

United States Senate

September 5, 2018

COMMITTEES
AGRICULTURE, NUTRITION AND
FORESTRY
APPROPRIATIONS
ENERGY AND NATURAL
RESOURCES
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
INDIAN AFFAIRS

The Honorable Pat Roberts
Chairman, Senate Committee on
Agriculture, Nutrition, and Forestry
328A Russell Senate Office Building

The Honorable Debbie Stabenow
Ranking Member, Senate Committee on
Agriculture, Nutrition, and Forestry
328A Russell Senate Office Building

The Honorable Michael Conaway
Chairman, House Committee on Agriculture
1301 Longworth House Office Building
Washington, D.C. 20515

The Honorable Collin Peterson
Ranking Member, House Committee on Agriculture
1305 Longworth House Office Building
Washington, D.C. 20515

Dear Chairmen Roberts and Conaway and Ranking Members Stabenow and Peterson:

As you work on the Farm Bill conference report, we urge you to include much-needed reforms to restore active forest management nationwide and reduce the risk and severity of catastrophic wildfires. Reforms in recent appropriations legislation were good steps, but Congress should and must take additional actions in the Farm Bill to create healthier, more resilient forests across our country.

As you are well aware, wildfires have consumed more than six million acres thus far this year, which is substantially above the historical average for the same time period. These wildfires have had devastating impacts on air and water quality, fish and wildlife habitat, and our nation's outdoors and tourism economy. In addition, more than one thousand homes and structures have been destroyed. Worst of all, six firefighters and at least six other individuals have lost their lives due to these wildfires. The negative consequences of catastrophic wildfires are widespread and heartbreaking.

Since 2003, Congress has taken meaningful actions to increase forest management, including by substantially increasing funding to reduce hazardous fuels, providing expedited authorities for insect and disease mitigation and hazardous fuels reduction projects, establishing Good Neighbor Authority to bolster federal-state management of cross boundary lands, and creating a new way to fund wildfire suppression. These reforms have helped to not only address wildfire risks in the West but also to improve wildlife habitat and sustain wood product jobs across our country. Make no mistake, however, much more can be done in a bipartisan manner to accelerate management on the tens of millions of acres that remain at high risk of wildfires and increase the pace and scale of management in every region of the Forest Service.

The Senate and House of Representatives have respectively passed Farm Bills with numerous forest management reforms. Consistent with these proposals, we implore you to include a robust forestry title in the Farm Bill conference report that cuts unnecessary red tape, addresses the challenges of

chronic litigation, and further empowers state and local collaborative partners to help develop and carry out science-based forest management projects.

We specifically ask that you include the following policies:

- Allow existing and any new *Healthy Forests Restoration Act* authorities to be used within Fire Regime IV.
- Fully remove what the Obama Administration called the potentially “crippling” impacts of the *Cottonwood* decision by applying to the “new information” trigger under the *Endangered Species Act* the same reforms that recent appropriations legislation established for the listing of species and designation of critical habitat. See S. 3292/H.R. 6567.
- Facilitate the use of Good Neighbor Authority by expanding it to counties and tribes and codifying existing practices concerning the flow of contributions and receipts associated with these projects.
- Accelerate post-fire restoration and reforestation projects through either a new categorical exclusion or, at the very least, by applying Sections 104 and 106 of HFRA to post-fire projects carried out under the Forest Service’s existing Emergency Situation Determination authority.
- Establish an Action, No-Action authority for Environmental Impact Statements and Environmental Assessments to reward, incentivize, and protect projects that are developed through a collaborative process with diverse stakeholders.
- Apply Section 106 of HFRA (“balance of harms” and other policies related to injunctions) to all forest management projects, and expressly clarify that courts must find that plaintiffs are “likely to succeed on the merits” before enjoining a forest management project.
- Establish a new categorical exclusion for projects that restore watersheds and protect water quality.
- Streamline approval of, and afford tribes and Alaska Native Corporations greater authority in, implementing projects under the Tribal Forest Protection Act.
- Establish a pilot arbitration authority to more swiftly resolve disputes over forest management projects.
- Direct the Bureau of Land Management to reduce wildfire risk and restore important sagebrush habitat from the encroachment of invasive piñon pine and juniper trees by removing duplicative regulatory hurdles that prevent or delay these ecologically beneficial projects.

- Restore the State of Alaska's exemption from the 2001 Roadless Area Conservation Rule in order to provide greater access to national forest system lands for local communities while balancing conservation in the state.

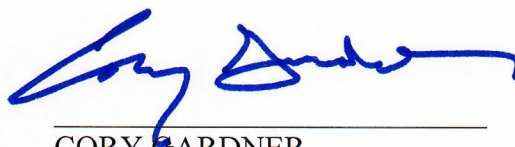
Importantly, these reforms would not erode public input. In reality, they would *safeguard it* by ensuring that consensus-driven decisions of the majority are not obstructed by isolated dissenters. And, to be clear, robust, science-based environmental review and public engagement would occur under every requested reform listed above.

In short, we encourage you to capitalize on this opportunity to make our forests more resilient to catastrophic wildfires, safeguard public health and safety, improve wildlife habitat, and enhance the environment. Thank you for your consideration of our requests. We stand ready to work with you on the forestry title as you finalize the Farm Bill conference report.

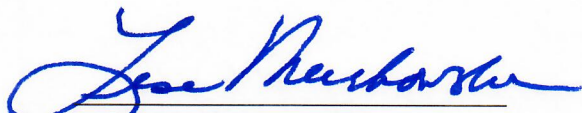
Sincerely,



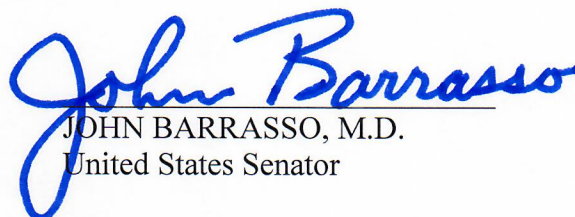
STEVE DAINES
United States Senator



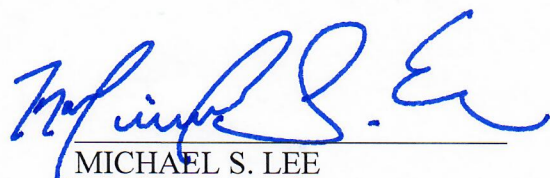
CORY GARDNER
United States Senator



LISA MURKOWSKI
United States Senator



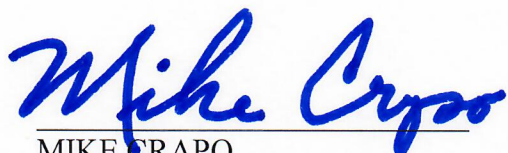
JOHN BARRASSO, M.D.
United States Senator



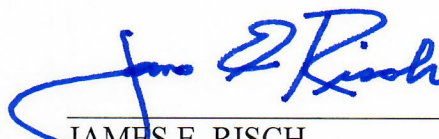
MICHAEL S. LEE
United States Senator



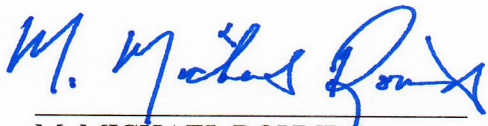
MICHAEL B. ENZI
United States Senator



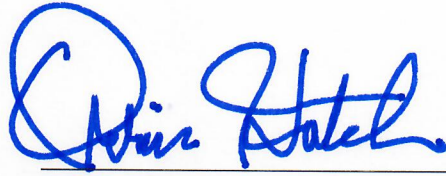
MIKE CRAPO
United States Senator



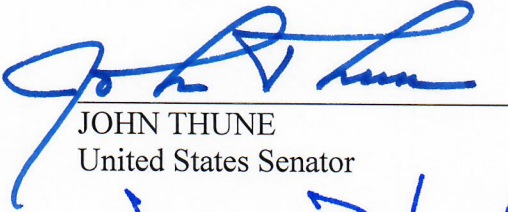
JAMES E. RISCH
United States Senator



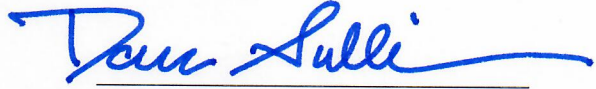
M. MICHAEL ROUNDS
United States Senator



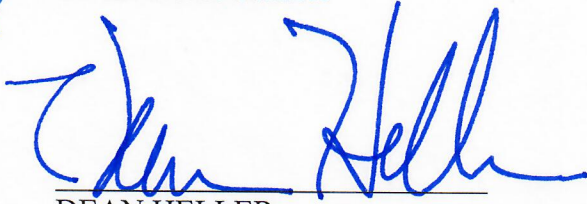
ORRIN HATCH
United States Senator



JOHN THUNE
United States Senator



DAN SULLIVAN
United States Senator



DEAN HELLER
United States Senator