

Committee on Resources

Witness Testimony

Testimony on HR 1739 and HR 2149

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THE FUTURE OF SEA GULL LAKE

Madam Chairman and Committee Members: thank you for inviting me here today.

My name is Ardis David and I am 71 years old.

In my pre-arthritic years when I lived in the Twin City Area of Minnesota, I spent many memorable summers guiding Girl Scout troops, church groups, and families on canoe trips in the Boundary Waters. I enjoyed sharing my love of the wilderness with them. For the last 27 years I have been blessed with the opportunity of living on the very edge of the Boundary Waters on Sea Gull Lake in a small cabin built by my children and me. I have canoed the lake, motored on it, sailed and "pontooned". Unfortunately, I am now prohibited from sailing in the Boundary Waters area of my lake because the Forest Service recently deemed sailing not only mechanical in nature, but a visual pollutant. My quadriplegic neighbor has been limited to a very small area of the lake because of a pontoon prohibition. Now we face the prohibition of motors on the west side of the lake starting January 1, 1999 unless HR 1739 is passed. These prohibitions affect many more people than just my neighbor and myself.

So I am here today to wholeheartedly support the BWCAW Accessibility and Fairness Act of 1997. The mechanized portages out of Ely certainly deserve to be reopened for accessibility and in all fairness motors should continue to be allowed on the west side of Sea Gull Lake come 1999. I will direct my testimony to the Sea Gull portion of the bill.

1. **No more motors, no more motorized lake area.** First I would like to clear up some hysterical misinformation that has been disseminated by opponents of this bill and previous bills. I heard this misinformation at the Congressional rally in International Falls in the summer of 1995, at the Senate and House Committee Hearings in 1996, and at the Federal Mediation sessions in 1997. The misinformation is that if a bill is passed rescinding section 4-c-3 of the 1978 law PL 95-495, there will be a terrifying increase in motors on Sea Gull Lake. This is simply not true. Sea Gull has become a symbol, an icon to wilderness preservationists, an issue around which support can be rallied. Contrary to what their representatives, media and bumper stickers state or imply about keeping the Wilderness Wild, the proposed legislation *would not open one square inch of lake to motor use* that is not today so authorized by law. It *would not add one single motor to the BWCAW*; motors are controlled by the Forest Service Management Plan.

2. **Sea Gull is not, can never be, and as a matter of legislative and administrative policy should not be considered a pristine wilderness lake.** Another piece of misinformation is that Sea Gull can be a pristine wilderness lake if motors are removed from the west side. Common sense, geography and the Management Plan show this is false.

Sea Gull Lake is approximately 6 miles long by 2 miles wide (Figure 1). It has about 55 miles of shoreline of which 9 miles (mostly privately owned) is outside the BWCAW. "This is considered one of the most picturesque lakes on the district because of its many and varied islands. There are 106 islands which are one-half acre in size or larger."² At this time, the lake is divided into two regions--the area outside the BWCAW and the area inside. The area outside the BWCAW is occupied by: a Forest Service Campground with lake access for canoes and motorboats, another USFS access for canoes and motorboats that also has picnic facilities and a beach, and by 54 private property owners, including a resort that caters to canoeists, an outfitter, a church-affiliated wilderness camp, and single family homes. Water use includes floatplanes (private and USFS), water skiing, fishing with motorboats, and other uses. Inside the BWCAW, canoes and fishing boats are allowed, but motors are limited to 10 horsepower.

Sea Gull is an entry lake, a lake on the periphery of the BWCAW. In all the stages of federal wilderness organization through which this area has progressed [Superior National Forest Roadless Area, Boundary Waters Canoe Area (beginning 1964), and Boundary Waters Canoe Area Wilderness(beginning 1978)], entry lakes like Sea Gull have been designated as shared motor and canoe lakes. Use of motors has been guaranteed in each piece of legislation. These shared use lakes (currently only 16 out of about 1100 in the BWCAW) provide a transition between the unregulated area outside the boundary and the regulated wilderness within it. The 1993 Management Plan authorizes permits for day use of motors on only 12 out of over 1100 lakes in the BWCAW, and authorizes permits for overnight use on only 9 of these over 1100 lakes.³ During the summer months (June, July, August) on Sea Gull, the Forest Service allows on average only 3 permits per day for day use motors, and only 1 permit every two-three days for overnight motor use.⁴ This is not heavy motor use within the BWCAW and is drastically less than when the legislation was passed twenty years ago. In 1999, however, the 1978 act would end use of motors in the western part of Sea Gull lake, the only lake to be further restricted.

Sea Gull is not a pristine wilderness lake. Many wilderness areas in the national wilderness system are surrounded by public lands, not urban development. That is not true of the BWCAW which abuts development at many points around its perimeter. Part of Sea Gull Lake is outside the BWCAW. It is developed; properties are on named streets with house numbers just like metropolitan suburbs. The Gunflint Trail which borders Sea Gull Lake carries heavy truck traffic transporting food to restaurants and outfitters, fuel oil and propane to residents, construction materials for the ongoing development projects, and logging trucks removing logs from this active, operational national forest. These trucks can be heard the length of the lake. The Wilderness Canoe Base located on Sea Gull outside the BWCAW, but on its edge, provides movies people can watch from their motor boats or canoes; that is not a normal wilderness function. Residents and the Forest Service legally operate float planes on Sea Gull directly adjacent to the BWCAW boundary edge; powerboats pull water-skiers; and motorboats transport people for fishing, picnicking or a day on the lake, all of which can be heard across the lake. Sea Gull is a beautiful lake. It is not heavily used owing to current wilderness regulation. But it is in no way a pristine wilderness lake.

Sea Gull can never be a pristine wilderness lake. Owing to this development, which is continuing and increasing, and related activity on the portion of the lake outside the BWCAW and the permanent motor area within the BWCAW, the west side of the lake can never escape the normal noise, people, and visual effects of this human activity that are foreign to the concept of pristine wilderness. Unless and until the preservationists can repeal the laws of physics, it will require distance from this human activity and these noise sources for wilderness users to find true solitude and isolation.

As a matter of Congressional policy in the 1964 Wilderness Act and the 1978 BWCAW Act, Sea Gull is a motorized entry lake. Removing motors from the west side of Three-Mile Island will not remove their visibility nor their sound from the lake. Nor was it ever intended to.

As a matter of Forest Service management policy (1993 Management Plan) implementing the Congressional policy, Sea Gull is classed as a "semi-primitive motorized" lake. This is one of four categories established for wilderness users and management purposes (see Figures 2 & 3). These areas provide different levels of isolation and solitude from the "pristine" inner areas to the areas outside the wilderness boundary. Management Area 5.3 "semi-primitive motorized" (Sea Gull's category) provides a "low opportunity to experience isolation and solitude" at the wilderness boundary⁵. The next Management Area inward, 5.2B "semi-primitive non-motorized", provides "moderate to low opportunity for isolation and solitude". Management Area 5.2A, "primitive", provides "high opportunity for isolation and solitude", but it is many portages away from the entrance point on Sea Gull. And the inner Management Area, 5.1 "pristine", provides "outstanding opportunity for isolation and solitude, but it requires portaging through many lakes away from the sights and sounds of areas outside the BWCAW boundary to achieve this condition. Removing the motors from the west side of Sea Gull cannot change this reality. The 1993 Management Plan does reflect this reality with its four graded zones that provide a range of isolation and solitude achieved through portaging in toward the interior. The preservationist statements about future qualities of Sea Gull do not reflect reality. *The only way to achieve isolation and solitude is to paddle and portage for it; it cannot be legislated by Congress.*

3. **The attitudes on "isolation and solitude" advocated by preservationists do not square with those of BWCAW users, nor with the reality of Sea Gull; therefore this change is not necessary.** The preservationists and wilderness activists always emphasize the solitude of the wilderness, being away from people and the sights and sounds of civilization. The 1993 Management Plan (the latest and current one) of the Forest Service emphasizes isolation and solitude, and the challenge/risk of experiencing the wilderness. It is the first plan since the 1964 law to do so. But it states clearly that such conditions should not be expected on Sea Gull.

Survey research shows high levels of contentment with the current scene. While the Forest Service put great emphasis on "isolation and solitude" in the latest management plan, that emphasis is not buttressed by the research they supported, the so-called Lime report.⁶ For example, when asked to state "Specifically why did you choose NOT to camp at these [passed by] campsites?", "not secluded from others" was response 17 given by only 1.1%.⁷ Or, when asked to state "What were the 'high points' of your trip today? What did you enjoy most?"⁸, campers stated "absence of people" as their 12th choice for 2.4%. In addition, they cited "companionship of party" (1.5%) and "meeting others" (0.8%) to suggest that even at these very low levels of response, there were both positive and negative views of seeing others. When asked "What were the 'low points' of your trip today? What detracted or didn't measure up to your expectations?" 26% of respondents said "none".⁹ "Too many people" was the response of only 6.8%, and "noise (other visitors, motors, etc.)" was the response of only 2.8%.

Sea Gull should not be closed to motors when the response to them in a valid survey is so low. *The rhetoric of the preservationists about isolation and solitude does not match the views of the real BWCAW users.*

BWCAW users recommended the levels of encounters they experienced as the levels management should achieve. The authors of the Lime report note that "On nearly 87 percent of the days on which information was collected, paddle canoe parties specified acceptable numbers of paddle canoe parties to encounter on lakes and rivers traveled and not spoil the experience. On 13 percent of the days, parties reported that it would not matter one way or the other how many parties they encountered. Paddle canoeists' recommendations for acceptable numbers of paddle canoe parties to encounter and not spoil the experience were similar to current encounter levels reported among the selected locations (levels of entry point use, periphery/interior), time periods, and party characteristics studied.¹⁰ So the encounters were not only expected, they were deemed reasonable and made as recommendations. That does not mean they would not have preferred less. But that is somewhat like asking whether a person would like to inherit a million dollars; for almost everyone, it is not grounded in reality. Certainly, Sea Gull use should not be further reduced when current levels of BWCAW use are deemed appropriate by the actual users.

The tradeoff between convenience and isolation/solitude: an education challenge for the Forest Service. The most dissatisfying aspect of this study is the responses of some canoeists to meeting motorboats on a motorized lake. They betray both the selfish view identified above by many purists--this lake should be as we wish it, not as public law has established it. It also indicates a high priority education task for the Forest Service to ensure that when a permit is given, it is accompanied by a map such as Figure 2 or 3 but with all the lakes showing through the zone indications, so individuals can understand the array of choices and the tradeoffs that must be made between "isolation and solitude" and distance from point of entry. There are lakes within the BWCAW that are not used at all, but they are, as the Forest Service notes, 3 days in and 3 days out, while the average canoe trip is only 4 nights in the BWCAW. Choices and tradeoffs are always difficult. But higher levels of satisfaction should occur if visitors, particularly first time ones, are properly informed before they actually choose their detailed itinerary. Solitude can definitely be found in zone 5.1 and to a lesser extent in 5.2A. But it should not be expected in 5.2B or 5.3 (Sea Gull category) *by definition*. This is not because of motorboats on these edge lakes, but because the wilderness abuts active development with lots of people pursuing their lives in a variety of noisy, daily activities. If solitude is desired, campers must work for it and paddle and portage farther in from this more urban edge. They cannot have both isolation/solitude and convenience. It appears that most choose convenience, not isolation and solitude.

Forest Service personnel have stated that users of the BWCAW have changed their pattern of campsite location and movement over the years. Traditional use was to occupy a different campsite each night, moving from lake to lake through the wilderness. There has been an increase in what the Forest Service calls "base camping"--selecting a campsite for multiple day use and visiting other lakes on day trips from this base camp. This is confirmed by the outfitter on Sea Gull Lake. Convenience appears to be driving this pattern. Such behavior reinforces the physical capacity choke of the system going out of Sea Gull through Alpine Lake. Put another way, with base camping on adjacent Alpine or Ogishkemuncie (See Figure 3), those lakes become overcrowded, and the Forest Service reduces the number of entrants to Sea Gull to control the overcrowding. The Forest Service accepts this "base camping" behavior and proposes no action to alter it even though it limits the number of persons who

can use the BWCAW, creating underused lakes in the interior and at entry, such as Sea Gull, and overcrowding in the lakes proximate to entry. For all the rhetoric about *isolation, solitude, and challenge* by the preservationists, the majority of BWCAW users choose not to travel to the inner, quieter regions where less people will be seen or heard. They camp in the management areas, particularly 5.2B, that provide lower levels of service in respect to these three variables. For this reason, too, Sea Gull should remain as it is. Any change for canoeists from prohibiting motors will be marginal for the reasons cited above, but the effect on local users of the lake will be very substantial.

4. **The environmental conditions of the west side of Sea Gull cannot be significantly improved by removing the motors and some conditions will be made worse.** Sea Gull actually provides a higher quality canoeing/camping experience than its management category of "semi-primitive motorized" would imply because it is so limited in use. That low current usage is a consequence of "no shows", of the limited campsite capacity of adjacent inner lakes through which canoeists must travel, and of the Forest Service travel model that feeds into the permit quotas. It is much lower than when the current law was passed in 1978.

Owing to these several factors, the current usage of Sea Gull is only a quarter of its 41 available campsites or less. The Forest Service planned use target is only 32% of campsites. That limit is not a consequence of Sea Gull's own capacity or attractiveness, but rather the capacity of the inner lakes (see Figure 3). The next lake inward, Alpine has a planned capacity of 17 out of 21 physical campsites, while Ogishkemuncie has only 10 out of 12. The quota system now allows only 11 permits /day on Sea Gull for canoeists traveling through, and only 2/day for canoeists overnight on Sea Gull only before reduction for no shows. Paddle/hiking no shows on Sea Gull average 14%, while overnight motor no shows average 23%.¹¹ The Forest Service does not adjust allowable permits for these known no shows during the current year.¹² Because the use of Sea Gull is governed by factors other than Sea Gull itself, closing the west side to motors will have very little effect on usage by canoeists, but very great effect on the daily lives of those who make day use of the lake.

With further restriction of motors on Sea Gull, towboat use will diminish or cease increasing the already observed concentration of campers in the lakes immediately adjacent to Sea Gull. This in turn will lead to further permit reductions and even less use of Sea Gull.

When motorboats can no longer be used to fish west of Three Mile island, they will be tied up at shore at the newly created boundaries, while those fishing shift to canoes for the final leg of their trip. These motorboat parking lots may be made illegal, but they are inevitable and will be virtually impossible to police.

5. **If motors were removed from the west side, the result will be more unintentional lawbreakers.** If the boundary lines on these maps seem confusing, imagine how drawing more arbitrary lines on Sea Gull would add to that confusion. One of my neighbors says that a law that confuses the public is a bad law. If the lines in the water created by section 4-c-3 are confusing, then it is a bad section and you now have the opportunity to correct that situation by passing Representative Oberstar's bill. Boaters and canoeists on the lake get confused now, because drawing lines on a lake is similar to drawing lines in a bathtub. The lines through the water that "mark" the boundary between inside the BWCAW and outside, and between the motorized area within the BWCAW and the intended non-motorized area are invisible lines; few know where they are. (See Figure 4) With the proposed 1999 changes, the situation will be made far worse as then airplanes and powerboats will be on one side of this invisible line and only canoes on the other. An enforcement nightmare with unintentional

lawbreakers already exists and will only grow worse. The Forest Service budget has been cut and enforcement costs money.

6. **Abandoning the shared use transition or buffer function of Sea Gull is selfish and unjust.** I sincerely believe that it is selfish and unjust to close off a portion of a portal lake to motor boats thereby abandoning a shared use that has been working remarkably well for many, many years. An Ely newspaper columnist last year light heartedly suggested giving the BWCAW back to the Indians because they were willing to share. Just a few elite canoeists would benefit from motor prohibition on the lake, while many boaters would be deprived of the pleasures of the west side of the lake--be they residents, visitors, fishermen, tourists, people with handicaps.

But closing the west side to motors is also unnecessary since objection to the motors as substantiated by University researchers is not great among the total users of the BWCAW although it is vociferously objected to by a limited number of preservationists and wilderness activists. In a recent Forest Service supported survey, when asked "What were the 'low points' of your trip today? What detracted or didn't measure up" only 2.8% of BWCAW campers responded "noise (other visitors, motors, etc.)"13.

It is selfish and unjust to impose the function of a buffer on the private land holders adjacent to the wilderness and impose no restraint on wilderness users to protect the functions of these neighbors. Since drawing a line in the water cannot cause sounds or views to stop as though it were an opaque, acoustic barrier, a transition or buffer is required. Further, full-time residents on these entry lakes do more each day than paddle around in their canoes or travel in their motorboats, although they enjoy doing that. They live full lives. Their time here is not just a quick vacation as it is for BWCAW visitors. Therefore, they engage in a far greater range of activities than do the visitors, all the activities that visitors engage in when they are at home in addition to the special ones available only here. Because of these varied activities, residents also are not on the lake all day every day, so they do not add a great deal to the traffic of motorboats or canoes. Some of those activities of everyday living are resented by the preservationists as they create some noise or involve vehicles or equipment foreign to their philosophy of a wilderness. But the residents do not live in the wilderness. They live *adjacent to* it. The lakes they live on are "part-in-part-out", PIPO lakes as the Forest Service refers to them. These lakes perform both the functions of lakes inside and lakes outside of the wilderness. These 5.3 category lakes therefore must be retained as shared use lakes, shielding the interior wilderness from unregulated areas and shielding the unregulated areas from the unrealistic expectations and ideologies of the preservationists.

Residents of Sea Gull rightly consider themselves environmentalists. It is the wilderness that drew us to establish homes here. Our property owners association has members from 17 states from the Atlantic to the Pacific and from the Canadian border to the Gulf of Mexico. We, and generations before us, have tended this area carefully. Were it not so, it would not have been possible to locate a wilderness area here in which one can still drink the water directly from the lake. Residents also put out campfires by campers who were careless or uninformed. We provide directions for those who are lost. And through our personal services and taxes, we provide the rescue services--police and medical--for BWCAW users that the users, the Forest Service, and national taxpayers do not pay for. We are a symbiotic part of this wilderness and its edge.

7. **Sea Gull under the management plan does not now provide for the disabled in accordance with the 1978 law; this change will only make matters worse.** The Forest Service should execute the policies and programs for persons with disabilities identified in 1981 to implement the BWCAW act.

Section 18(d) of Public Law 95-495 focused on responding to persons with disabilities. The Forest Service identified 3 programs that have been marginally dealt with if at all. These are: "a. Wheelchairs are allowed in the BWCA; b. The user education program will provide information on how persons with disabilities can travel in and experience the Wilderness; and d. Several dispersed campsites on lakes inside the BWCA will be made accessible to persons with disabilities."14 If these three recommendation are effected, then persons with disabilities would be enabled to transport their wheelchair and travel by motorboat in Sea Gull to potential campsites "accessible to persons with disabilities" as set out in the original implementation plan.

Instead of executing the programs they committed to in 1981, the Forest Service has made matters more difficult for persons with disabilities by banning by fiat pontoon boats even though they were powered by the legal size 10 hp motor. And while preservationists and wilderness activists testified in the earlier Senate hearing on the disabled responding to the challenge of the wilderness, they never said the same for the average able bodied BWCAW user who chooses convenience over challenge as research data show.

In conclusion, keep Sea Gull as it is today for accessibility and fairness. Give the mechanized portages back to Ely for accessibility and fairness. Please, support the BWCA Accessibility and Fairness Act of 1997.

Notes

1. Gunflint Ranger District, "Capacity Study Travel Zone #28" (nd, ca 1973), p82.
2. Loc. cit.
3. USDA Forest Service, BWCA Wilderness Management Plan and Implementation Schedule (USGPO: 1993) Appendix D, ppD-2, D-3.
4. Loc. cit.
5. Ibid., Table 3-1 p3-29.
6. Lime, David W. and Michael S. Lewis, "Characteristics, Use Patterns, Perceptions and Preferences of Campers Visiting the Boundary Waters Canoe Area Wilderness: Selected Findings of a 1991 Study" (np, 13 Nov 92).
7. Ibid. p28.
8. Ibid. p29.
9. Ibid. p30.
10. Ibid. p8.
11. Forest Service draft data sheets dated 4/16/97.
12. USDA Forest Service, Management Plan, p3-15.
13. Lime report, p30.
14. USDA Forest Service, "Plan to Implement the Boundary Waters Canoe Area Wilderness Act (Public Law 95-495)", 1981, p22.

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