



WILDERNESS WATCH

Keeping Wilderness Wild

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July 26, 2021

Jonathan P. Kazmierski
District Ranger
2375 KY 801
South, Morehead, KY 40351

Sent via Email to: comments-southern-daniel-boone-cumberland@fs.fed.us

RE: Red River Gorge Management Planning

Dear Mr. Kazmierski:

Wilderness Watch is providing these comments on the EA for the Red River Gorge Management Planning. A portion of the river is within the Clifty Wilderness. Wilderness Watch is a national wilderness conservation organization dedicated to the protection and proper stewardship of the National Wilderness Preservation System. We have some questions and concerns with the proposals.

Introduction

We are concerned with the proposals for structures in Wilderness and believe the overuse can better be addressed through a permit system. We also note that the EA mentions unauthorized climbing routes on page 49. We address these questions and concerns below.

Wilderness

We are concerned about both the construction and number of campsites in the Wilderness. The Rivers Values Report (RVR) states, "There are no developments within the corridor inside the wilderness area other than some trails." RVR at 4. Yet, the EA states:

In the Clifty Wilderness, we are proposing to designate up to 60 (of the proposed 200) backcountry campsites and manage these designated sites as part of the larger Red River Gorge campsite management and reservation system. This would limit the number of campers and campsites to preserve solitude and ecological integrity in wilderness, and to maintain its "untrammelled" wilderness character. When the untrammelled quality is preserved, wilderness ecological systems are essentially unhindered and free from the actions of modern human control or manipulation. We will use a "Minimum Requirements Analysis" (MRA) to determine the minimum requirements to plan and administer proposed designated camping in wilderness as

required by the Wilderness Act. Designation of campsites in wilderness with associated site delineation signage would not occur without approval from the regional forester.

EA at 9. Two important topics are not clear from the EA. The first is the precise number of proposed campsites in the Wilderness, be they inside or outside the river corridor. The above quoted paragraph suggests 60 whereas the EA on page 10 states a cumulative total of 75. Since the wild river corridor is also in the Wilderness, is the table on page 10 double counting the proposal for Wilderness?

The second question is what is actually proposed in the Clifty Wilderness? The EA gives a few hints, but they are not explicit. For example:

Site improvement techniques may include planting of native vegetation, constructing dense graded aggregate pads to reduce erosion, constructing platforms and/or boardwalks, and installing fencing to limit extent of impacts at the base of geologic features. Materials and techniques would depend on ROS class and site development scale, including consistency with Wilderness Act requirements.

EA at 15. However, we don't know what is planned other than signage and vague "hardening" (EA Table 10), neither of which seem necessary.

Before choosing assigned campsites and attendant hardening in Wilderness, the agency should consider use numbers and a permit system. Assigned sites and the attendant structures degrade Wilderness. Even sites that don't have structural developments have some kind of signage, which detracts from Wilderness. A permit system with conservative limits is something to seriously consider for the Wilderness. Rather than manipulate the Wilderness, the agency needs to manage human recreation uses of the Wilderness.

In trying to justify the proposal, the EA makes some errors. For example, the entire analysis in the EA is based upon the attributes in Keeping It Wild 2 (KIW2) and its predecessor, Keeping it Wild. The MRDG/MRA process¹ is based upon this inappropriate dissection of holistic Wilderness. Cole et al state:

The five-quality KIW2 definition confuses wilderness character with a list of all the things we value in wilderness and would like to protect and preserve. By making all wilderness values a part of wilderness character, and treating all those values as equal in importance, this definition negates the intended purpose and meaning of wilderness character. Most onerously, it undervalues the importance of protecting wildness. Wilderness character cannot be protected above other wilderness attributes and values if all attributes and values are included in the definition of wilderness character and wildness cannot be emphasized when it is just one of many values that managers might protect.

In recent years, our concerns about the inappropriate KIW2 definition of wilderness character have grown, as those who developed it have promoted its use—not just as a monitoring framework—but as the basis for wilderness stewardship (Landres et al. 2011). Without meaningful public involvement, the agencies charged with wilderness management have incorporated the five-quality definition into their stewardship policy and guidance and it has been incorporated into stewardship decision making processes such as the Minimum

¹ There is no MRDG on the website so the public can't view it.

Requirements Decision Guide (Arthur Carhart National Wilderness Training Center nd). Wilderness stewardship decisions based on an inappropriate definition of wilderness character are likely to be inappropriate and ultimately will harm wilderness. Of particular concern is the internally contradictory nature of the KIW2 framework, which makes it acceptable to trade-off degradation of a quality such as “untrammeled” for improvement in another quality such as “natural.” This gives managers almost infinite discretion in deciding which values will be protected and which will be compromised to achieve their goals.

Cole et al. 2015 at 4, attached. The Wilderness Act isn’t internally inconsistent, as the EA seems to suggest. *United States v. Powell*, 6 F.3d 611, 614 (9th Cir. 1993) (“It is a basic rule of statutory construction that one provision should not be interpreted in a way which is internally contradictory or that renders other provisions of the same statute inconsistent or meaningless”); *see also Wilderness Society*, 353 F.3d at 60 (“a fundamental canon that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme”); *Kmart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988) (“In ascertaining the plain meaning of [a] statute, the court must look to the particular statutory language at issue, as well as the language and design of the statute as a whole.”); *United States v. Lewis*, 67 F.3d 225, 228-29 (9th Cir. 1995) (“Particular phrases must be construed in light of the overall purpose and structure of the whole statutory scheme.”). In other words, the way to solve overuse is by limiting the use, not “hardening” Wilderness to supposedly handle such use.

The EA also states the current plan does not allow the placement of new fixed anchors or bolts in the Wilderness. That raises some questions. Are unauthorized fixed anchors currently inside the Wilderness? If so, does this plan intend to address that problem? Are there fixed anchors in the Wilderness that are authorized? If so, how is that consistent with Wilderness?

NEPA

The proposal does not have enough information for site-specific analysis. We don’t know precisely what is planned for assigned wilderness campsites. Even some proposed front country sites have a category TBD (EA at 58). Given these uncertainties, an EIS is needed to fully assess the impacts of this proposal.

Please keep us informed and updated on this proposal. Send us a copy of any future documents or decisions.

Sincerely,

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

Gary Macfarlane
Board Member