

Committee on Resources

Witness Testimony

Testimony on HR 1739 and HR 2149

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Madame Chairman, members of the Committee, My name is Carl A. Zichella. I am the Sierra Club's Midwest Regional Staff Director. I am testifying this afternoon on behalf of the Sierra Club's more than half-million members. Thank you for the opportunity to express our opposition to H.R. 1739 and support for H.R. 2149, two bills which project dramatically different visions for the future of one of the world's great wilderness areas, the Boundary Waters Canoe Area Wilderness (BWCAW) in northern Minnesota.

The Sierra Club opposes H.R. 1739. The legislation detracts from wilderness protection by continuing and exacerbating unnecessary conflicts with motorized uses, is not needed to provide enhanced access to the wilderness, sets a dangerous precedent by weakening protection for a designated unit of the national wilderness preservation system, and vacates key compromises embodied in the Boundary Waters Wilderness Act of 1978 (PL 95-495).

H.R. 1739 would detract from wilderness protection and visitor's experience by permitting motorized vehicles to haul fishing boats between lakes in the BWCAW. Congress expressly intended that motor vehicles used for portaging boats be phased out of the wilderness in PL 95-495.

Motors on the portages were finally phased out in 1992, in accordance with the clearly-expressed will of Congress as evidenced by the conference report adopted by the House on October 14, 1978.

Representative Phillip Burton, then Chairman of the Parks and Public Lands subcommittee said, and I quote:

"The final bill requires that the Secretary is to terminate all motorized use of the Prairie Portage from Sucker Lake to Basswood Lake, the Fourmile Portage from Fall Lake to Basswood Lake, the Trout Lake Portage from Lake Vermillion to Basswood Lake on January 1, 1984, unless 'no feasible non-motorized means of transporting boats' between the lakes previously served by these portages is available. I understand that feasible methods of transporting such boats are already in use in the BWCA. ... This method (portage wheels) is feasible and proven and I would expect that the Secretary will terminate motorized use of these portages and permit that method to be used."

Madame Chairman, I have attached as part of my testimony a copy of the conference report explanation by the House conference committee manager related to portages that was adopted by the 95th Congress for the record. (Attachment "A")

Alternatives to motorized portages are clearly feasible

Some supporters of this legislation complain that the term "feasible" was a legal sleight of hand intended to deceive them. Madame Chairman, the complaint is irrelevant. Use whatever definition you wish. Motorized boats are routinely moved across the portages in historically equivalent numbers without motors. The Chairman of this Committee herself was able to move a extremely heavily laden boat across a portage with the assistance of two of her colleagues using only portage wheels, ably demonstrating the feasibility of moving watercraft without trucks. We would also point out that the term feasible, though it appears in the text of the BWCA Wilderness Act of 1978, and the conference report, does not appear in the actual agreement signed by negotiators for both sides.

Madame Chairman, I have attached a copy of the actual agreement initialed by both negotiators to my testimony for the record. (Attachment "B")

Despite the closing of the truck portages, nearly all the motor use permits available have been utilized. According to the USFS, in 1996, more than 100 percent of all day use permits (110%) were reserved and 96% actually utilized. Ninety six percent of the quotas for overnight motorboat parties were reserved and 75% were used. The quotas reserved and utilized on some lakes exceeded 100%. Quotas were actually *exceeded* on Prairie and Fall Lake for day use. As each permit covers as many as four boats per party, total motorboat usage could have exceeded 9,000 boats last year alone. Clearly, in the absence of motorized portages, using any definition available, non-motorized conveyance of boats, as required by law, is feasible.

Motors are not needed to enhance access for the elderly and disabled

Supporters of H.R. 1739 say it is needed to improve access for elderly and disabled people. But access for elderly and disabled visitors is already arguably the best of any unit of the national wilderness preservation system. In recognition of this fact, on May 29, 1997, the Minnesota State Council on Disability, passed a resolution opposing changes in wilderness protection that use disability as an excuse. Many members of this organization, which is Minnesota's official advocacy voice for the disabled, have visited the BWCAW. As others have testified, they feel strongly that wilderness must be met on its own terms, not modified for their benefit. Because the BWCAW -- a water-based wilderness -- is already arguably the most accessible of all the great wilderness areas, H.R. 1739 is not needed to provide enhanced access.

Madame Chairman, age is the ultimate disability. Wilderness designation does not and should not require modifications to wilderness areas to accommodate the elderly. As we age, it is a simple fact of life that our physical activities become limited. At some point in our lives we aren't able to climb mountains, walk tens or hundreds of miles, or portage boats in the BWCAW. That does not mean we should destroy wilderness values in order to ensure unlimited permanent access for everyone. Someday even Michael Jordan won't be able to touch the rim of a basketball hoop. I don't think he will be calling for the rims to be lowered at the United Center so he can still play there. Rolling back wilderness protection for the elderly is an excuse that does not hold water. It should be rejected by the Congress as it is rejected by people of all ages across our country today.

Some supporters of H.R. 1739 tell some poignant stories of friends and relatives who can no longer traverse portages under their own power to justify support for this bill. As you know Madame Chairman there are two sides to every story.

Let me tell you about one of my friends.

Herb Johnson is 75 years old and a great lover of wilderness. Herb has paddled the BWCAW's lakes for more than five decades. He suffered a stroke not too long ago and can no longer walk well enough to visit his old BWCAW haunts. But he doesn't want motor restrictions to be relaxed for his benefit. On the contrary, he is extremely concerned that the BWCAW remain protected so future generations will be able to enjoy a wilderness experience as wonderful -- or more so -- than the one he has enjoyed for so long. Herb wants the motors out of the BWCAW, not more motors in, and he's not alone. There are many more like Herb, who oppose H.R. 1739's provisions.

H.R. 1739 has little support, public or otherwise

The truth is that, H.R. 1739 has few supporters. It is opposed by nearly the entire Minnesota congressional delegation, including Senator Paul Wellstone and Representatives Bruce Vento, David Minge and Jim Ramstad; every legitimate environmental and conservation organization in Minnesota; and the national environmental community representing millions of Americans. More than 25 Republican members of the House of Representatives from districts across the country have signed a letter opposing H.R. 1739.

Polling in Minnesota indicates that the vast majority of Minnesotans support more stringent protection for the BWCAW, and oppose relaxed standards for motor vehicles.

It is an especially telling fact that, according to USFS visitor use data for 1996, even among local people, the predominate use of the BWCAW is by canoe or foot, not motorboat. Eighty two percent of local residents -- ostensibly the core of support for H.R. 1739 -- made their overnight trips to the BWCAW via paddle (80%) or foot (2%) in 1996.

H.R. 1739 sets a negative precedent undermining protection for the entire wilderness preservation system.

Perhaps worst of all, H.R. 1739 would set a precedent by being the first law that would undermine protection for a designated unit of the national wilderness preservation system. This is intolerable to our members, and we believe the vast majority of our fellow citizens. This alone merits the rejection of H.R. 1739 by this Committee.

H.R. 1739 vacates core provisions of the 1978 compromise.

But H.R. 1739 goes even further. It also breaks the promises of the 1978 BWCA Wilderness Act by eliminating the long-awaited phase-out of motors on approximately two-thirds of Seagull Lake in the northeastern part of the BWCAW. This was a core concession made to environmental interests in 1978. Local residents were given an extraordinarily generous length of time in which to prepare for this phase out. There is no justifiable reason to abandon this promise now.

Madame Chairman, the BWCAW is truly one of the great treasures of our national wilderness preservation system. It is the nation's most popular wilderness area, if judged by visitorship. One of every ten visitor days in this country is spent in the BWCAW, according to the U.S. Forest Service. There is no other large lake-land complex like it anywhere else on earth. At more than one million acres in size the BWCAW is, with Everglades National Park, the largest wilderness area east of the Rocky Mountains.

Representative Bruce Vento has proposed legislation H.R. 2149, that would ensure the wilderness values of

the BWCAW will be preserved for our families and the future. Despite the relative success of the existing compromise law, the Sierra Club believes that H.R. 2149 more accurately addresses the growing demand for more and better wilderness experiences in the BWCAW.

H.R. 2149 would extend the protection provided in the 1978 BWCA Wilderness Act by closing Loon Lake and the remaining motorized part of Lac LaCroix to motors, eliminating unnecessary conflicts between motorized use and paddle only use. It would also close the entire portion of Seagull Lake within the wilderness to all motors, something that should have been in the 1978 BWCA Wilderness Act in our view.

H.R. 2149 would also add 7,370 acres of land to the wilderness, a modest addition that we support.

Finally, H.R. 2149 would end the practice of allowing motorized "tow boats" which carry or pull canoes into the wilderness, ending a special use that has proven to be an unreasonable intrusion into the visitor experience of the BWCAW.

In closing, Madame Chairman, Wilderness areas belong to all Americans, not just a chosen few who are fortunate enough to live nearby. It is a sad fact that many wilderness areas, including the BWCAW had to be federally protected to preserve them from the chainsaws of timber interests or the bulldozers of mining companies. Local protection did not exist. Without federal wilderness protection the BWCAW -- and the entire wilderness preservation system -- would have been lost to posterity. While we honor and respect the sentiments of local residents, as concretely proven in the many compromises built into the 1978 BWCA Wilderness Act, we also have a responsibility to today's families and future generations to safeguard the BWCAW and our wilderness heritage for their benefits. This land truly is all our land.

Thank you.

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