



117 South First Street • Montevideo, MN 56265

February 14, 2025

Thomas Hall
Forest Supervisor
8901 Grand Avenue Place
Duluth, MN 55808

Linda Merriman
NEPA Planner
218-365-2095

Aaron Kania
Kawishiwi District Ranger
1393 Hwy 169
Ely, MN 55731

Re: Fernberg Corridor Landscape Management Project

Dear Mr. Hall, Mr. Kania, and Ms. Merriman:

CURE is a rurally based, non-profit organization dedicated to protecting and restoring resilient towns and landscapes by harnessing the power of the people who care about them. We write today regarding the Environmental Assessment (EA) and alternatives proposed in the Fernberg Corridor Landscape Management Project (Project).

As an initial matter, as members of Minnesota's northeastern community, we would like to express our deep appreciation and support for the work you do in the district and across the forest. Your staff and their exceptional dedication to the important work that they do is what makes our national forest a treasure worth saving and should be recognized for the benefits it brings to our residents and businesses. It is the work of dedicated public employees that makes our community and country safer, more resilient, and prosperous, and we value the commitment you've made and all your efforts on our behalf.

CURE supports Alternative 2, the preferred alternative, but encourages a clarification regarding how prescribed fire activities are overseen and staffed. We agree that prescribed burning outside of the wilderness can be done to improve habitat and protect human life. We also think that there is a worthwhile place for prescribed fire improving conditions and habitat inside the wilderness. Both of these types of applications of fire should be undertaken with the participation of tribes, and consistent with their treaty rights.

Minnesota's tribes are still here and have vibrant communities and cultural practices, with significant traditional knowledge on a range of topics. As a result, rather than managing the

forest *for* the benefit of tribal members, it remains important that USFS staff continuously work *with* tribal staff and treaty-body experts to improve land management under the Project. CURE agrees that a “flexible toolbox approach” is appropriate,¹ but the flexibility should explicitly be to the benefit of treaty resources. Some amount of give and take is necessary to respond to changing conditions due to climate change, species migration over time, and tribal members’ evolving needs as treaty-rights holders. As a result, CURE would like to see the Project document commit to including tribal and treaty-body land management staff in decisions of where and how to apply prescribed fire. Ideally, when burning in either the wilderness or outside of it, staff working for the tribes should be given the opportunity to serve as fire bosses, or other key management staff making decisions on how and whether to apply this form of treatment. By fully empowering tribal staff to co-manage the resource, forest staff will benefit from additional expertise and perspective, while also abiding by the direct legal duty imposed by the 1854 Treaty.

To the extent that there are capacity constraints at the forest or among tribal/treaty body staff, it will be necessary for the forest to work with Bureau of Indian Affairs, outside funders, or other sources of staffing, funding, or expertise to assure that both the forest and the tribes have sufficient resources to collaborate on the issue of prescribed fire. It is possible that the federal government will have to detail staff to the district for this work, and it may be necessary to secure or reassign staff through Intergovernmental Personnel Act assignments. Building capacity in both the district and the tribes through the exchange of information, and potentially staff, will be a long-term benefit to mutual understanding and the co-management of the overall Superior National Forest. While the Project only regards a small part of one district, co-management developed under this plan could benefit the whole district and the whole forest if it improves relationships and capacity across all the partner governmental entities.

In conclusion, CURE writes in support of Alternative 2, and encourages a commitment to active collaboration with tribes as regards prescribed fire. It is very good to see the proposal to extend the North Country Trail, and generally support non-motorized recreation activities. We are supportive of the forest and tribes maintaining and securing maximum staff capacity in order to undertake this Project, and again wish to express our appreciation for staff’s work in this Project and your other essential duties.

Sincerely,

/s/ Hudson Kingston

Hudson B. Kingston

Legal Director

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¹ Draft EA at 11. Of course, a “flexible toolbox” would be somewhat defective were it not a metaphor.