



WILDERNESS WATCH

Keeping Wilderness Wild

May 13, 2019

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Nogales Ranger District

Attn: Jim Copeland
District Ranger
303 Old Tucson Road
Nogales, AZ 85621

Submitted this date via: <https://cara.ecosystem-management.org/Public/CommentInput?project=51926>

Re: Cienega Creek FireScape

Dear Ranger Copeland:

The following are comments from Wilderness Watch on the environmental assessment (EA) for the Cienega Creek FireScape. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper stewardship of the National Wilderness Preservation System. Please keep us updated on this project. We found out about this proposal by happenstance in the last few days.¹

Wilderness Character

The Proposal would allow manipulation and trammeling of the Mount Wrightson Wilderness that violate the Wilderness Act. Our organization supports allowing lightning-caused fire to play its natural role in the Wildernesses but the Forest Service plan proposes to significantly manipulate the Wilderness in ways that will destroy the area's wilderness character.

Section 2(c) of the Wilderness Act defines "Wilderness" as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled 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

¹ Please note that we have sent in comments on a previous and similar proposal (Catalina-Rincon), which we have had no communication since that proposal and received no notification of another similar proposal in the Chiricahua Mountains Wilderness.

primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Congress was clear through the Section 2(a) "Statement of Policy" that Wilderness areas "shall be administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character..." Pursuant to Section 4(b), "each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such areas for such other purposes for which it may have been established as also to preserve its wilderness character."

Section 4(c) prohibits certain uses of and activities within wilderness because these uses are activities that degrade wilderness character. The Wilderness Act is clear that:

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 [the Wilderness 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 area.

16 U.S.C. §1133(c). Thus, permanent roads and commercial enterprise are prohibited except as expressly provided for in the Wilderness Act. The use of motorized equipment and vehicles are prohibited "except as necessary to meet minimum requirements for the administration of the area for the purpose of this [the Wilderness Act]." The Forest Service is proposing prohibited uses and activities without demonstrating that the above special provisions or exceptions apply.

The 1964 Wilderness Act defines Wilderness in part as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." Untrammelled means unmanipulated or unconfined, where humans do not dominate or impose human will on the landscape. Wilderness designation brings a special protection and requires the federal land management agencies like the Forest Service to not manipulate or dominate the Wilderness. Rather, federal agencies are required to preserve the wilderness character of the Wildernesses, in essence to protect their wildness.² This mandate is reflected in the epigram written by the drafter of the Wilderness Act, Howard Zahniser of the Wilderness Society, who wrote, "*With regard to areas of wilderness, we should be guardians not gardeners.*"

² See the enclosed Attachment 6, prepared by wilderness experts, which criticizes the fragmentation of wilderness character into various factors as the EA does on page 38.

Concerns over forest health (undefined) assume that a certain vegetative condition is needed in Wilderness. It also inappropriately conflates Wilderness with specific vegetation types.

Further, section 4(d)(1) of the Wilderness Act, while allowing measures to control fire, does not address the issue of pre-suppression actions, including manager-ignited prescribed fires, the use of chainsaws, or cutting and construction of fire lines. This is a misreading of the Act and conflicts with the Forest Service Manual which recognizes there is no broad discretion to light fires in Wilderness (see FSM 2324.22 parts 6, 7 and 8).³ Further, the Manual allows no pre-suppression logging or other mechanical treatment in Wilderness.

The fundamental tenet of wilderness stewardship was reiterated in a program review initiated by the four federal agencies and conducted by the Pinchot Institute for Conservation in 2001. The purpose of the study was to examine the critical management issues facing Wilderness. One of the eight “fundamental principles” for stewardship emphasized the need to preserve the wildness in Wilderness. As the Pinchot report stated, “Protection of the natural wild, where nature is not controlled, is critical in ensuring that a place is wilderness... Since wild is a fundamental characteristic of wilderness that is not attainable elsewhere, if there is a choice between emphasizing naturalness and wildness, stewards should err on the side of wildness.”

Even if manager-ignited fire may bring some perceived ecological or species-specific benefits, human-ignited fire in Wilderness is a significant manipulation or trammeling of the area. However, prescribed fire can’t begin to mimic natural fire in several key ways (extent, seasonality, severity, frequency, etc.). The Forest Service’s plans have the potential to turn the affected sections of the Mount Wrightson Wildernesses from wild wildernesses into a heavily manipulated, managed forests. Allowing the area to evolve of its own accord and letting lightning-caused fire play its natural role in the Wildernesses, along with structure specific protection measures on private land, as recommended by the Forest Service’s own research (see for example the research from the Forest Service’s own Dr. Cohen) is a much better alternative. Indeed, if the goal is to protect other values, then Dr. Cohen’s research shows that action around homes is the most effective, the first 10 meters is most important and anything beyond 40 meters is largely ineffective.

The comments relating to fire apply even more to mechanical vegetation manipulation. What is more unnatural or more trammeling than machines—chainsaws and weed-eaters--inside the Wilderness? By way of analog, the Forest Service would have never in the past considered such an action as appropriate in Wilderness.

A review of wilderness legislation regarding fires and mechanical vegetation manipulations is important. While there have been a few instances where actions like those contemplated in the EA were allowed, in those instances there have been specific legislative provisions. Those instances have been rare. Furthermore, the overriding concern of preserving wilderness character is paramount even in those rare instances where this kind of manipulation could conceivably be considered.

The Forest Service provides no clear explanation for why this active manipulation, and the

3 That said, while the Manual puts constraints on the use of management-ignited prescribed fire—constraints that are largely ignored in this EA--we would note that manager-ignited prescribed fire is at odds with the Wilderness Act, regardless of Manual direction.

accompanying prohibited activities, are necessary to administer the Mount Wrightson Wilderness. Rather, one could infer the analysis is based on the premise that the agency will have to fight fires in the Wildernesses to prevent some undefined decline in forest health. This is highly questionable as there is no indication that future actions would indeed be any different as a result of this extensive manipulation of the Wilderness. What guarantee is there that the Forest Service will allow fire to play its role in the Mount Wrightson Wilderness after this treatment? If recent history is any indicator, the agency will not allow fire to play its role. Thus, the inference readers of the EA draw from the document that fuel reduction through mechanical manipulation and prescribed fire will reduce or preclude large wildfires and also allow fire to play its natural role in the future is specious at best.

Indeed, there are assumptions throughout the EA that fuel drives large fires. These issues are mainly addressed in the section dealing with the national environmental policy act (NEPA). A similar assumption is that fire suppression (assumed to be effective) has resulted in an unnatural forest and therefore trammeling is necessary. This elevates some ambiguous definition of naturalness above wildness, which is contrary to the Wilderness Act.

The Forest Service has not demonstrated that ecosystem modification or modification of natural processes is “the minimum requirement for administering the area as wilderness” or that the authorized action would restore biological integrity, diversity, or environmental health of the Wilderness. Indeed, no MRDG is yet available and that information is not included in the EA. Such an analysis would be very important for the public to see how the agency wilderness experts believe this project and the various alternatives affect the restore ecosystem health, composition, structure and function.

This rationale represents a serious departure from the foundational principles embodied within the Wilderness Act. One cannot reverse trammeling through more trammeling. The Wilderness Act defines Wilderness “as an area where the earth and its community of life are untrammelled by man.”

Additionally, the notion that “natural” conditions that have long been absent within a particular area due to fire suppression and past development can somehow be reconstructed within that area with more logging and fire suppression (to protect human property) is suspect. Add to that the rapidly changing nature of our forests from climate change, and it becomes nearly impossible to discern a historical “natural” baseline point from which we should gauge “naturalness.” This is why Howard Zahniser’s foresight is so important. He focused, primarily, on the “untrammelled” character of wilderness in the Wilderness Act knowing that what is “natural” for that area will necessarily flow from what is “untrammelled.” The uncontrolled, unmanipulated processes in wilderness create the state of naturalness for that area. This is important because this provides us with a baseline from which to measure our management actions outside of wilderness. If we start managing wilderness the same way we manage lands outside of wilderness, through active manipulation, we lose the untrammelled baseline and we thus lose what is “natural” for that area at that point in time.

The upshot is the interplay between the supposed purpose and need of this project, the Wilderness Act, and EA is such that the concept of wilderness character is turned on its head.

For example, fire, a natural process is determined to have greater impact to Wilderness than does prohibited uses.

NEPA

There is no alternative that does not trammel or alter the Wilderness. There is no alternative that forgoes the use of motorized equipment in Wilderness.

There are assumptions throughout the EA that fuels drive large fires. A similar assumption is that fire suppression (assumed to be effective) has resulted in an unnatural forest is an implication that beetle-killed or dead trees increase fire severity. There are serious problems with these assumptions. In the subheadings below, we address some scientific studies that refute these assumptions.

Large wildfires are climate driven/fuel reductions have questionable results

There is considerable research that supports the contention large fires are climatically driven and fuel reductions do not work. For example see Forest Service research on the Fourmile Fire in Colorado. That abstract notes, "Fuel treatments had previously been applied to several areas within the fire perimeter to modify fire behavior and/or burn severity if a wildfire was to occur. However, the fuel treatments had minimal impact in affecting how the fire burned or the damage it caused." (See attachment 1) Another study that questions the assumption that fuel treatments will be effective in reducing large wildfires (see attachment 2) numerous other studies also support that view.

Trees that are killed by insects don't increase fire hazard

Beetle killed trees are less of a fire hazard than green trees in dry conditions, once the needles fall off. The presence of beetle kill has little do with the fire spread. (See attachment 3.)

Most fires are not out of the natural range

Significant recent research suggests that the effects of fire suppression have been overstated. In other words, many forests are not out of whack as the scoping letters suggest. This is especially true for all forests outside of the lowest elevation dry forest of ponderosa pine, and even may include ponderosa pine and Douglas fir. Please see the attached articles on this issue directed at lower elevation forests. (See attachments 4 and 5).

The Wildland Urban Interface

The best way to deal with protecting homes is through policies like installation of fire resistant roofing material and removal of flammable materials away from homes. Research suggests this is the most effective way to prevent loss of structures.

The upshot of the preceding paragraphs is that they affect the supposed purpose and need of this project in various ways. For example, the fire ecology model in the EA is wrong because it is apparently premised on a belief that fuel amount drives fire severity. A wet moist forest does not burn regardless of the amount of fuel it contains.

As noted above, other than the throwaway no-action alternative, no alternative is analyzed that does not manipulate the Wildernesses. Such an alternative would have met wilderness concerns.

The cumulative impacts of ongoing fuels treatment programs are not analyzed. Since vegetation

grows, there will be a continuing “need” to maintain the fuel breaks. The EA fails to analyze how such a recurring trammeling of Wilderness compares with the current policy, which is to generally suppress most fires in Wilderness.

Summary

The EA is inadequate in its analysis of impacts to the Wildernesses and in its analysis of this proposal. The EA needs to be withdrawn and rewritten.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Macfarlane", written in a cursive style.

Gary Macfarlane
President

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