



WILDERNESS WATCH

Keeping Wilderness Wild

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May 29, 2018

Devin Johnson, Acting District Ranger
Pine Valley Ranger District
Dixie National Forest
196 E. Tabernacle Street, Suite 38
St. George, UT 84770

RE: Grass Valley Watershed Restoration Project

Sent via: comments-intermtn-dixie-pine-valley@fs.fed.us

Dear Mr. Johnson,

The following comments on the Grass Valley Watershed Restoration Project Environmental Assessment (EA) come from Wilderness Watch. Wilderness Watch is a national wilderness conservation organization focused on the protection and stewardship of all units of the National Wilderness Preservation System, including the Pine Valley Mountain Wilderness on the Dixie National Forest.

Congress designated the Pine Valley Mountain Wilderness in 1984 via the Utah Wilderness Act, Public Law 98-428. The area is a mountain island surrounded by desert, and the size of this Wilderness is a total of 50,232 acres.

The Forest Service's "Grass Valley Watershed Restoration Project" is proposed for the Pine Valley Ranger District, and includes part of the Pine Valley Mountain Wilderness. The project area includes 9,268 acres of this Wilderness, of which 8,721 acres are proposed for "treatment" by burning.

WILDERNESS ACT ISSUES

1. The Wilderness Act requires that Wildernesses are to be untrammeled and unmanipulated. The overriding purpose of the Wilderness Act is the preservation of 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 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."

2. Active manipulation of Wilderness is not necessary for the administration of the area as wilderness and is not necessary to preserve wilderness character.

The Forest Service (FS) provides the following describing the purpose and need of the project:

The overall objective of the Grass Valley Creek Watershed Restoration project is to improve the resiliency of ecological systems that are currently threatened and in an undesirable state; and to reduce risk to natural and cultural resources, and infrastructure from wildfire. Based on the analysis of existing and desired conditions, and the gap between them, the purpose of this project is to:

1) Improve ecosystem function by maintaining or improving the overall ecological condition of the major native vegetation types, and reduce, to the extent possible, the expansion of "high-risk" vegetation classes in the Grass Valley Creek Watershed. High risk vegetation is defined as difficult or expensive to treat successfully, such as invasive annual grasses;

2) Restore and/or maintain vegetative conditions in the project area to allow fire to function as an ecological process within wilderness and reduce the risks and consequences to adjacent National Forest resources, human settlements and infrastructure from wildfire within wilderness or escaping from wilderness. This would reduce the potential for future suppression activities to impact the untrammelled nature of wilderness;

- 3) Create conditions to maintain and improve riparian areas and streams, which will benefit Bonneville cutthroat trout and other wildlife species;
- 4) Comply with Executive Order Executive Order 11990 (Protection of Wetlands) and 11988 (Floodplain Management);
- 5) Maintain and enhance the quality of habitat for wildlife outside the wilderness area;
- 6) Reduce wildfire hazard to National Forest resources and to human settlements and infrastructure (WUI) in and around the Grass Valley Creek Watershed;
- 7) Allow land managers to achieve wilderness objectives and follow wilderness direction.

EA at 45-46. The purpose and need statement of the project is not focused on wilderness administration, and indeed, the EA does not adequately analyze impacts to wilderness character or compliance with the Wilderness Act at all.

The FS provides no explanation within the EA for why this active manipulation is necessary to administer the wilderness pursuant to the Wilderness Act. The EA does not analyze any alternative that allows lightning-caused fire to play its role in Wilderness. At best, the EA talks only about fire management in Wilderness, but not about the overall administration of Wilderness: “The fire management direction for the Pine Valley Mountains Wilderness is to allow naturally ignited fires to be managed in such a way that ecological process is allowed to function as naturally as possible. The opportunity to benefit from natural ignitions to manage vegetation and fuels within the wilderness is limited due to several factors. High fuel loading due to fire exclusion (suppression), proximity to adjacent communities, and national direction on managing lightning-ignited fires can limit the decision space of fire managers. Therefore, the Grass Valley watershed restoration project looks to reduce the risks and consequences of wildfire within the wilderness or escaping from wilderness through targeted prescribed burning. These operations would help create conditions where future natural ignitions may be managed more successfully.” EA at 5. This rationale for the action likewise does not serve a wilderness purpose; rather, it is focused on a broader goal of fire management and habitat manipulation, primarily outside of the Pine Valley Mountain Wilderness.

The Forest Service has not demonstrated that ecosystem modification or modification of natural processes is “[t]he minimum requirement for administering the area as wilderness” or that the authorized action would restore biological integrity, diversity, or environmental health of the wilderness area. The only attempt at a wilderness-based justification for the otherwise prohibited activities within wilderness is the FS’s unsupported statement that

these actions will serve to “lower the risk of undesirable fire effects to the wilderness and adjacent values by allowing fire to function as an ecological process in maintaining the landscape.” EA at 47.

This rationale represents a serious departure from the foundational principles embodied within the Wilderness Act. One cannot reverse trammeling through more trammeling. Howard Zahniser, drafter of the Wilderness Act, stated that “[a] wilderness is an area where the earth and its community of life are untrammeled by man. (Untrammeled – not untrampled – untrammeled, meaning free, unbound, unhampered, unchecked, having the freedom of the wilderness.)” Likewise, the FS’s wilderness management direction in the Forest Service Manual (FSM) describes “untrammeled” as: “an untrammeled area is where human influence does not impede the free play of natural forces or interfere with natural processes in the ecosystem.” FSM 2320.5 (2).

Additionally, the notion that “natural” conditions that have long been absent within a particular area due to fire suppression and past logging practices can somehow be reconstructed within that area with prescribed fire (to protect property outside the Wilderness) 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 “untrammeled” character of wilderness in the Wilderness Act knowing that what is “natural” for that area will necessarily flow from what is “untrammeled.” (Senate Comm. on Interior and Insular Affairs, *Hearings before the Committee on S. 1176*, 85th Congress, 1st sess., June 19-20, 1957, pp. 212-13.) 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 untrammeled baseline and we thus lose what is “natural” for that area at that point in time.

Wilderness Watch supports allowing natural ecosystem processes like fire to operate within designated Wildernesses like the Pine Valley Mountain Wilderness. But the deliberate human-ignited prescribed fires being proposed are nonetheless human manipulations of the wilderness ecosystem, ignited by humans for human purposes and ignited at times chosen by humans. As such, prescribed fires as proposed for the Pine Valley Mountain Wilderness in the Grass Valley Watershed Restoration Project are the kind of manipulations that the Wilderness Act militates against.

3. The Wilderness Act does NOT allow fire pre-suppression activities like those proposed in the Grass Valley Watershed Restoration Project.

The Wilderness Specialist Report states: “Action is needed within the wilderness to address fire management concerns. The control of fire is a specific provision within The Wilderness Act.” (Wilderness Resource Specialist Report, p. 13.)

The 1964 Wilderness Act contains the following provision:

“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.”

(1964 Wilderness Act, sec. 4[d][1]).

This provision can, under certain circumstances, allow the use of otherwise prohibited uses, such as motor vehicles or chainsaws, in fighting and controlling actual fires. This provision does NOT allow any fire pre-suppression work in Wilderness, such as the work proposed in this project.

In a small handful of instances, Congress has indeed authorized fire pre-suppression work in specifically-named designated Wildernesses. The Pine Valley Mountain Wilderness is NOT one of them. The statement quoted above in the Wilderness Resource Specialist Report must be clarified to comply with the Wilderness Act.

Conclusion. Wilderness Watch opposes the proposed inclusion of prescribed fire treatments within the Pine Valley Mountain Wilderness as proposed in the EA. The wilderness portions of these treatments should be withdrawn from the Grass Valley Watershed Restoration Project. If the prescribed fire treatments within the Wilderness are retained, the Forest Service must conduct a full environmental impact statement (EIS) to fully analyze the impacts to wilderness character and to provide an adequate range of alternatives to the proposed action.

ROADLESS AREA ISSUES

The EA indicates that the preferred alternative for the Grass Valley Watershed Restoration Project will impact portions of the Pine Valley Mountain Inventoried Roadless Area within its boundaries. The project boundaries include approximately 14,874 acres of the Pine Valley Mountain IRA, 2,661 acres of which are proposed for treatments in the EA. The EA states that, “No roads will be constructed for this project in IRA.” EA at 11.

Wilderness Watch opposes any temporary or permanent road construction in the roadless area, and any other activities that would alter the undeveloped roadless character of the IRA. The EA is not clear on whether any temporary roads might be built in the IRA, but we oppose temporary road building as well.

This roadless area is contiguous to the Pine Valley Mountain Wilderness. Any development activities in this IRA could have an impact on the Wilderness itself. Additionally, the Roadless Area Conservation Rule does not allow for roadbuilding – temporary or permanent – except under narrow circumstances. None of these circumstances seem apply to this project (see 36 CFR 294.12). The issue of logging is similar. The roadless rule does not allow for logging, except under rare circumstances that include “generally small diameter” trees (see 36 CFR 294.13).

Wilderness Watch also urges that any unofficial or user-created roads in the roadless area not only be decommissioned, but obliterated. Such action would protect the roadless character of the area, and prevent an unofficial or decommissioned road from continuing to be used by unauthorized users, leading to it becoming permanent over time in the roadless area.

Because the Grass Valley Watershed Restoration Project proposes activities in the IRA, the Forest Service should conduct a full environmental analysis via an environmental impact statement (EIS) as required under FSH 1909.15 Section 21.2. The EIS must also analyze the impacts to the Pine Valley Mountain Wilderness from the proposed activities in the roadless areas in the Grass Valley Watershed Restoration Project.

Please keep Wilderness Watch on your contact list for further developments on the Grass Valley Watershed Restoration Project.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Proescholdt". The ink is a reddish-brown color.

Kevin Proescholdt
Conservation Director