

Archery Trade Association – Association of Fish and Wildlife Agencies – Boone and Crockett Club – Catch-a-Dream Foundation – Congressional Sportsmen’s Foundation – Conservation Force – Council to Advance Hunting and the Shooting Sports – Delta Waterfowl – Houston Safari Club – Mule Deer Foundation – National Association of Forest Service Retirees – National Rifle Association – National Shooting Sports Foundation – National Wild Turkey Federation – Professional Outfitters and Guides Association – Public Lands Foundation – Quality Deer Management Association – Rocky Mountain Elk Foundation – Ruffed Grouse Society – Safari Club International – Whittails Unlimited – Wild Sheep Foundation – Wildlife Forever – Wildlife Management Institute – Wildlife Mississippi

June 26, 2017

Honorable Rob Bishop, Chairman
House Natural Resources Committee
Washington, DC 20515

Honorable Raul Grijalva, Ranking Democrat
House Natural Resources Committee
Washington, DC 20515

Dear Chairman Bishop and Cong. Grijalva,

Our organizations which represent millions of hunters, anglers, recreational shooters and other conservationists express our strong support for H.R.2936, the Resilient Federal Forests Act of 2017. We respectfully urge you to take expeditious Committee action on H.R. 2936, which if enacted, will improve the health of our federal forests and reduce costly wildfires. Our nation’s federal lands play a vital role in maintaining healthy forests that are resilient to threats at a landscape level from fire, pests, disease and insects. Through incentives and expedited process, consistent with informed science, the bill will help ensure that timber harvest and the creation of young forest habitat for wildlife remains viable on US Forest Service (USFS) and Bureau of Land Management (BLM) lands. Additionally, it remedies the budget fire-funding problem (borrowing from other line items) that our country faces when fighting catastrophic wildfires.

Our organizations much appreciate that the fire-funding problem is addressed in HR 2936. While most catastrophic fires occur in the western United States, this is a national problem because the funds for every national forest and public land unit are affected. This remedy will prevent the USFS and BLM from having to borrow from other appropriated budget line-items (for example, wildfire prevention, wildlife, recreation and water quality) to pay for the cost of catastrophic fire suppression, which cost now consumes over 50% of the USFS budget. We respectfully urge the Committee to further protect the USFS budget by capping the 10-year average of catastrophic fire costs at its’ current level. The USFS uses this 10-year average to build their budget request for the President. The 10-year average continues to rise and unless it is capped it will continue to erode other important budget line items such as wildlife, water quality, fire prevention and recreation as the USFS constructs its budget request.

All forest management plans are conducted with public input, and all projects undergo National Environmental Policy Act (NEPA) analysis. The bill’s use of the Categorical Exclusion (CE) under the NEPA rules from the Council on Environmental Quality, will allow routine projects with known effects to be implemented more efficiently and cost-effectively to achieve the forest’s desired future condition, as outlined in the forest management plan. Certain forest management treatments previously analyzed under NEPA in order to deal with issues such as pests and disease, hazardous fuels, critical habitats for threatened or endangered species, salvage facilitation, and water quality, do not need re-analysis on each

similar project. These projects are routine, reoccurring activities with known effects, already fully analyzed and therefore qualify for CEs from repeated analysis.

We also appreciate the increase in acreage ceilings for the statutorily endorsed CEs. Early successional stage forest habitat, for instance, cannot be just incidental to be effective in providing habitat for deer, ruffed grouse, elk, wild turkey, neo-tropical migratory songbirds and other species which are dependent on this habitat type. While an acreage ceiling is an easy metric to measure success, the desired forest future condition should really determine the size of the management activity. Additionally, as stated in the bill, all CEs must avoid sensitive areas and must be consistent with standards and guidelines in approved Forest Plans.

Our organizations appreciate changes made to make more prominent in federal statute the states' authority to manage fish and wildlife on USFS and BLM lands. Nothing in the bill language is intended to change any existing federal, state or tribal authority. It simply makes more evident the state-federal jurisdictional relationship which Congress has affirmed. Federal-state cooperation in this arena is compelled because the USFS and BLM own the land and thus the habitat, and the state fish and wildlife agencies manage the fish and wildlife. Robust cooperation will provide that both land/habitat objectives and fish and wildlife population objectives are met.

Additionally, our groups support the proposed common-sense amendments to the Endangered Species Act (ESA). First, the bill overturns the Cottonwood decision, which directs that if additional critical habitat is designated under an approved forest plan or resource management plan, a section 7 programmatic re-consultation of the entire forest plan needs to be done. The US Fish and Wildlife Service (USFWS) and the Obama Administration argued that the section 7 consultation needs only to be done on the portion of the project covering the additionally designated acreage of critical habitat. This remedy will greatly reduce the debilitating process that the federal court decision directs. Second, the bill affirms that no ESA section 7 consultation is required if the USFS or BLM determine during informal consultation that the proposed action is "not likely to adversely affect a species or designated critical habitat", which is already USFWS policy. And third, if any consultation on a categorical exclusion established by the bill is not concluded after 90 days, the action shall be considered to have not violated section 7(a)(2) of the ESA.

We also support the bill's provisions expediting large scale restoration after catastrophic wildfires. We likewise support the prohibition on restraining orders and preliminary injunctions. It is imperative that we work to restore wildfire-impacted lands for the ecological health of the immediate area and surrounding landscape, protection of the watershed, and economic vitality of the local communities.

Our organizations further appreciate the process relief provided to National Forest Plans and potentially Resources Management Plans developed by collaborative deliberation. It is appropriate that a collaborative-developed plan, which often takes years to deliberate and conclude, be subject to only two options under NEPA, proceed or not proceed. It is very reasonable to assume that the collaboratively deliberated process has examined and rejected the other options, and only the action or no action alternatives need be analyzed.

The bill's establishment of a pilot binding arbitration process as an alternative to litigation in each Forest Service Region is certainly welcomed. Not only is the cost of defending the land management plan a burden on the agencies, but the planned for management work on the ground is lost, perhaps never to be resurrected on that site. We find much merit in this improved approach as an alternative to the proposal in H.R. 2647 from the last Congress, and commend Cong. Westerman and the Committee for settling on this. Uninformed litigation has led to federal forest management by the federal courts; we need to return forest management to the federal and state professionals with public input as provided for by the established processes.

H.R. 2936 makes significant improvements to and would expedite the process that governs approval of the USFS and BLM management plans. We urge that your Committee expeditiously report this bill from the Committee to the House floor. We look forward to continuing to work with you to move this bill quickly through the legislative process.

Thank you for your consideration of our community's perspectives.

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