) BWCAW Act and Plan statutory caps on motorized use as well as additional limitations to preserve wilderness character.

With regard to commercial services, the Forest Service must complete a commercial needs assessment demonstrating whether commercial towboat services are necessary within the Boundary Waters, and if they are determined necessary, the extent to which they are necessary. While the Forest Service has undertaken a broad assessment, it has repeatedly and expressly punted analysis on commercial towboat services.

If the commercial needs assessment indicates that commercial towboat services are not necessary in the Wilderness, or if it determines only a small number of trips are necessary, commercial towboats cannot be authorized above that level, even if the Act or the Plan would otherwise allow towboat use within overall motorized use limits. This is because commercial uses and motorized uses are distinct prohibitions in the Wilderness Act and commercial need is likely much lower than allowances for motorized use in the Boundary Waters.

With regard to motorized use limits, at an absolute bare minimum *and assuming other Act and Planning restrictions are met*, the Forest Service must develop plans to comply with the agency's previously stated towboat limit (i.e. ceiling) of no more than 1,342 towboat trips per year, which is the level that the Forest Service pledged to the federal courts that it would limit such towboat use.. Forest Service figures have shown that the agency has allowed the towboat use to dramatically exceed that level, including some years where that level of use has been exceeded by more than three times the allowable level. Other factors, however—such as commercial use restrictions, wilderness character impacts, and overall statutory caps on motorboat use (including phaseout reductions quantified in 1981 and later)—may render 1,342 towboat trips too high to be legally defensible.

Wilderness Watch has previously submitted detailed comments on this particular issue and we incorporate those comments again here. We attach our comment letters to the Forest Service from October 2019 (Attachment A) and from December 2023 (Attachment B) to be included in the record for consideration.

**2. Overall Motorboat Cap.** As you know, Congress capped the overall motorboat use levels in the BWCAW as part of section 4(f) of the 1978 BWCAW Act. However, there are several issues significantly hampering effective implementation and oversight, including but not limited to:

- The 1981 Plan to Implement the Boundary Waters Canoe Area Wilderness Act ("1981 Implementation Plan") states that "[p]ermanent entry point quotas for motorboats will be enforced, beginning May 1, 1982" and lists the specific statutory quota caps for each entry point noting that "[t]hese quotas are the maximum amount of motorboat use allowable under the Act. They will be adjusted when certain lakes are closed to motorboat use, as directed by the Act." While the Forest Service has not created a clear record in its contemporary planning efforts demonstrating caps after statutory phaseouts, it had previously produced this table, which reflects statutory phaseouts through 1999:

**MOTORBOAT QUOTAS**  
(Maximum Use Allowed by Public Law 95-495)

Entry Point	Type of Motorboat Use	Annual Quota (Number of Permits)		
		1982-83	1984-98 <sup>2/</sup>	1999+ <sup>1/</sup>
Trout Lake	All	1738	1738	1738
Fall Lake	Overnight	658	291	291
	Day Use on Fall Lk. only	1457	1457	1457
	Day Use on Basswood Lake	1206	932	932
Fourmile Portage	Overnight	129	97	97
	Day Use	993	773	773
Moose Lake	Overnight	730	558	558
	Day Use on Moose Chain only	837	695	695
	Day Use on Basswood Lake	1813	1359	1359
Snowbank Lake	Overnight	81	81	81
	Day Use	610	610	610
Farm Lake	Overnight	10	10	10
	Day Use	345	345	345
Brule Lake	Overnight	266	266 <sup>2/</sup>	0 <sup>2/</sup>
	Day Use	226	226 <sup>2/</sup>	0 <sup>2/</sup>
Seagull Lake	Overnight	134	133	38
	Day Use	594	594	137
Saganaga Lake	Overnight	388	370	370
	Day Use	2023	2023	2023
Clearwater Lake	Overnight	42	42	42
	Day Use	246	246	246
E. Bearskin Lake	Overnight	30	30	30
	Day Use on E. Bearskin Lake Only	227	227	227
	Day Use on Alder Lake	142	142	142

- Making matters more complicated and confusing, the 2012 Forest Plan Quota Update does not use the same entry points as the 1981 Implementation Plan or the above table making effective oversight of motorboat entries incredibly challenging if not impossible.

Any new Plan amendments should ensure clarity on these issue and uniformity between the current Plan and prior Plans as well as the BWCAW Act. More specifically, the Forest Service should create an updated table showing current statutory caps by the specific entry points listed in the 1981 Implementation Plan and in the above table. Any additional reductions in quotas made to preserve wilderness character or for other reasons should be detailed in a separate table that uses the same entry points listed in the 1981 Implementation Plan and the above table to ensure uniformity and accountability.

Related to the previous issue, because the Forest Service has illegally allowed commercial towboat use to so dramatically exceed the lawful level, the overall motorboat cap may now be exceeded for all motorboat use. The Forest Service must include an examination in the BWCAW Plan revision of whether and by how much the agency has allowed that motorboat cap to be exceeded and, if it has been exceeded, how to comply.

**3. Prescribed Fire in the BWCAW.** The 1964 Wilderness Act requires that Wildernesses designated under the Act must remain untrammled or unmanipulated. But with some more local plans, the Forest Service proposes extensive manager-ignited fire within the BWCAW. The pending Fernberg Corridor Plan, for example, proposes manager-ignited fire for more than 80,000 acres of the BWCAW, as far as five and six miles deep inside the wilderness boundaries.

Wilderness Watch supports allowing natural lightning-caused fires to burn within the BWCAW, but

manager-ignited fire imposes human desires and preferences on the wilderness landscape, in violation of the untrammelled mandate. Superior National Forest officials have been promising since the mid-1980s that the Forest Service will allow lightning fires to play their role in the wilderness ecosystem. But with very few exceptions, the Forest Service continues to suppress lightning fires in the BWCAW. The Spice Lake Fire last summer is a case in point. Rather than allow that fire to burn, the Forest Service suppressed it.

We urge the Forest Service to deal with the issue of manager-ignited fire in the BWCAW in the Plan revision.

**4. Visitor Use Impacts.** In 2022, the Superior reduced the permit quotas for the eastern half of the BWCAW to address both the physical campsite impacts caused by high visitation levels as well as the loss of solitude from crowding and the difficulty in finding open campsites.

Wilderness Watch urges the Forest Service to examine the impacts from high visitation levels on both the physical resources like campsites as well as the impacts on crowding and loss of solitude. We urge the Forest Service to reduce permit quotas for the western half of the BWCAW to match the reductions already taken for the eastern half.

**5. Fish Stocking, Habitat Manipulations, and Chemical Applications.** Memoranda of Understanding (MOUs) with the State of Minnesota, Tribes, and other entities cannot supersede the Forest Service’s statutory duties to preserve wilderness character under the Wilderness Act. That authority, and duty, falls squarely on the shoulders of the Forest Service, even if it involves wildlife management. Fish stocking should not occur in the BWCAW at all. The Forest Service should also refrain from habitat manipulations and chemical applications both for fish projects and for “insects and disease” inside the BWCAW.

Please keep Wilderness Watch informed of the next steps in this process.

Sincerely,



Kevin Proescholdt  
Conservation Director