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October 12, 2016

The Honorable Lisa Murkowski
Chairman
Energy and Natural Resources Committee
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Energy and Natural Resources Committee
United States Senate
Washington, DC 20510

The Honorable Fred Upton
Chairman
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Rob Bishop
Chairman
Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Raul Grijalva
Ranking Member
Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Chairmen Murkowski, Upton and Bishop, and Ranking Members Cantwell, Pallone and Grijalva,

We are grateful for the hard work that brought about the conference committee on House and Senate energy bills, and we support the inclusion of forest policy among the matters to be resolved. Our wildlife and fish conservation organizations support a comprehensive fix to the issue of fire borrowing, as well as bipartisan measures aimed at speeding the pace of restoration for habitat, water supply and quality, and access for recreation. A positive step forward now will ease the dangers of wildfires and promote the many values of federal public lands.

We concur with the many statements made by conferees and other Senators and Representatives that the immediate urgency is to control the most dangerous forest fires and reduce their frequency for the sake of lives and property. We support a solution that combines

a budget fix to cover fire costs and a forest policy fix to control causes and severity of these fires.

But a successful beginning at solving the fire problem must address the underlying conservation problem, which is that forests dangerously at risk of fire are also in bad shape as habitat, water sources, and recreation areas. This is evidently clear to researchers and the many Americans who hike, birdwatch, bike, boat, fish, hunt, camp, and seek the many other pursuits in the National Forests. These values and opportunities degrade in neglected forests whether those forests burn or not. These benefits are reclaimed by projects to stabilize erosion, reconnect streams for fish migrations, safely burn underbrush, remove fuel by thinning, and rebuild and clear hiking trails. Results of restoration include wildlife habitat improvements for elk, deer, wild turkey and other early-seral species. The benefits extend to all users of the National Forests.

To accomplish more projects for restoration, policy must make more projects possible. The conferees have several pieces of such an improvement before them. We urge their strong consideration and enactment.

First, there must be a fix for fire-borrowing, so money needed to control fires is available without drawing funds away from other accounts. This creates immediate and near-term budget problems, and we urge the committee to address both. Each year, the Forest Service must have access to funds for extraordinary fire costs should they be needed. Year over year, the agency needs certainty that the average cost of fire does not continue to erode its operating budget. Stabilizing the budget immediately and near-term, ensures time and money for restoration projects and their positive effects. Control of fire costs also relieves pressure on the many other priorities of the entire Interior and Related Agencies Appropriations bill for fish and wildlife conservation efforts across the entire country.

Protecting the budget for restoration projects must be paired with speeding approvals for those projects. Recent years-long discussions on how to do this have yielded some clear first steps taken by both the House and Senate that are before the conference committee and available to it.

The strongest provision for faster project development is that which has come to be known as Action/No-Action – a fitting moniker for the choice at hand. This provision combines the power of citizen collaboration with the duties of the government under the National Environmental Policy Act. It is sensible and wise to engage the citizens who care the most about a National Forest in developing projects that will do the most good there. With a collaborative recommendation in hand, the Forest Service should be free to analyze the simple choice of whether the project should proceed or not. It would be more powerful if each project were designed according to measurable forest-wide conservation goals so as to be explicit about how much progress toward those goals is expected.

Development and evaluation of Action/No-Action projects would be more effective if each project could be judged on measurable progress toward acres of productive wildlife habitat, stream miles of open passage for fish, less erosion from deteriorating legacy roads, and better yields of clean water from National Forest watersheds.

We also support other ideas for speeding projects to completion, such as found in bills pending in Congress and the “discussion draft” published by the Senate Energy and Natural Resources Committee. The “balance of harms” policy and some forms of Categorical Exclusions can also be helpful. These two ideas apply in cases of restoration projects that incur short-term risks in order to achieve long-term conservation results. Projects with a net positive effect for conservation should be expedited.

A significant obstacle to faster and more numerous conservation projects is the objections and litigation process that frequently follows project decisions. We support resolving this issue so that objections result in improving projects and not shelving them. Arbitration may be helpful in this, provided it is designed to turn objections toward positive results. An objection to a project that was developed collaboratively should be required to present an amended or substitute project that achieves more restoration than the original. Holding the objection proposal against the same measurable goals as the original will yield faster and more definitive decisions. The conferees have many proposals on this topic to consider both in the matters before them, and from many other proposals that fit within the scope of the differences.

Thank you for your consideration of our support for better forest conservation. Together, our organizations represent millions of conservationists, wildlife managers, foresters, and hunters who are committed to high-quality multiple-uses of federal lands. Please do not hesitate to contact any of our organizations for further input from our coalition.