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February 7, 2013

Jeff Kwasny  
Los Padres National Forest  
Monterey Ranger District  
406 South Mildred Avenue  
King City, CA 93930

Via email: [comments-pacificsouthwest-los-padres-monterey@fs.fed.us](mailto:comments-pacificsouthwest-los-padres-monterey@fs.fed.us)

Dear Mr. Kwasny,

The following comments come from Wilderness Watch regarding the proposed action for the Strategic Community Fuelbreak Improvement Project. Our comments will focus primarily on the portions of this proposal contemplated for inside the Ventana Wilderness.

Wilderness Watch is the only national nonprofit conservation organization focused solely on the protection of Wildernesses that are part of the National Wilderness Preservation System (NWPS). We have members in every state in the nation, including California, and we work to protect Wildernesses across the entire United States. Wilderness Watch engages in a wide variety of advocacy efforts, including citizen engagement, legislation, and litigation. Wilderness Watch has the strongest track record of successfully litigating Wilderness Act cases of any conservation organization in the nation.

As we understand from the November 30<sup>th</sup> letter from your office, the proposed action includes building approximately 7.5 miles of permanent fuelbreaks within the Ventana Wilderness. The proposal envisions the use of chainsaws within the Wilderness to cut 150-foot-wide fuelbreaks, and use of heavy equipment for piling of woody materials, pile burning, and mastication.

**Wilderness Watch is adamantly opposed to these parts of the Forest Service (FS) proposal.**

Our specific comments follow:

**1. Proposal Violates Wilderness Act.** The Forest Service proposal would violate the Wilderness Act, specifically the bans on motorized equipment and vehicles and the requirement to maintain untrammeled Wilderness managed so as to preserve its primeval character and influence and its natural conditions.

The Wilderness Act, Section 4(c) states:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, ***no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport***, and no structure or installation within any such areas. (emphasis added)

In addition, Section 4(b) of the Wilderness Act unambiguously directs the FS to preserve the wilderness character of the Ventana Wilderness:

Except as otherwise provided in this Act, each agency administering any area designated as wilderness ***shall be responsible for preserving the wilderness character*** of the area and shall so administer such area for such other purposes for which it may have been established as also ***to preserve its wilderness character***. (emphases added)

Furthermore, the definition of Wilderness in Section 2(c) of the Wilderness Act requires the FS to protect the untrammeled character of the Ventana Wilderness:

A wilderness, ***in contrast with those areas where man and his works dominate the landscape***, is hereby recognized as an area where the earth and its community of life are ***untrammeled by man***, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land ***retaining its primeval character and influence, without permanent improvements*** or human habitation, which is protected and managed so as to preserve its natural conditions.... (emphases added)

**2. Special Provisions are Ambiguous.** The special provisions in the statutes that added lands to the original Ventana Wilderness are confusing and ambiguous, and do not constitute a clear authorization of the proposed action.

In 2002, for example, Congress included the following language in the law that added over 37,000 acres to the Ventana Wilderness:

(a) REVISION OF MANAGEMENT PLANS.—The Secretary of Agriculture shall, by not

later than 1 year after the date of the enactment of this Act, amend the management plans that apply to each of the Ventana Wilderness and the Silver Peak Wilderness, respectively, to authorize the Forest Supervisor of the Los Padres National Forest to take whatever **appropriate actions** in such wilderness areas are necessary for fire prevention and watershed protection **consistent with wilderness values**, including best management practices for fire presuppression and fire suppression measures and techniques.

P.L. 107-370, Sec. 4(a) (emphases added)

Wilderness Watch believes that the presuppression activities proposed in the planned action, the development of permanent fuelbreaks in the Wilderness, and the use of chainsaws and motor vehicles cannot be accomplished “consistent with wilderness values” without destroying those wilderness values.

**3. Special Provisions Don’t Authorize Chainsaws, Permanent Firebreaks.** The special provisions in the statutes that added lands to the original Ventana Wilderness do not authorize use of chainsaws or heavy motor vehicles, or developing permanent firebreaks in Wilderness. The FS simply cannot use chainsaws or motor vehicles in the Ventana Wilderness, nor develop permanent firebreaks.

**4. Special Provisions Don’t Mandate Proposed Action.** Even if the special provisions would authorize the proposed action, and we don’t believe they do, the special provisions don’t require or mandate the proposed actions.

Public Law 95-237, Section 2(d), for example, authorizes the Forest Service to take

...acceptable fire presuppression and fire suppression measures and techniques.

This language does not mandate or require the Forest Service to take such steps. The agency has discretion and latitude on this point. The FS should not conduct the actions as proposed, since they will degrade the wilderness character of the Ventana Wilderness.

**5. Terrible Precedent.** Even if the firebreaks were justified, and we don’t believe they are, the FS would be setting a terrible precedent not only for future managers of the Ventana Wilderness but for the entire NWPS by authorizing such extensive use of motorized equipment in Wilderness. It would make it easier for subsequent FS wilderness stewards to authorize motorized equipment for maintaining the firebreaks, and other FS managers around the country could cite this proposal as a precedent to conduct presuppression activities in other Wildernesses. If the FS can’t carry out the proposed activity without the use of motorized equipment, then the agency shouldn’t do it at all.

**6. Presuppression Done Outside Wilderness.** Presuppression activities should occur *outside* the boundaries of the designated Ventana Wilderness, rather than inside Wilderness. The emphasis should be on “fire-proofing” the private structures on private

land using all the latest research and management techniques, which have proven to be far more effective at structure protection than has manipulating the forest.

**7. Non-Native Invasive Species.** One likely outcome of the proposed action is that the FS will create a 7.5-mile-long corridor of weeds inside the Ventana Wilderness in the firebreaks as non-native invasive species gain a foothold in the firebreaks. This result might well require the use of herbicides to contain or eliminate these species, yet another violation of Wilderness values.

**8. Appropriateness of Fire Suppression/Presuppression.** The FS should analyze whether fire suppression and presuppression are still appropriate in the Ventana Wilderness. The knowledge about the ecological role of fire in Wilderness has grown exponentially since the first special provisions for Ventana were passed in 1978. The agency's understanding of the costs and benefits of fighting fire in Wilderness versus allowing wilderness fires to burn has also increased dramatically since 1978. In 2012, for example, when the mandate came from the Chief's office to suppress all fires, some local FS officials allowed some fires to burn in Wilderness and to allow fire to play its natural role in the ecosystem. The agency must re-evaluate whether fire prevention is possible, appropriate, desirable, or cost-effective in the Ventana Wilderness.

## **9. The Draft Environmental Impact Statement (DEIS) Must Include:**

a. A full range of alternatives, including at least one where presuppression activities are conducted only outside designated Wilderness, and an alternative where no chainsaw use is allowed inside designated Wilderness.

b. An analysis of the newest FS research that shows the most effective means to fireproof homes in a wildland/urban interface is to remove the fuels in immediate vicinity of homes, not miles away, and to "fireproof" the structures via wraps, foam, sprinkler systems, use of fire-resistant materials, etc.

c. Full analysis of the impact on wilderness character and wilderness values from the proposed action, including cumulative impacts of creating permanent fire lines in Wilderness. "Outstanding opportunities for solitude" must be included as one of the wilderness values to be analyzed.

d. Full analysis of how permanent fire breaks in the Ventana Wilderness might lead to the invasion of non-native invasive species in the Wilderness or access by motor vehicles such as ATVs or other off-road vehicles.

e. An analysis of each proposed fire line and where it is located with regard to the original Ventana Wilderness, the 1<sup>st</sup> Wilderness Addition, the 2<sup>nd</sup> Addition, etc.

f. An analysis of how the proposed action is taking climate change into account. By most estimates, fires will be more frequent and intense with the changes now underway. The analysis must study how climate change affects the effectiveness of the firebreaks, how

often the firebreaks will need to be maintained, and how climate change alters the cost/benefit analysis of focusing on manipulating vegetation rather than protecting structures.

g. An analysis of whether fire prevention and suppression are either possible or desirable in Wilderness.

Please keep Wilderness Watch informed of every step in the process for this project.

Sincerely,

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Conservation Director  
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