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Submitted via: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=64745>

Dear US Forest Service Staff,

The following comments come from Wilderness Watch on the draft Environmental Impact Statement for the proposed amendments to the Northwest Forest Plan (NWFP). Wilderness Watch is a national wilderness conservation organization focused on the protection and proper stewardship of all units of the National Wilderness Preservation System, including all Wilderness areas that fall within the vast area whose management directives fall under the jurisdiction of the NWFP.

The DEIS ultimately fails to honor the statutory requirements of the Wilderness Act, because rather than understanding Wilderness as its own unique land management designation, the amendments lump Wilderness with other types of public lands in the management plan's area, referring to them collectively throughout the proposed amendment as land use allocation (LUAs). However, the Wilderness Act, unlike other public lands designations, does not call for multi-use. The conservation of Wilderness only requires that it be managed for the sole purpose of maintaining its wildness above any economic, recreational, or scientific use. By failing to consider the Wilderness areas within the project area through a unique management lens, the amendments will inevitably lead to vague and broad management approaches that forego the necessary considerations statutorily required by the Wilderness Act. The amendment to the NWFP has the potential to impact how the FS manages over 3.7 million acres of Wilderness in the region, and should therefore provide a more detailed explanation of the ways in which the amendment will approach wilderness management specifically.

The primary motivations behind this amendment appear to be focused on landscape-level manipulation and the timber economy. The agency states outright in the DEIS:

The Forest Service is proposing this amendment to address current conditions and new information; to improve resistance and resilience to wildfire where needed across the NWFP area; support adaptation to and mitigation of climate change in the NWFP area; address management

needs of mature and old-growth forests with related ecosystem improvement; and contribute predictable supplies of timber and nontimber products to support economic sustainability in communities affected by forest management in the NWFP area.

While each of these motivating factors could be picked apart individually for their potential to violate the protection given to designated Wilderness area, particular attention should be brought to the final driving factor on the list provided by the Forest Service within the DEIS. The Wilderness Act expressly mandates the agency administering Wilderness to preserve the Wilderness character of the area, 16 U.S.C. §1133(b), and expressly prohibits any commercial activity with Wilderness areas. “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” 16 U.S.C. §1133(c). Landscape manipulations understood in the DEIS to trammel Wilderness character, are blatantly commercial, and often include road building. They violate the Wilderness Act in multiple ways.

Again, we return to the fundamental problem with the proposed amendment—while it acknowledges that Wilderness exists within the area impacted by the NWFP, it remains vague and unclear about how it will manage Wilderness differently than any other type of public land subject to the guidance of this document.

Comment

The Wilderness Act strictly forbids the manipulation of Wilderness to achieve so-called desired conditions. The DEIS states:

Alternative B would... establish desired conditions generally applicable across all land use allocations in line with the 2012 Planning Rule; and establish updated management direction to improve forest structure (including old-growth characteristics), create more resilient ecosystems, and provide a more predictable and sustainable supply of timber. (DEIS at ES-4)

Here it appears that, under the management strategies proposed by the amendments, Wilderness would be managed no differently than any other type of public land under the collective designation of LUAs. However, thinning and prescribed burning is an act of trammelling and is not allowed in designated Wilderness. Trammelling is considered to be any act that would manipulate or control Wilderness to act in a way other than the ecological cycles of the habitat would act without human intervention.

Section 4(d)(1) of the Wilderness Act—a special provision for the control of fire, insects, and disease—does not authorize pre-suppression landscape manipulations. This section of the Wilderness Act states:

[S]uch measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

Special provisions to a statute are specifically enumerated and are narrowly crafted exceptions to the statutory scheme. They must be construed as such. The special provision on fire, insects, and disease at §

4(d)(1) cannot be applied so broadly that it renders the statute, its terms, and its overarching mandate meaningless. Section 4(d)(1) necessarily has boundaries that prohibit an agency from pointing to diffuse and enduring environmental conditions (e.g. climate change, fire risk, naturally high tree density, changing species compositions, etc.) as a rationale to control those conditions via logging, burning, and other landscape manipulations. Accordingly, the fire, insects, and disease special provision requires some exigency, such as responding to a fire that might threaten a town, some consideration of scale and intensity, and some finality so that fire control does not become an ongoing, landscape-scale ecological manipulation project that completely overrides the purpose and goals of the Wilderness Act.

Further, while the DEIS is not clear as to whether the fuels reductions and prescribed burning projects within Wilderness areas would be done using non-mechanized methods, it is worth emphasizing that the Wilderness Act forbids any type of mechanized equipment from being used in designated Wilderness areas.

Finally, it is important to point to the concept of *desired conditions* in the above excerpt from the DEIS, as this concept runs contrary to the very spirit of the Wilderness Act, which requires that Wilderness exists, “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 untrammelled by man,” 16 U.S.C. §1131(c). Therefore, implementing projects within Wilderness with the purpose of facilitating “desired conditions,” is incompatible with the statutory requirements of the Act.

Wilderness management must be understood through the lens of ecological time, rather than anthropocentric time. When comparing alternatives, the DEIS states:

Overall, the vegetation management activities that would occur under Alternative C would result in a reduced pace, scale, and intensity of treatments than under Alternative B and would therefore not move toward the desired conditions as quickly or effectively. (DEIS at ES-8)

Desired conditions and “moving toward” them—quickly or otherwise— is not a lawful goal of wilderness management. Western red cedars and Douglas firs can live for over 1000 years, while redwoods can live for up to 3000 years. Prioritizing quick management strategies is an anthropocentric motivation, a result of the very human drive for quick solutions and immediate gratification, that does not take into consideration the vastly different timescale upon which forests function. Therefore, the speed at which the preferred alternative would bring about desired conditions should not be framed as a positive attribute of the management approach, but rather should raise concerns about whether the management strategy runs contrary to the natural development of the forest, potentially resulting in destabilization and unforeseen consequences.

Growing research shows that modern fire management approaches could have little impact on the prevention and abatement of wildfire, and in some cases it makes the conditions worse. One example of this is the Paradise Fires—the area of the wildfire was previously thinned and treated, but the result was one of the most devastating wildfires in American history. It doesn’t stop there—thinning has failed to prevent numerous wildfires that have damaged communities including the Dixie fire of 2021, the Caldor fire of 2021, and the North Complex fire of 2020, among others.

Organizations such as the John Muir Project have provided an abundance of research that brings into question the efficacy of the agency's proposed methods for mitigation of wildfire, including thinning and prescribed burning. We have included several of these studies in the attachments for your consideration. By applying the same strategies of fuels reduction and thinning to the areas within the project, including wilderness, the Forest Service is putting nearby communities in more danger, rather than protecting them from the risk of wildfires. This is largely due to the fact that wildfire severity has less to do with "hazardous fuels" and more to do with weather and wind. Because these factors are beyond the scope of human's ability to manipulate, it is necessary to consider other factors we do have the ability to control. This comes in the form of a widespread investment in home hardening action which will significantly reduce the chances of property loss.

Therefore, for reasons that are both scientific and legally binding, the DEIS should include robust sections detailing how it will manage Wilderness differently than other lands in the plan, including no prescribed burning and a willingness to let naturally-ignited wildfires run their course in these areas. Healthy ecosystems depend on mixed-severity fires, including high-severity fires. While this reality may not benefit a logging economy, it is the feature of a wild ecosystem.

The only mandate required by the Wilderness Act is the management of the area as Wilderness. Wilderness is defined by its untrammeled character, which means that manipulation of the land in order to return to "desired conditions" is forbidden. Therefore, the amendment must decouple designated Wilderness from the other LUAs and the broader context of land management strategies and give them consideration under the guidance of the Wilderness Act.

We find it telling that in a document that spans hundreds of pages the term Wilderness is only used 15 times, but the amount of Wilderness acreage potentially impacted by the amendments is over 3.7 million acres. While we understand that forest plans provide details in broad strokes, the approach to Wilderness management within this amendment is far too broad.

Thank you for considering our comments, and please keep us informed on any decision regarding the proposed Northwest Forest Plan amendment.

Sincerely,

A handwritten signature in black ink, appearing to be 'MP' followed by a long horizontal stroke.

Mason Parker, Wilderness Defense Director
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