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GROUPS FILE SUIT TO PROTECT RARE SPECIES ALONG GAVIOTA COAST

Santa Barbara, Calif. – Today, two conservation organizations filed a lawsuit in U.S. District Court to protect the Refugio manzanita, a rare plant that grows in the path of a massive, remote fuel break recently approved in the Los Padres National Forest.

The Gaviota Fuel Break would clear-cut native chaparral vegetation across a six-mile-long, 300-foot-wide swath between Refugio Pass and Gaviota Peak, along the crest of the Santa Ynez Mountains. The site – located far away from any structures – lies at the heart of the Gaviota Coast, one of the crown jewels of Santa Barbara County.

The Refugio manzanita (*Arctostaphylos refugioensis*) is considered “endangered” by the California Native Plant Society and only grows in a narrow band between Point Conception and Santa Ynez Peak along the south coast of Santa Barbara County. The project would cut through some of the largest populations of this extremely rare plant.

In the lawsuit, the groups – Los Padres ForestWatch and the California Chaparral Institute – allege that the Forest Service’s recent approval of the Gaviota Fuel Break violates the National Environmental Policy Act and the National Forest Management Act. The agency approved the project in September without preparing an Environmental Assessment, and without proposing any measures to protect manzanitas and other rare plants and animals in the area.

When the Forest Service initially proposed the project in 2014, the agency announced that it would prepare an Environmental Assessment to thoroughly analyze environmental impacts and identify ways to avoid them. But then the agency reversed course in 2015, determining that the project was excluded from environmental review. Several organizations and experts submitted letters to the Forest Service expressing concern about the lack of proper environmental review and the impacts to rare Refugio manzanita plants. Those concerns were largely ignored in the agency’s final decision.

The Forest Service’s experts consistently state that the best way to protect communities from wildfire is to create defensible space immediately around structures, and to construct and retrofit homes with fire-safe materials. Remote fuel breaks, such as the one at issue in today’s lawsuit, are considered to be costly and often ineffective at stopping fires.

In a recent survey of all possible 163 fuel breaks in the Los Padres National Forest, the Forest Service assigned a priority number of 84 to the Gaviota Fuel Break that is at issue in this case. The survey assigned a “high” rating for the cost to construct and maintain the fuel break.

“Creating a 300-foot-wide, six-mile-long habitat clearance zone in an area far from any community is a waste of taxpayer dollars, an ineffective way to reduce fire risk, and an unnecessary destruction of nature,” said Richard Halsey, director of the **California Chaparral Institute**. “The science is clear. The US Forest Service needs to focus its fire prevention efforts directly within and around communities at risk, not in faraway locations known for their spectacular natural beauty.”

“In rushing to approve this project, the Forest Service has failed to take simple steps to protect one of the rarest manzanita species on Earth,” said Jeff Kuyper, executive director of **Los Padres ForestWatch**, a conservation organization based in Santa Barbara that works to protect rare plants and animals throughout the Los Padres National Forest. “The Refugio manzanita is too important to sacrifice for an ineffective, expensive fuel break that is far-removed from communities.”

“The Forest Service cannot stretch the language of their NEPA categorical exclusions like taffy,” said Nina Robertson, an attorney with **Earthrise Law Center**. “An exclusion for timber stand improvement does not cover construction of multiple fuel breaks in areas with no timber and where those fuel breaks are destroying the important chaparral ecosystem and the rare and sensitive species that exist there.”

The lawsuit asks the court to order the Forest Service to conduct the proper level of environmental analysis of the Gaviota Fuel Break before it can proceed and to implement the project consistent with the Los Padres Forest Plan, a blueprint for the forest that requires buffers around Refugio manzanita populations and basic protections for at least two other rare plants and animals in the path of the fuel break.

The groups are represented by Earthrise Law Center, the environmental law clinic at Lewis & Clark Law School in Portland, OR, one of the top environmental law clinics in the country.

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[California Chaparral Institute](#) is a nonprofit, research, and educational organization dedicated to the preservation of native shrubland habitats throughout the world, with a particular focus on chaparral ecosystems in California.

[Los Padres ForestWatch](#) is the only local nonprofit organization working to protect wildlife, wilderness, and watersheds throughout the Los Padres National Forest, from the Big Sur Coast to the backcountry of San Luis Obispo, Santa Barbara, and Ventura counties and beyond.

Founded in 1996, [Earthrise Law Center](#) is the environmental legal clinic at Lewis & Clark Law School in Portland, Oregon with an office in San Francisco. Earthrise Law Center is a team of attorneys and staff working to achieve targeted environmental improvement while teaching the next generation of advocates to do the same.