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First name: paul

Last name: torrence

Organization:

Title:

Comments: I am commenting here on Sequoia and Sierra National Forests Prescribed Fire Project. In summary, I am adamantly opposed to the invasion of congressionally designated wilderness areas for the purpose of management of vegetation management and perceived, fire, susceptibility. Therefore, in this case, I urged adoption of alternative, see which precludes entrance into the wilderness areas. fo the purpose of cutting or burning or other vegetation manipulation.

I'll remind the forest service that it is attempting to manage an entity not meant to be managed. The wilderness areas are not parks, but are under the administration of nature itself. Moreover, the actions you propose within within this areas would be illegal under the mandates of the wilderness act of 1964. Below, I include some text that may help you recall the restrictions on your action, and I hope they may have some effect.

My recommendation of the alternative, three and rejection of any alternative, which involves invasion of a designated Wilderness area for the purposes of vegetation management, or any other modification purpose is based upon the following insurmountable difficulties with your proposal as contained in the DEIS.

Wilderness areas are not parks or playgrounds. Humans visit Wilderness areas to experience something radically different from the human, dominated world. Examples include adventure, beauty, recreation interactions with wildlife, quiet recreation, observation and scientific understanding, travel by foot, horse, or canoe, or kayak,

And many other reasons as varied as visitors themselves. They do not seek wilderness areas in order to experience a garden or other human managed environment.

The wilderness act states:

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 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 primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions[hellip]. (emphases added) According to the wilderness act, language itself, wilderness means land and nature untrammelled for free to be itsouth. Human intervention, and willingness to change its Image is akin to covering half of the paintings in an art museum. This kind of artificial world is exactly what most human visitors are seeking.

To escape.

All proposals, accept alternatives, see in the DEIS move onto hazardous, slippery slopes with probable calamitous outcomes for wilderness and the idea of wilderness.

In the first instance, it may be claimed that if wilderness can be invaded to mitigate wild fire hazard, then should it not be invaded to control of forest pests? Or make it be invaded to adjust species mix that is decided to be undesirable? Thus, these projects could be a template for the degradation of wilderness elsewhere.

For certain, the proposals that enter wilderness to modify vegetation run into clear violations of the Wilderness Act itself. The use of mechanized equipment within Wilderness is absolutely forbidden by the Wilderness Act. Chainsaws are of course, required for preparing sites for prescriptive burns. They are used also in the probable situation where the controlled burn escapes as a true wildfire and needs to be fought on the site. Therefore, prescriptive burns are inherently coupled with the use of chainsaws, and therefore illegal according to the text of the wilderness act

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

Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such 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 narrowly crafted exceptions to the statutory scheme and must be construed as such. The special provision on fire, insects, and disease at [sect] 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; otherwise an agency could always point 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, and the exception could always swallow the rule. 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 e.g., *Sierra Club v. Lyng*, 663 F. Supp. 556, 558, 560 (D.D.C. 1987) (noting that

V thousands of acres of wilderness pineland in an attempt, among other things, to create 'buffer' areas against the spread of beetles-[is] a process seriously unsettling to the values underlying the Wilderness Act" and discussing limitations on control actions "to ensure wilderness values are not unnecessarily sacrificed.").

The Ninth Circuit has made clear that even when there may be ambiguity where Wilderness administration overlaps the Section 4(d) special provisions (in that case, the provision providing for commercial services to

facilitate recreation), the test for legality is still "the impact [the agency's] decision would have on its ultimate responsibilities under the Wilderness Act"-to preserve wilderness character. *High Sierra Hikers' Ass'n v. Blackwell*, 390 F.3d 630, 647 (9th Cir. 2004) . The Act, the court noted, restricts use for recreational or other purposes "in any way that would impair [an area's] future use as wilderness." *Id.* (emphasis in original). Indeed, in the *Blackwell* case, the Ninth Circuit noted the agency improperly "elevated recreational activity over the long-term preservation of the wilderness character of the land," particularly "[g]iven the Wilderness Act's repeated emphasis of the administering agency's responsibility to preserve and protect wilderness areas." *Id.* at 647, 648.

These boundaries are baked into the language of the special provision. This section of the Wilderness Act allows the federal agencies administering designated Wilderness to take necessary measures to control fires. This section applies to control of existing, already-burning fires, NOT landscape manipulation that fabricates desired conditions in anticipation of potential future fire behavior. And the actions must be necessary. In other words, this provision does NOT allow otherwise-illegal actions for fire suppression activities for future possible fires. Such a broad allowance would fundamentally undermine the Act's untrammelled mandate, and it would violate basic rules of statutory construction where exception terms (e.g., "control" and "necessary") must be construed narrowly.

another huge problem is that these vegetation control projects are not one and done. Vegetation will regrow. Therefore, a treated area will have to be re-entered after a certain period which could be depending on the local conditions and species,

Therefore, the likely scenario develops that, depending on the year, one or more of the wilderness areas mentioned in this proposal will be under management conditions. Therefore, this is the beginning of the loss of wilderness available to the public, which inspired Congress to pass the Wilderness Act of 1964.

To conclude, there is only one obvious and rational alternative, to be chosen for action, and that is alternative, see, which protects the integrity of the wilderness, the ultimate directive of the wilderness act.

Thank you for the opportunity to comment.

Important addendum add the Moses Mountain Recommended Wilderness to Alternative C.

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Attachments:

Sequoia and sierra national fire project final copy.docx