

# New Wildernesses Can Be Created: A Personal History of the Gaylord Nelson Wilderness at Apostle Islands National Lakeshore

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ON DECEMBER 8, 2004, PRESIDENT BUSH'S SIGNATURE on the Consolidated Appropriations Act of 2005 established the national park system's 55th unit of the national wilderness preservation system.<sup>1</sup> The Gaylord A. Nelson National Wilderness includes approximately 33,500 acres, roughly 80% of the land area of Apostle Islands National Lakeshore. This is the first designated wilderness area in any of the four national lakeshores in the national park system, and also the largest of Wisconsin's seven federal wildernesses.

Honoring former Wisconsin governor and senator Gaylord Nelson is a fitting tribute to the person many view as the father of the Apostle Islands National Lakeshore. Nelson, best known for being the founder of Earth Day in 1970, fought tirelessly for the protection of the Apostle Islands, culminating in legislation which established the park that same year. The park consists of approximately 69,000 acres of islands, mainland shoreline, and waters of Lake Superior along Wisconsin's north coast.

What makes this designation highly unusual is the speed with which it occurred, and the overwhelming, perhaps unprecedented, public support that the wilderness proposal received. That support, however, was not a given, and developed in the course of three years of intensive civic engagement. This was also the first time in a generation that the National Park Service's (NPS's) own wilderness study and designation *process* was followed, more or less in sequence, from start to fin-

ish. In addition, the park's embrace of its human history as a complement, rather than a competitor, to wilderness may be unique and hopefully heralds a new era in celebrating the integration of natural and cultural resource preservation in the national park system. For these reasons, wilderness designation at the Apostle Islands is both notable and worthy of scrutiny, in hopes that this success story may be useful to other parks where wilderness values are worthy of protection.

## **Early interest in wilderness preservation at the Apostles<sup>2</sup>**

Initial interest in establishing a protected area in Wisconsin's Apostle Islands archipelago followed after President Calvin Coolidge visited the area in 1928 and local boosters recognized that tourism might rejuvenate an economy devastated by the demise of the lumber industry (and later, by the Great Depression). Heavily cut over, however, the area was dismissed by a 1930

NPS study of the area as not meeting standards for a national park: “What must have been once a far more striking ... landscape of dark coniferous original forest growth has been obliterated by the axe followed by fire. The ecological conditions have been so violently disturbed that probably never could they be more than remotely reproduced.”<sup>3</sup>

The NPS study did see potential, however, and recommended that the area be protected from development, perhaps by the state. Although there would be numerous attempts during the 1930s and 1940s by various individuals and groups to facilitate the state of Wisconsin’s acquisition of some of the islands, significant progress was not made until 1955, when the state conservation commission issued a policy in support of “Acquisition of an Apostle Islands Wilderness Area.”<sup>4</sup> Indeed, four of the twenty-one islands that eventually became part of the national lakeshore were acquired by the state of Wisconsin, beginning in 1958.

In the meantime, the forests regrew, belying the dire prediction from the 1930 NPS assessment. While logging continued on some islands, and fishing camps and summer cabins dotted the shores, the archipelago increasingly became known for its undeveloped landscape and its recreational potential.

Gaylord Nelson, first as Wisconsin governor (1958–1962) and later as U.S. Senator (1963–1980), championed the federal protection of the islands as part of the national park system. After the passage of the federal Wilderness Act in 1964, some park advocates promoted immediate designation as wilderness. But Nelson was not among them:

Although Nelson had empathy for those who had urged immediate designation of the islands as a part of the national wilderness system (he personally favored keeping the islands wilderness), such an amendment would have created substantial political problems with local people.... Those favoring a more cautious approach at the time knew that the Wilderness Act mandated that the NPS would have to consider wilderness designation in their master planning process after authorization.<sup>5</sup>

The national lakeshore was established by act of Congress in 1970<sup>6</sup> without any wilderness designation. The legislative history made clear that development on most of the islands was intended to be limited to primitive trails and campsites, as well as docks for boats to access the islands. The final bill that was passed deleted at the eleventh hour more ambitious plans for two large mainland units of the park whose purpose would have included the construction of parkways, marinas, and large campgrounds which would have been clearly incompatible with wilderness. Estimates of potential (and perhaps unrealistic) park visitation and economic impact figures for the larger park, whose core would have been the undeveloped islands but whose margins would have been highly developed, are remembered by many in the local community.

### **Early park planning and wilderness**

Though NPS policy requires that all parks with potential for wilderness undergo a formal wilderness study, that process has been wrought with peril due to the controversial nature of wilderness in recent years. Despite the obvious intent that Apostle Islands eventually be considered for wilder-

ness designation, even here managers were in no hurry to tackle the issue head on. The national lakeshore designation meant to most people that the park was a recreation area first and foremost, and this attitude was prevalent even among park staff. Over time we perhaps forgot our own history, and new staff transferring in may never have known about the intent of the state or the political leaders who led the fight for the park.

The park's first general management plan (GMP) was completed in 1989. While it was an ambitious plan for development, like many GMPs of its era it also identified that about 97% of the land area of the park was as yet undeveloped and therefore potentially suitable for wilderness designation.<sup>7</sup> Though NPS policy requires that we protect wilderness values until such time as a formal study is completed, the park managed these undeveloped lands as wilderness, at least in the early days of the GMP, more as a result of lack of development funding than as a deliberate strategy. There was little movement towards conducting the required formal study.

There things would have remained if not for the leadership of Senator Russ Feingold (D-WI), who, after several years of discussion, succeeded at inserting language in the fiscal year 2001 Department of the Interior appropriations bill requiring (and provided funding for) the NPS to conduct the formal wilderness study and environmental impact statement (EIS) for the Apostle Islands. This would be the first wilderness study not associated with a GMP or other planning process conducted by the NPS in a generation.

### **The wilderness suitability study, part one: building understanding while developing alternatives**

Initial scoping for the wilderness study during the summer of 2001 sought public comment on the possibility of wilderness designation at the Apostle Islands, but in retrospect we started too late on the critical educational step. *Wilderness* meant different things to different people, and the comments we received clearly reflected a lack of understanding by many respondents of what wilderness designation would mean—or not mean—for the park. Several petitions were circulated opposing wilderness at the Apostle Islands. As soon as the study began, we attempted to clearly define the terms and educate the public as to what wilderness really meant, but, in hindsight, we should have begun the public conversation when we realized Senator Feingold was intent on pursuing the study for the park.

In the midst of the initial confusion, though, we heard two very clear messages over and over again. First, people liked the park the way it was, and did not want to see it change. Interestingly, this came from both supporters and opponents of wilderness. Second, we were told that we'd best not even think about restricting boats on Lake Superior or removing existing public docks on the islands—or else we'd see overwhelming opposition. This combination of sentiments, so often expressed, helped us to see through the myriad of positions that were articulated to the interests behind those positions. In fact, it helped us see the National Park Service's own interests, too.

It's necessary to learn a bit about the park's geography to understand those interests. Each of the park's 22 land units (21 islands and a mainland coastline strip) is bounded by Lake Superior. NPS jurisdic-

tion extends out one quarter-mile into the lake but the state maintains ownership over the lake bottom. The only way to get from one unit to another, whether one is a visitor or an NPS employee, is by boat. But distances in the lake are such that non-NPS waters lie in the interstices between islands, and in fact, the NPS has authority over a scant 15% of the waters of the entire archipelago (Figure 1). Thirteen of the islands have public docks on them, and six have historic lighthouses on the National Register of Historic Places. The park's islands are generally convex in shape, lacking narrow bays or other areas that could plausibly be set aside as non-motorized zones (Figure 2). We quickly realized that

restricting motorized boat use in the quarter-mile zone that rings each island, the result if Lake Superior were included in the wilderness (while it would continue outside our jurisdiction in the waters between the islands), would be impractical, if not impossible to enforce. It would also subject future managers and park visitors to endless frustrations and conflict. Considering the non-federal ownership of the bottomlands, we were fairly certain it would be a legal morass, too.

Park and NPS Denver Service Center (DSC) staff<sup>8</sup> sat down in March of 2002 to develop alternatives; while we were intent on having a concept which each alternative would represent (e.g., maximum wilder-

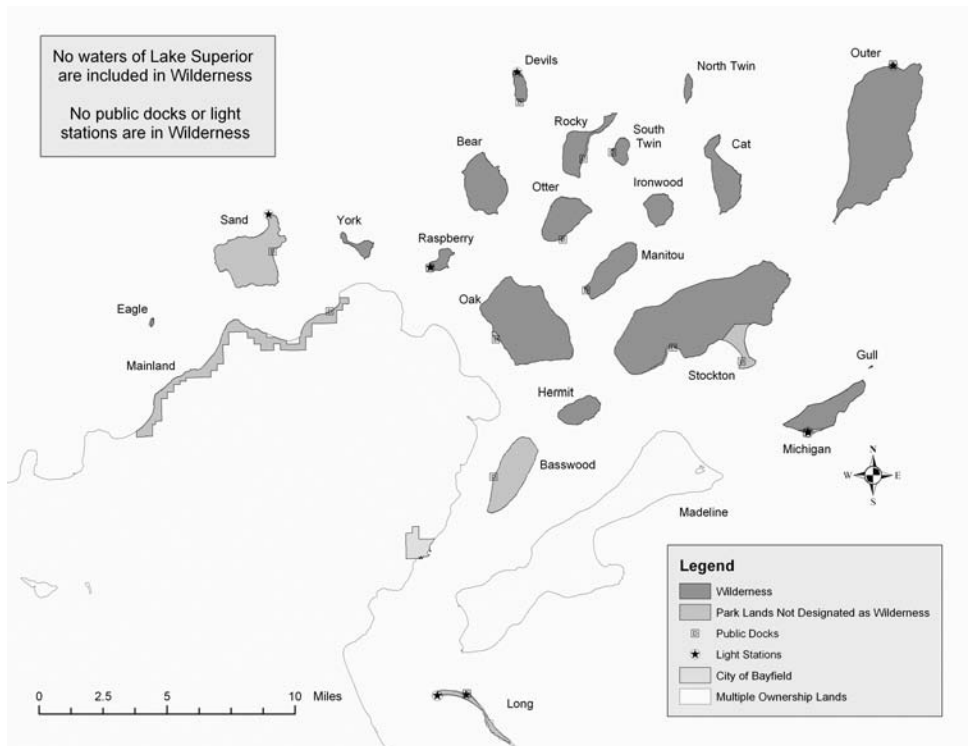


Figure 1. The wilderness status of the various park islands. (Madeline Island is not part of the park.) *Map courtesy of Apostle Islands National Lakeshore.*



Figure 2. Sand spit on Outer Island: a typical shoreline in the park. *Photo courtesy of Apostle Islands National Lakeshore.*

ness, all cultural resources excluded, wilderness restricted to the outermost islands, etc.), it was mostly an exercise in drawing boundaries. This exercise took place during my first week on the job as the park's new superintendent. With ten years of experience with wilderness management in Isle Royale and Shenandoah National Parks, I established three conditions that each alternative had to fulfill: boundaries had to be defensible both on a map and findable on the ground; no docks or other developments that we intended to actively manage with modern technologies would be included in any wilderness alternative; and we had to be able to live with any of the alternatives we put forward. In other words, they all had to be viable and we'd see what emerged.

There were no legal requirement to seek comment on the draft alternatives but we elected to do so anyway during the summer of 2002. Talking to people about wilderness, and listening to their concerns, became the vehicle for me to get to know both the park and the community. We held five public meetings, this time ranging as far as Madison and Minneapolis–St. Paul, where many Apostle Islands visitors come from. We held meetings with four Indian tribes, and a task force representing nine tribes. Once again we made it known that

we'd meet with any group that wanted to talk with us or had concerns. Long conversations, usually one-on-one, slowly but inexorably built trust and comfort with the wilderness options—and with us. Knowing the affection that so many of our visitors and neighbors had for the park's existing mix of wildness and access, and having been careful with the way we drew the boundaries of the alternatives, we were able to portray wilderness designation as the best way to assure that the park remained the same.

One meeting stands out. On Friday of Independence Day weekend, we held an open house in the NPS contact station on Stockton Island, the site of the park's largest dock complex, largest campground, and best natural harbor. It was a gorgeous summer evening and there were upwards of 50 power and sail boats either at the dock or at anchor in the bay. The 19-site campground was full. The park's wilderness study coordinator, Jim Nepstad, and I “worked the dock” in the afternoon, talking about wilderness and any other park issue that people wanted to discuss, and inviting them to come to the open house that evening. Upwards of 100 people showed up, far more than we saw at any other meeting in any other location. Seared in our minds are

the images of boat owners who came into the meeting with arms folded and skeptical expressions, certain that here was another example for how the government would take away something they valued to achieve some ideological objective. But the people who came to talk about the park they loved were also willing to engage in dialogue about it, and almost every one of the skeptics seemed to leave satisfied that wilderness would not cause the changes they feared. In fact, a number of great new wilderness advocates emerged, converted to the idea that wilderness would preserve the things about the park that they cared about. An invitation to be the featured speaker at the Duluth Power Squadron's annual meeting also resulted from contacts made that day; that session, in the fall, with a community of park users who were not expected to be supporters of wilderness, ended with a standing ovation and the recognition of common interest that has value to the park well beyond the wilderness issue.

In requesting comment on the draft alternatives, we asked people to tell us if we were on the mark with what we were considering, and whether these were the right alternatives. It may be a cliché, but we read each one of the over 1,700 comments that came in. Either I or other members of the planning team called or emailed many of the respondents when they wrote something we thought was important, or we thought might have been misunderstood. We not only learned from these discussions, we also build friends for the park and we increased trust. This round, there were no petitions against wilderness, and there seemed to be a growing comfort level that we were headed in the right direction.<sup>9</sup> Wilderness was getting a lot of support, including an editorial in the state's largest newspaper.<sup>10</sup> More

importantly, we were able to improve our alternatives in preparation for in-depth analysis and identification of a preferred alternative.

### **The wilderness suitability study part two: the NPS chooses a preferred alternative**

Since the NPS had not done a stand-alone wilderness study in decades, we had no cookbook to follow and therefore stumbled into the realization that there were no established criteria (factors) by which we should assess the alternatives and choose between them. We would use the choosing-by-advantages decision-making method widely used in the NPS. The initial suggestion that we use the standard GMP factors just didn't seem right—mimicking the NPS's strategic planning goals, these would have given equal weight to resource protection and visitor experience. They didn't seem to have much to do with wilderness, however.

It was important to me that we had clear decision factors, based in law and policy, specific to wilderness and in the context of other NPS mandates. I sought input from contacts all around the agency, both to develop the factors and then to vet the ones we came up with:

- Long-term preservation of park natural and cultural resources;
- Ability of the NPS to preserve and tell the stories of the people of the Apostle Islands;
- Consistency with the spirit and intent of the Wilderness Act, the Eastern Wilderness Areas Act, the intent of the Wisconsin legislature when donating lands to form the national lakeshore, and NPS wilderness policy; and



- Consistency with public comments received during the comment period.

Obviously, the “preserve and tell the stories” factor is the unusual one, considering the topic is wilderness. But we had received a number of articulate comments that the human history of the islands was something that shouldn’t be lost or forgotten even while we contemplate celebrating what environmental historian James Feldman has called their “rewilding.” William Cronon, University of Wisconsin historian and nationally recognized wilderness scholar (and part-time resident of Bayfield, the park’s gateway community), has eloquently articulated that the uniqueness of place associated with the Apostle Islands is largely the result of the interplay of the rich human history of the area with the challenges presented by the environment.<sup>11</sup> We wanted to consider how each alternative would affect the cultural history and sense of place of the park, as distinct from how it might affect the tangible cultural resources such as buildings, archaeological sites, etc.

In comparing the alternatives against these factors, we recognized that “maximum wilderness” has an unintended consequence for cultural resources, even if the NPS makes a strong commitment to fulfilling all of its historic preservation mandates within designated wilderness (as we are required to do). By limiting future development to non-wilderness areas, many of which were excluded from wilderness due to their cultural significance, we may be inadvertently directing development toward sensitive sites.

Spirited debate among park staff and the planning team using these criteria resulted in the identification of the preferred alternative as the one which would preserve

80% of the land areas of the park as wilderness. Three islands were excluded in their entirety from wilderness, two because of the density of cultural sites and our commitment to actively managing and interpreting them. The other island which was left out was done so in deference to the wishes of the Bad River Band of Lake Superior Chippewa Indians, who expressed concern that any additional federal recognition would make it more difficult for them to assert sovereignty over that island, which they believe is part of their reservation even while it is part of the national lakeshore.<sup>12</sup>

Ironically, several of the most important natural resource areas of the park fell into areas not included within the preferred wilderness alternative. It took considerable discussion for our own staff to reach a comfort level that not being in the wilderness in no way would lessen the protections these wetlands and wildlife habitat were already receiving (Figure 3).

The selection of the preferred alternative sparked a frenzy of analysis and EIS writing over the fall and winter of 2002–2003, and we prepared to release the draft study and EIS the following spring. Prior to doing so, however, it was essential to secure the support of NPS Director Fran Mainella and the Department of the Interior, so new NPS Midwest Regional Director Ernie Quintana and I traveled to Washington in April to make our case for the 80% alternative. While there, I also visited the offices of The Wilderness Society (TWS), knowing that they were highly interested and were likely to mobilize their members to respond to our proposal. There I met, for the first time, Gaylord Nelson, who at age 86 was still coming to work each day as counselor to TWS. Interestingly, he told me that he was not particular about



Figure 3. Bog on Stockton Island. Only part of Stockton is included in the wilderness area. *Photo courtesy of Apostle Islands National Lakeshore.*

which alternative we chose and would defer to the in-depth knowledge of the professionals. His colleagues at TWS, however, made it clear that they favored the maximum wilderness alternative.

Mainella asked tough questions at the briefing, testing to make sure we had sought the input of, and engaged with, the spectrum of park users and our political constituency. Not only had our civic engagement strategy worked with the public, but it was essential in securing her support. Having satisfied her concerns, she was an advocate for us with Deputy Assistant Secretary of the Interior Paul Hoffman, whose briefing followed. We left Washington thrilled to have the department's support for our wilderness proposal. In retrospect, we would not likely have had TWS' support unless we had advocated for a maximum wilderness alternative, and we would not likely have had Interior support

unless we chose something *other than* a maximum wilderness alternative. In the politics of 2003, it seems unlikely we could have emerged under any scenario with support from both groups.

After publication of the required notice of availability in the *Federal Register*, the draft wilderness study and EIS was released for another 60-day comment period in mid-June 2003. The final comment period, the third one we sponsored, once again coincided with the park's major visitor season. In many ways it was a repeat of the 2002 campaign, with open houses this time in nine locations across Wisconsin and Minnesota, and smaller meetings with tribes, local governments, and other stakeholders. This time, however, we were advocates for wilderness, and a particular configuration at that, while earlier we had steadfastly tried our best to be neutral.

In addition to the meetings, it was the



summer of tours—especially of Sand and Basswood Islands, which we were proposing to omit from the wilderness because of their cultural resources. Wilderness boundaries are easy to pontificate on from afar, where on-the-ground reality doesn't intrude. It was therefore important to bring the people who were most worried on site, where they would be able to see and discuss their concerns with us. The notoriously fickle weather and Lake Superior both cooperated, and we were able to get into the park most times we tried. Even the less remote parts of the Apostle Islands are hard to access, I was reminded, and the ticks, mosquitoes, and one magnificent bald eagle sighting reminded my guests that Congress doesn't have to declare a place wilderness for it to be one you'll remember for a long time afterwards.

The biggest uncertainty we faced that summer was what would The Wilderness Society and other environmental groups do? Would they mobilize their members with web and email alerts, as they had done the previous summer, but this time oppose the preferred alternative? And if so, would they risk public and political support for any wilderness at all by holding out for the maximum?

After several field trips with influential people in the regional and national environmental groups, it became clear that they were willing to buy our argument to exclude Sand Island but they were holding firm that Basswood should be wilderness. Several key local and regional opinion leaders with ties to national environmental groups met in July and formulated what they called the "Shared Vision," in effect a citizens' proposal for wilderness that was a hybrid between our preferred and the maximum wilderness alternatives. Relationships were

good enough that they sought my input into their proposal in an effort to win NPS support (which I couldn't provide) and consistency with NPS logic on boundaries (which I could and did). The national environmental groups subsequently sent out alerts to their members to urge the NPS to support this configuration of wilderness rather than the NPS preferred alternative.

The citizens' coalition neglected to do the grassroots local work, however, to educate the people living near or visiting the Apostle Islands about their counter-proposal, and so, while it generated huge numbers of comments, few came from those who knew the park well. In all those comments I didn't read a single one with an eloquent or cogent argument as to why the shared vision was notably better for the park's future than the preferred alternative that we had proposed. It boiled down to "more is better," which, while a legitimate viewpoint, wasn't compelling.

One reason there was so little knowledge of the "alternative to the alternatives" is that most people got their information about the process and the options from the NPS. Our website had detailed maps, links to newspaper and magazine articles and editorials, and explanations and excerpts from law and policy articulating what wilderness would really mean for the park. For obvious reasons, we were in no position to advocate, or even explain, the "shared vision." The coalition would have to do its own marketing.

Meanwhile, in addition to the open houses, I once again spoke with every group or agency body I could, patiently answering questions but hopefully showing through my own accessibility that the park seriously cared about what people thought. Three of these meetings are especially notable.

The first, with the local Republican Party. The Democrats were already on record in support but I received a warm response to my request to talk with the GOP. We were fortunate that the chairman of the local party was, in addition to being a prominent developer, married to the leader of the park's Friends group. Over the course of the previous year, we'd talked often about park's role and impact in the economics of our gateway communities. Strong advocates of the park, but skeptics of big government, they came to believe that wilderness would assure that any future development needed to accommodate park tourists would be done outside the park and by the private sector, rather than by the NPS or concessionaires. With this innovative argument, they were able to secure the official blessing of the local party leadership, a critical block in the foundation of the pro-wilderness coalition.<sup>13</sup>

The second notable meeting was with the Bayfield Town Board. While the board voted on record to support wilderness, a new issue was raised about how we were defining the boundary of the proposed wilderness boundary at the water's edge. Our intent was to use the high-water mark above the beach as the boundary, to allow for variation with fluctuating lake levels and to permit beaching of boats just outside the wilderness. Allowing beaching was important to boaters and we didn't see it as markedly different from allowing motor boats a few feet off shore. There has to be a boundary somewhere, and in other wildernesses it is often at a parking lot or the edge of a road. Though late in the process, thoughtful inquiry at this meeting made us go back and work with the lands, legislative affairs, and solicitors office staff in the NPS and Interior to make sure we could find lan-

guage that would achieve our intent.

Lastly, lest this narrative be construed as one of success at every turn, I went before a rather unsympathetic Bayfield County Board and failed to either change minds or do much to build trust. The top-of-the page negative headline in the local paper was a setback, but it curiously generated an outpouring of positive community action and media activity in a classic Newtonian "equal and opposite" reaction. The county board's stated reasons for opposing any wilderness were ideological but such a misinterpretation of law and fact that they, ironically, diminished their own influence in the debate.

The Wilderness Act, passed in 1964, was one of the first laws that required federal agencies to seek public input prior to making major policy decisions. It mandates a public hearing. Innovative for its day, the hearing requirement today seems like a throwback to an earlier era of very formal, but stifled and one-way public interaction. After all the open houses, meetings, and almost 10,000 written comments, it also seemed anticlimactic. But it was required by the law – so we had to learn how to conduct a public hearing, something no one on the park staff had ever done.

The hearing was held on August 27, 2003, in the middle of the last comment period. Eighteen people testified. Of these, twelve were in favor of wilderness, four were opposed, and the opinions of the two others were unclear. Two-thirds of the wilderness advocates supported our preferred alternative. There was little new that came out in the hearing, but it was gratifying to have several of the park's friends, including the mayor of Ashland, Wisconsin, the largest community near the park, go on record in strong support. Counting the formal hear-

ing record, almost 99% of the written remarks in the final comment period were in support of wilderness in one configuration or another, a remarkable and gratifying outpouring.

It certainly helped that we continued to get highly favorable editorial opinion in local and regional newspapers.<sup>14</sup> Influential park advocates also facilitated a media event on September 12 where Wisconsin Governor Jim Doyle joined Gaylord Nelson on the state capitol steps to call on the NPS and Congress to establish federal wilderness at the Apostle Islands. Doyle was the first to publicly advocate for naming the area after Nelson.

### **Wrapping up the wilderness suitability study: now what?**

After the last comment period ended, we retreated to a quiet, but critical stage of the study over the long Wisconsin winter of 2003–2004. The planning team had the laborious task of analyzing and categorizing every comment and correcting errors in the document. I was comfortable with the preferred alternative and received support from the regional director to finalize the study without significant change from the draft which had gone before the public. Mainella did not feel the need for an additional briefing, so we submitted the package for final regional and national review in January 2004. The necessary *Federal Register* notices were published in April.

An EIS is not considered legally *approved*, however, until a record of decision (ROD) is signed, and regulations require one final 30-day period to elapse after the *Federal Register* notice of availability before the decision-maker can sign the document. While it's not officially another comment period, and we were never certain

what we'd do if we did receive substantive comment during this period, we had to wait patiently for that last month.

Though the wilderness planning had moved to a quiet and behind-the-scenes stage, it was anything but a quiet winter politically for the park. With Yellowstone's on-again, off-again snowmobile regulation in the news, Apostle Islands had our own snowmobile crisis to deal with. While it was totally unrelated to, and in different parts of the park than, the proposed wilderness, we feared that the two issues would become conjoined. In closing down unauthorized snowmobile use in the park, we incurred the wrath of many people in the gateway communities, most especially ice fishermen. Fortunately, the openness we practiced over the preceding two years with the wilderness study served us well and by once again vigorously engaging with those most affected by our actions, we were able to gain sufficient forbearance that the feared backlash did not occur. I promised the community that the park would develop a new draft regulation for snowmobiles to address what we all agreed was an untenable situation and we would hold a few open meetings in the spring to seek input on the proposal.

It was a long winter and the ice finally left Bayfield Harbor in late April, ending a tense ice fishing season. Quintana signed the wilderness study ROD on May 6th and we held the first snowmobile open house that night.

Signing the ROD marked the completion of the wilderness suitability study and the formal beginning of the much murkier political process. The park and region were on record with a formal proposal for wilderness designation for 80% of the land areas of the Apostle Islands National Lakeshore. But only Congress can designate wilderness

and park, region, DSC, and NPS Washington staff now had the task of unearthing, or reinventing, the process of officially advancing the proposal to Congress for action. It hadn't been done in so long that the institutional memory was gone. There also had to be one final *Federal Register* notice to announce the availability of the ROD. We prepared the ROD package and sent it up.

Informally, we knew the next step was to secure the director's approval, not just for the ROD but for the actual proposal, and then the Department of the Interior's. A memorandum went from the regional director transmitting the study documents with the appropriate recommendation. Gradually a consensus developed that the best way to record the agency and department's support was not a series of memos but through the development and approval at each step of a formal legislative package that would go from NPS to Interior to the Office of Management and Budget (OMB), representing the White House, and then to Congress with a request for legislative action. If we had OMB's concurrence, we would have the recommendation of the president, which is what the Wilderness Act says is supposed to happen before Congress acts on a wilderness proposal. We began discussions with the NPS legislative affairs office about the substance of the legislation we'd be drafting.

At every stage of the study, however, we always explained to people that Congress can act at any time, and need not await a recommendation from the president. With 2004 being an election year, it was obvious that anything that happened here or out would have to be seen through the lens of state and national politics, and Wisconsin was a swing state in the presidential election. We would do our best as civil servants,

but we knew well that we were no longer in control of the process.

In late June the park received its first inquiry from the secretary of the interior's office. They were interested in highlighting the secretary's support for the Apostle Islands proposal and asked for our help in drafting a press release and finding an appropriate venue to make the announcement. We worked on multiple drafts but the summer was progressing rapidly.

September 3, 2004, also happened to be the 40th anniversary of the passage of the Wilderness Act, and as that date got closer, I suggested that perhaps the secretary would be interested in making the announcement in the context of the anniversary. Indeed, Assistant Secretary for Fish and Wildlife and Parks Craig Manson came to Bayfield and the Apostle Islands and made the announcement in a public ceremony on September 2, the eve of the anniversary. To our delight and surprise, however, he went beyond the prepared remarks and challenged the Congress to rapidly enact legislation making the Apostle Islands wilderness a reality.

The presidential election loomed ahead and most observers, as well as participants in the process, were skeptical that Congress would take this on, with so many higher-profile issues dominating the national agenda. But with Manson's challenge, we wanted to seize the moment—just in case—and drafting a good Apostle Islands wilderness bill became our top priority, and a priority of the secretary's office.

My offer to write the first draft of a bill was accepted and the specifics of the park proposal were incorporated into an emerging series of drafts that went back and forth with the NPS and departmental legislative affairs staff. The process continued into

October, though, and prospects for congressional action seemed unlikely. Congressman David Obey (D-WI), the park's representative and the ranking minority member on the House Appropriations Committee, requested legislative drafting services of the NPS, however, merging the agency effort to develop a wilderness bill with the congressional effort.

The presidential election came and went without a wilderness bill, and, though we were disappointed that a bill hadn't made it to Congress, we had always regarded that as a long shot. Our primary interest at this point was completing the legislative package and getting a transmittal memo through the department and OMB, so that at least the Apostle Islands wilderness would become *recommended* wilderness, a step slightly further along than *proposed* wilderness. It's a distinction with no practical effect on the ground but potentially huge import should there be a long delay in congressional action.

I saw Obey on November 10, 2004, and he said there was one more chance to get a bill in the dwindling days of the 108th Congress, but it wasn't something he could be sure of. Congress had to reconvene in a lame duck session to pass the federal budget. Perhaps he could attach the park's legislation to the appropriations bill.

And that's the way it happened. No committee hearings, no floor debates, very little mark-up. In the final moments of the legislative session, the House passed the Consolidated Appropriations Act of 2005, with small, hardly noticed section which created the Gaylord A. Nelson National Wilderness in the Apostle Islands National Lakeshore.

In the last-minute give and take, Obey agreed to several "savings provisions" in the

bill that guaranteed that nothing in it would alter the existing management of Lake Superior waters, the use of motors or snowmobiles on the lake, or the maintenance and expansion of existing docks. At least one environmental group described this as a "slippery slope," interpreting the provisions as exceptions to wilderness management. In fact, they will have no effect at all on the park, or on wilderness management in the park, because the lake and all of the docks are outside the boundaries of the wilderness.

### Lessons learned

The recent experience at the Apostle Islands proves that wilderness designation remains a viable land management strategy, and that neither the purists nor the naysayers necessarily have the last word. The political environment here no doubt was more amenable than in many other areas, but the strength of our approach was in the good will and trust built up slowly, one person and one group at a time. Communication, especially with those who were most worried, was essential, and allowed us to build a strong and wide coalition.

Defining the terms of the discussion about the certainty of the park's future—what we believed wilderness would assure—resonated with people who told us they didn't want the park to change. It helped us answer the question "why wilderness?" in a way that increased people's comfort level, even among skeptics. And trying to gently refocus the concerns of those skeptics on the legal definition of wilderness, rather than the emotional or spiritual aspects of the proposal, also helped turn the discussion with those who didn't believe the park qualified because of

previous land use history or motor boats and docks on its edges.

Listening to what worried people said, and factoring those concerns into our planning, but equally importantly, into our communications, helped us make inroads with the business community and user groups. Whenever possible, we let them speak for wilderness while we stood in the background. This allowed public figures of both political parties to come out in support without fear of backlash. Validating, even embracing, the park's human history as a complement of wilderness, rather than a competitor to it, also strongly resonated with people who knew the area.

Now, as we contemplate the beginning

of the first visitor season of the Gaylord Nelson Wilderness, we see opportunity. Our first obligation is to be true to the promises: we said there'd be no significant changes to the visitor experience, and we now need to prove that. We also plan to celebrate the value of wilderness through our interpretive efforts. We will begin to tell the story of Gaylord Nelson to keep his legacy alive for future generations.<sup>15</sup> But most importantly, we will be true to the law and spirit of the wilderness act by managing the area using the "minimum requirement," while securing "for the American people of present and future generations the benefits of an enduring resource of wilderness."<sup>16</sup>

## Endnotes

1. Public Law 108-447, Division E, Section 140.
2. This section is borrowed liberally and with permission from an unpublished manuscript by Jim Nepstad, the park's chief of planning and resource management and wilderness study coordinator, entitled "Wilderness in the Apostles: 1955-1970."
3. Harlan P. Kelsey, "Report on Apostle Islands National Park Project: Memorandum for Mr. Horace M. Albright," January 20, 1931.
4. Wisconsin Conservation Commission, "Policy on Acquisition of an Apostle Islands Wilderness Area," August 12, 1955.
5. Harold C. Jordahl, Jr., *A Unique Collection of Islands: The Influence of History, Politics, Policy, and Planning on the Establishment of the Apostle Islands National Lakeshore* (Bayfield, Wisc.: Apostle Islands National Lakeshore, 1994).
6. Public Law 91-424.
7. This document later was determined to serve as the park's wilderness suitability assessment, the first step in the formal wilderness study process. It was not thought of that way at the time it was written, however.
8. Michael Rees was the DSC team leader and principal author of the study and EIS.
9. Only 17 of these comments were opposed to any wilderness.
10. *Milwaukee Journal-Sentinel*, July 30, 2002.
11. Cronon's lengthy and articulate submission during the second comment period is testimony that individual comments can and do influence decision making in an open public process. They helped us navigate the cultural-natural conundrum in wilderness in a way that we believe strengthened our commitment to both. His comments were the basis for his seminal article "The Riddle of the Apostle Islands" in the May-June 2003 issue of *Orion*



which was published, not coincidentally, just prior to the opening of the final comment period. The *Orion* reprint became, with permission, an important handout for us at public meetings and a link on our wilderness study web page. See [www.nps.gov/apis/wstudy.htm](http://www.nps.gov/apis/wstudy.htm) and link to Cronon article from this site.

12. This land dispute has never been formalized or adjudicated, but the lands clearly are in NPS ownership even if they fall within the Bad River reservation. Long Island is very narrow, experiences high levels of day use in the summer, and has two historic light stations and the ruins of a third on it. While it has some of the best bird and wetland habitat in the park, there were enough “issues” that keeping it out of the wilderness proposal seemed appropriate, and generated very little opposition while earning the (qualified) support of the tribal council. Both the Bad River and the Red Cliff tribes made their support of wilderness contingent upon the NPS’ acknowledgement of the tribes’ off-reservation rights to hunt, fish, trap, and gather that they assert were guaranteed by their 1842 treaty with the United States. The issue of treaty rights is too complex to be discussed here but we tried hard to meet their concerns, which the park staff view as legitimate, while not encumbering the NPS with a legal position prior to that process playing out, which will take years.

13. Hank and Sue Martinsen also actively encouraged state and national Republican leaders to support wilderness at the Apostle Islands, including a conversation with President Bush at a Washington party. We’ll never know the impact of these conversations, but it’s hard to imagine they were anything but helpful.

14. See, for example, [www.ashlandwi.com/placed/index.php?story\\_id=151079](http://www.ashlandwi.com/placed/index.php?story_id=151079); [www.superiorwi.com/placed/index.php?story\\_id=151820](http://www.superiorwi.com/placed/index.php?story_id=151820); [www.madison.com/archives/read.php?ref=tct:2003:10:11:283971:EDITORIAL](http://www.madison.com/archives/read.php?ref=tct:2003:10:11:283971:EDITORIAL); and [www.washburnwi.com/placed/index.php?sect\\_rank=5&story\\_id=154274](http://www.washburnwi.com/placed/index.php?sect_rank=5&story_id=154274).

15. The author is writing as of spring 2005. Nelson died on July 3, 2005.

16. The Wilderness Act, Section 2(a).

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