Alaska Wilderness League * American Rivers * Between the Rivers, Inc.
Center for Biological Diversity * Conservation Northwest * Defenders of Wildlife
Earthjustice * Environmental Protection Information Center * Friends of the Kalmiopsis
Greater Yellowstone Coalition * Heartwood * Kentucky Heartwood
Klamath Forest Alliance * KS Wild * League of Conservation Voters
Los Padres ForestWatch * Natural Resources Defense Council * Oregon Wild
San Juan Citizens Alliance * Sierra Club * Sierra Forest Legacy * The Lands Council
The Wilderness Society * Umpqua Watersheds, Inc. * Western Environmental Law Center
WildEarth Guardians * Wilderness Workshop

July 16, 2015

The Honorable John Barrasso, Chairman
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Ron Wyden, Ranking Member
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Wyden:

We are writing to express our strong opposition to S. 1691, the so-called "National Forest Ecosystem Improvement Act of 2015," that will be heard by the Subcommittee on Public Lands Forests and Mining on July 16, 2015. This extreme legislation imposes dangerous and irrational logging mandates on our national forests while undermining bedrock environmental laws, posing a serious threat to wildlife, watersheds and communities. It severely curtails judicial review, weakens collaboration and limits public engagement in forest management decisions. We respectfully request that this letter be included in the hearing record for the legislation.

Our national forests are truly public treasures. They provide vital public benefits, such as clean drinking water, fish and wildlife habitat, and hunting, fishing, hiking and other recreational opportunities that support a multi-billion dollar outdoor economy. They also produce wood products, but as part of a balanced suite of uses and values, as guided by longstanding law governing management of national forest lands. Unfortunately, in a clear giveaway to the timber industry and to the detriment of science-based management, forest health and the public good, this legislation would elevate logging above the multitude of other interests and values our national forests support.

S. 1691 mandates unrealistic and unworkable logging levels in our national forests. The bill would require the Forest Service to increase logging and other mechanical treatments by up to four to five times current levels. Forcing the Forest Service to produce such an arbitrarily large increase in logging could have devastating effects on forest ecosystems and water quality across the West. The

bill also requires "even-aged" management (i.e., clearcutting), which can significantly increase future fire risks, in addition to being environmentally damaging and socially controversial. The bill fails to address the increased cost of these unreasonable mandates and the Forest Service will likely be required to divert resources away from other vital management, restoration and conservation programs in order to implement them. The Administration is already on record stating that it "*does not support specifying timber harvest levels in statute*, which does not take into account public input, environmental analyses, multiple use management or ecosystem changes" (see Statement of Administrative Policy on H.R. 1526; Sept 18, 2013).

In addition to unreasonable logging mandates, S. 1691 casts aside bedrock federal environmental laws and the fundamental safeguards they provide. The bill severely curtails application of the Endangered Species Act (ESA), putting fish and wildlife conservation at risk and increasing the likelihood of management conflicts. For example, the bill eliminates independent review of the impacts of certain projects on listed species by experts at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Instead, it has the Forest Service evaluate and determine those impacts itself. Such "self-consultation" processes have been struck down by the courts as clear violations of the ESA. This attack on the ESA is both unwise and unwarranted. Since 2008, on average, the Fish and Wildlife Service has completed informal ESA consultations for the Forest Service in fewer than 15 days, and formal consultations in under 65 days, much quicker than the statutory deadlines for each type. This bill unnecessarily undermines the checks and balances in ESA consultation critical to ensuring that forest management is compatible with the conservation of threatened and endangered species and their habitat.

The bill also undermines informed decision making and environmental review under the National Environmental Policy Act (NEPA). It eliminates NEPA's requirement to consider a reasonable range of alternatives, unreasonably limits the amount of time the agency has to conduct project reviews and waives review outright for a broad range of potentially harmful activities. It takes an exemption intended for routine and non-controversial management activities and applies it to huge clear cutting operations. This waiver could authorize eight square miles of clearcutting with no consideration of potentially significant impacts on water quality, wildlife and communities. The bill waives environmental review for controversial salvage logging projects that are 20 times larger than projects authorized to receive waivers under the Bush Administration. It also provides waivers for undefined "forest health" projects and a host of other activities all of which could have far reaching environmental and social impacts.

S. 1691 attacks citizen access to the courts and essentially eliminates the public's ability to seek judicial review of harmful logging projects that may damage forests, wildlife habitat, drinking water supplies and local recreation economies. For some activities the bill bars access to the courts altogether and forces the public into a binding arbitration process that fails to address Forest Service compliance with environmental laws. For other actions that are still subject to judicial review, the bill makes it almost impossible for the average citizen to get into court by requiring them to post a bond large enough to cover all of the government's legal costs – an insurmountable financial barrier for most. This undermines public oversight and enforcement of environmental safeguards; it is a direct assault on public access to the courts and turns our judicial system into a "pay to play" scheme where only the wealthy get heard.

These are just some of the concerning provisions in this damaging legislation. Despite its given title, S. 1691 would do far more to harm to forest ecosystems than it would to improve them. We strongly urge all committee members to oppose this bill.

Thank you for your consideration of our concerns.

Sincerely,

Alaska Wilderness League
American Rivers
Between the Rivers, Inc.
Center for Biological Diversity
Conservation Northwest
Defenders of Wildlife
Earthjustice
Environmental Protection Information Center
Friends of the Kalmiopsis
Greater Yellowstone Coalition
Heartwood
Kentucky Heartwood
Klamath Forest Alliance
KS Wild
League of Conservation Voters
Los Padres ForestWatch
Natural Resources Defense Council
Oregon Wild
San Juan Citizens Alliance
Sierra Club
Sierra Forest Legacy
The Lands Council
The Wilderness Society
Umpqua Watersheds, Inc.
Western Environmental Law Center
WildEarth Guardians
Wilderness Workshop