

## Help protect communities near the Los Padres National Forest

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### **This page includes all of the changes this website proposes to the Big Sur Forest Service Management Unit Act**

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The Big Sur Forest Service Management Unit Act is an excellent opportunity for Congress to correct problems caused by previous federal legislation, and more. However, that will require substantial changes to the bill.

Please communicate your support for the following proposed changes to Congressman Farr ([his contact web page is here](#)), and copy them by email to [farrsbill@gmail.com](mailto:farrsbill@gmail.com) so your statement may be submitted to Congress in hearings if needed.

### **How the Big Sur Forest Service Management Unit Act should be changed to help protect communities from wildfires**

- Provide in the bill that the benefits of the Healthy Forest Restoration Act of 2003 (HFRA) will apply to all portions of the Ventana and Silver Peak wilderness areas that were not included in wilderness when the Ventana Wilderness was created in 1969. This would include for example, performance of Authorized Hazardous Fuel Reduction Projects with motorized equipment ([16 USC 6511\(2\)](#), [6512](#) and [6513](#)), reduced review for such projects under the National Environmental Policy Act under certain conditions ([16 USC 6514](#)), and limitations on litigation attempting to stop such projects ([16 USC 6515](#) and [6516](#)). This is needed because the benefits of the HFRA do not currently apply within wilderness, including inappropriate wilderness that hinders safe and effective maintenance and use of critical escape routes, fuelbreaks and firebreaks that help protect lives, homes and communities from wildfires. For more information on the benefits of the HFRA [click here](#).
- Provide in the bill that the benefits of the HFRA also apply to the 12-mile portion of the historic fuelbreak that was included in wilderness when the Ventana Wilderness was created in 1969. As noted on [the Wildfire page](#), when the Ventana Wilderness was created it was contemplated that this portion of the fuelbreak could be maintained using non-motorized equipment; however, that has not occurred. Allowing use of motorized equipment will reduce the cost and time required for fuel reduction work, helping the Forest Service maintain the fuelbreak. This portion of the peripheral fuelbreak protects communities in the White Rock, Carmel Valley and Cachagua areas.
- Provide in the bill that the Forest Service is authorized to maintain, and directed to maintain, including in wilderness, firebreaks and fuelbreaks that will help protect at-risk communities from

wildfires originating in the Los Padres National Forest, within two years after the effective date of the Big Sur Forest Service Management Unit Act, and provide that they will be maintained in effective condition thereafter.

- Provide in the bill that an Incident Commander, the District Ranger (or equivalent for the management unit), the Forest Supervisor and the Regional Forester are each independently authorized to order use of heavy equipment throughout the Big Sur Management Unit, including in wilderness, upon the start of wildfire in any portion of the Big Sur Management Unit, and upon the start of wildfire in any area near the management unit. Provide that this statutory authority shall be displayed prominently on all Forest Service documents and maps that may be referenced during a wildfire, especially those that discuss or indicate wilderness (Incident Commanders cannot be expected to research statutes during a wildfire).
- Define in the bill the term "Wildland-Urban Interface Special Study Area" to remove ambiguity that could be used to challenge Forest Service actions, and to ensure it is not used in an attempt to reduce the amount of wildland-urban interface (WUI) in Monterey County or to remove WUI from encompassing firebreaks and fuelbreaks on federal land.

These proposed changes would help enable the Forest Service implement recommendations in the Monterey County Community Wildfire Protection Plan (MCCWPP). You can read excerpts from the MCCWPP's recommendations [by clicking here](#). You can download the entire MCCWPP with all recommendations [by clicking here](#) (14 MB).

See [the Wildfire page](#) for more on why the above changes are proposed.

### **How the Big Sur Forest Service Management Unit Act should be changed to halt the buyout of Big Sur**

- Provide in the bill that all existing authority for acquisition of land by the Forest Service/Department of Agriculture is withdrawn in all areas of Monterey County that are outside the boundaries of the Los Padres National Forest. This would remove any opportunity for the Forest Service to continue to misapply existing law as authority to acquire private land. This would not preclude Congress from passing special authorizing legislation if there is a legitimate need to acquire land in the area.
- Provide in the bill that within three years of the effective date of the Big Sur Forest Service Management Unit Act, the [Government Accountability Office](#) (GAO) shall complete a review of all acquisitions of land by the Forest Service outside the boundaries of the Los Padres National Forest, as the boundaries existed January 1, 1965, for compliance with federal law. Provide that any land found by the GAO to have been improperly acquired by the Forest Service in the Big Sur area will be sold or donated back into private ownership, for residential, ranching or other uses supportive of long-term well being of Big Sur communities, within two years after the date the GAO report is completed, that the boundary of the Los Padres National Forest will be moved to

exclude the land, and that the land will be removed from national forest status. Provide that any transfer of land out of Forest Service ownership under this provision will not be subject to the National Environmental Policy Act or other laws that may be used to delay or block the transfer (Forest Service decisions to acquire private land in Big Sur were not subjected to such processes).

- Provide in the bill that any person or entity has standing to challenge unauthorized acquisitions of land by the Forest Service in areas of Monterey County that are outside the boundaries of the Los Padres National Forest. Provide for an award of attorney's fees and a portion of the federal funds that would be or were misspent on the acquisition similar to the kind of awards in whistleblower statutes for those who act on behalf of the government to prevent fraud and misspent federal funds. For example, see the provisions of [Title 31 USC 3730\(d\)](#). Without standing to challenge unlawful acquisitions by the Forest Service in court it is impossible for citizens to stop an unlawful buyout of private land.

See [the Buyout page](#) for more on why the above changes are proposed.

### **How the Big Sur Forest Service Management Unit Act should be changed to help relieve the shortage of affordable workforce housing in Big Sur**

- Provide in the bill that the Forest Service is authorized to donate, sell and lease Forest Service land for use as affordable workforce housing sites in the Big Sur area. This would not require the Forest Service to provide land, or to build affordable housing. It would however enable the Forest Service to readily provide land for affordable workforce housing wherever that would be desirable.
- Provide in the bill that decisions by the Forest Service related to donation, sale and lease of land for affordable workforce housing sites in the Big Sur area will not be subject to the National Environmental Policy Act or other laws that could be used to delay or block the transfer. Forest Service decisions to acquire private land in Big Sur were not subjected to such processes.

See [the Housing page](#) for more on why the above changes are proposed.

### **How the Big Sur Forest Service Management Unit Act should be changed to avoid Forest Service competition with local businesses**

- Provide in the bill the specific commercial activity the Forest Service is authorized to conduct on the Brazil Ranch, namely, leasing the ranch for grazing cattle. This would avoid potential for other commercial uses that could compete with local businesses.

See [the Brazil page](#) for more on why this change is proposed.