



WILDERNESS WATCH

Keeping Wilderness Wild

Board of Directors

Louise Lasley, NM
President

Marty Almquist, MT
Vice President

Gary Macfarlane, ID
Secretary

René Voss, CA
Treasurer

Talasi Brooks, ID

Franz Camenzind, WY

Mark Peterson, WI

Cyndi Tuell, AZ

Howie Wolke, MT

Executive Director
George Nickas

Advisory Council

Magalen Bryant

Dr. Derek Craighead

Dr. M. Rupert Cutler

Dr. Roderick Nash

Minneapolis, MN Office
2833 43rd Avenue South
Minneapolis, MN 55406

Moscow, ID Office
P.O. Box 9765
Moscow, ID 83843

November 25, 2020

Mel Bolling
Caribou-Targhee National Forest Supervisor
1405 Hollipark Drive
Idaho Falls, Idaho 83401

Sent Via the Email to: FS-comments-intermtn-caribou-targhee@usda.gov

Dear Supervisor Bolling:

The following are comments from Wilderness Watch on the proposed action (PA) for the Targhee Prescribed Fire Restoration Project. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection, administration, and proper stewardship of the National Wilderness Preservation System. As such, we are very concerned about the congressionally designated Palisades Wilderness Study Area (WSA).

Wilderness

These projects would allow a level of manipulation and trammeling of the Palisades Wilderness Study Area (WSA) not permitted by the 1984 Wyoming Wilderness Act or the 1964 Wilderness Act. Our organization supports allowing lightning-caused fire to play its natural role in the Palisades WSA but the Forest Service plan proposes to significantly manipulate the Wilderness in ways that will destroy the areas' wilderness character, in violation of the mandate of the 1984 Wyoming Wilderness Act.

The overriding purpose of the Wilderness Act is the preservation of wilderness. 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.

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. Temporary roads and 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 PA is insufficient because it does not address whether motorized transport or equipment (for example, helicopters or chainsaws) would be allowed in the Palisades WSA or contiguous areas recommended for Wilderness (see also Forest Plan page III-61).

In addition, the Design Elements do not address the WSA even though they allow for mechanical site preparation and mechanical equipment use. What could be more unnatural or more trammeling than machines—chainsaws or helicopters—cutting or igniting vegetation in the WSA? The Forest Service would have never in the past considered such an action as appropriate in Wilderness.

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, in this case the designation of the Palisades Wilderness Study Area in 1984, brings a special protection and requires the federal land management agencies like the Forest Service to not manipulate or dominate the Palisades. Rather, federal agencies are required to preserve the wilderness character of the Palisades WSA, in essence to protect their wildness. 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.*”

The protection from manipulation offered the Palisades WSA is equal, if not better than that in

designated Wilderness because the Wyoming Wilderness Act, when establishing the WSA, did not include the Wilderness Act's special provision, section 4(d)(1), allowing for the control of fire, insects and disease. Even if this weren't the case, section 4(d)(1) of the Wilderness Act, while allowing measures to control fire, does not address the issue of prescribed fires. Even the Forest Service Manual recognizes there is no broad discretion to light fires in Wilderness. The PA should have recognized these facts.

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, or its untrammled nature. 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." (see attached).

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 Palisades WSA from a wild wilderness into a heavily manipulated, managed forest. Allowing the area to evolve of its own accord and letting lightning-caused fire play its natural role in the WSA, along with structure specific protection measures on private land, as recommended by the Forest Service's own researcher, Dr. Cohen. 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. (See attached.)

The PA's premise that fuel reduction 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. For example, there are false assumptions throughout the PA that fuel amounts drive large fires. A similar assumption is that fire suppression (assumed to be effective) has resulted in an unnatural forest and therefore trammeling is necessary. This improperly elevates some ambiguous definition of naturalness above wildness, which is contrary to the Wilderness Act. (NOTE: These issues are more thoroughly addressed in the section dealing with NEPA.)

The PA 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 WSA. Indeed, because of the paucity of information, there is no attempt at a wilderness-based justification for the otherwise prohibited activities within the WSA.

This rationale represents a serious departure from the foundational principles embodied within the Wilderness Act. One cannot reverse trammeling through more trammeling. Howard Zahniser, who drafted the Wilderness Act, specifically chose the word untrammled in the definition of Wilderness included in the Wilderness Act "[a]n area where the earth and its community of life are untrammled 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 fire suppression (to protect human property) and trammeling (agency-ignited fire) 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 “untrammled” character of wilderness in the Wilderness Act knowing that what is “natural” for that area will necessarily flow from what is “untrammled.” 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 untrammled baseline and we thus lose what is “natural” for that area at that point in time.

In sum, the proposal for prescribed fire and associated activities in the Palisades WSA (and also in areas recommended by the agency for Wilderness) are inconsistent with the Wilderness Act, the Wyoming Wilderness Act of 1984, and Forest Plan direction.

NEPA

There are three key problems and failings with the PA:

- Inappropriate use of a CE
- The Purpose and Need is based on agency ideology, not science
- Any analysis will occur after a decision is made, violating the very premise of NEPA.

Even under the new Forest Service NEPA Regulations, which were released *after* the scoping letter, extraordinary circumstances (WSA, roadless land, and recommended Wilderness, much of it overlapping the same acreage) still are a major concern. Further, this proposal would directly affect about **one million acres** of national forest land and would last for years. A CE is likely illegal. For example, the Forest Service did an EIS on a recent proposal, very similar to this one, on a much smaller landscape, on the contiguous Bridger-Teton National Forest.

It should be noted again that the PA provides no information as to the impact on the WSA. This uncertainty itself requires that the proposal be analyzed in something other than a CE. We don’t know the acreage affected in the WSA, the timing, the kind of mechanical equipment to be used, and the like. The paucity of information also sends a cynical message to the citizenry that the agency doesn’t care whether we, the owners of the national forest system, have any information relevant to this proposal, including whether it should go forth or not.

The PA states on page 1:

Within the Targhee Prescribed Fire Restoration Project Area (figure 1), fire-dependent vegetation communities include big sagebrush shrubland, aspen-mixed conifer forest, and spruce-fir, Douglas-fir, and lodgepole forest. In a natural fire regime, wildfire and historical burning of varying intensities thinned vegetation and limited fuel loading. However, throughout the 20th century, human activities, including fire suppression, timber harvesting, and livestock grazing altered this natural fire regime. Without regular wildfire, vegetation composition and structure has been altered and fuel loading has

increased. This, in turn, has caused the magnitude in size and severity of wildfire during hot, dry years to increase. Reduced winter precipitation, earlier spring snowmelt, and longer dry seasons have also played a role in this shift. Risks to communities and natural resources are expanding and the environment is growing increasingly more dangerous for firefighters.

That ideological statement ignores reams of scientific studies that show that climate, not fuel amount, is what determines fire severity. Further, the vegetative types in the project area are predominantly those that have longer fire return intervals, assuming the word “interval” is an appropriate description of such a stochastic event.¹ Severe fire is indeed normal and occurs under the right climatic conditions (See attached). Rather than engage in such a scientifically dubious enterprise, the Forest Service would do better by decreasing activities on the national forest system that create greenhouse gases—logging, grazing, and mining.

The PA does not analyze any impacts from the proposal. At best, it is a programmatic document. As such, site-specific NEPA documents would need to follow for any specific activity done under the programmatic plan. However, it is unlikely this best-case scenario is the one the agency would follow. That is because the PA talks about an Implementation Checklist, which is nothing more than analysis after a decision has been made. This is a tacit admission that there will be no analysis before the decision is made. In other words, it appears the CE would be both the programmatic and site-specific NEPA analysis in the eyes of the Forest Service. Such a course of action would violate NEPA.

Summary

The PA provides no information about the extent of or the associated activities of agency-ignited fire within the WSA. The proposal should be dropped as it is inconsistent with the Wilderness Act and the 1984 Wyoming Wilderness Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Macfarlane". The signature is fluid and cursive, written in a professional style.

Gary Macfarlane
Board member

¹ Even the drier forest types have mixed severity fires and longer fire return intervals in this part of the West.