



October 24, 2017

The Honorable John Barrasso, Chair  
Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Carper, Ranking Member  
Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso and Senator Carper,

I write as CEO of the National Wild Turkey Federation (NWTF) to strongly support the Discussion Draft of the Wildfire Prevention and Mitigation Act of 2017. Founded in 1973, the NWTF is a national, non-profit, wildlife conservation organization that is dedicated to the conservation of the wild turkey and the preservation of our hunting heritage. The NWTF is 230,000 members strong and maintains local chapters in every state.

The NWTF has been intimately involved in the issues of federal forest management reform and a legislative, permanent fix to remedy the wildfire funding problem for the last 3 Congresses. I have testified several times before the various committees of jurisdiction in both the House and Senate on bills, Discussion Drafts, and oversight hearings. We have come to the conclusion that federal forest management reform and a legislative wildfire funding fix must be enacted in the same bill. Wildfires, litigation, inadequate funding, and project delays are having significant impacts on other critical functions of both the US Forest Service (USFS) and the Bureau of Land Management (BLM), including delays in project implementation addressing fire prevention, infrastructure maintenance, wildlife conservation, research, and recreation. I understand that a wildfire funding fix is outside of this Committee's jurisdiction. However, I respectfully urge you to collaborate with the leadership of the other committees of jurisdiction to draft a forest management reform and wildfire funding fix bill that will garner 60 votes in the Senate, pass the House, and will be signed by the President.

The Discussion Draft contains federal forest management reforms that are science-based, common sense, direly needed, and readily implementable without reducing or constraining the opportunity for public review. Many of these provisions have bipartisan support, and we believe that there may be an opportunity to negotiate and revise those that lack bipartisan support. The NWTF stands ready to assist the Committee in appropriately considering revisions to the Discussion Draft so that it can be reported out of the Committee with a strong bipartisan vote.

The NWTF strongly supports science-based categorical exclusions (CE) to address specific forest management needs, such as meeting objectives for early successional forest habitat; to salvage dead (from fire, disease or insect damage) timber while it is still of marketable value; to control forest insect and disease damage; to salvage timber damaged by catastrophic natural events; to address the needs of specific at-risk species as sage grouse; and to allow for temporary roads to achieve these management objectives. It is important to affirm that CEs are not exemptions from the National Environmental

Protection Act (NEPA). The Council on Environmental Quality (CEQ) has promulgated comprehensive regulations (36 CFR 220) and guidance under which CEs should be utilized by the federal agencies within the statutory boundaries of NEPA. Only those actions that have already undergone the NEPA review process and are routine, reoccurring activities with known minor impacts are eligible for CEs. Therefore, these actions should not require the typical extensive environmental assessment. We believe these categorical exclusions are necessary and will help increase the pace and scale of management and restoration of our nation's forests.

The federal-state conservation plan for the sage grouse is the largest, most comprehensive habitat conservation plan ever implemented in the United States. Sagebrush steppe habitat supports over 350 vertebrate species, including popular game species such as mule deer. Threats to the vitality of this habitat include invasive species such as cheat grass; the expansion of juniper, pinon pine, or other conifers; and the lack of managed fire. A CE for certain prescriptive management techniques on USFS lands such as manual cutting and removal of conifers, prescribed fire, and other techniques will greatly enhance and expand quality sagebrush steppe habitat, helping to preclude the need to list species under the Endangered Species Act (ESA) by providing the life needs and habitat requirements for these species. The NWTF strongly supports affirmation of this CE in statute.

The NWTF strongly supports the CE for early successional forest habitat. Forest diversity at the landscape level is the key to proper management to achieve wildlife species diversity and robustness. Active management creates young forest habitat, which provides adequate food sources, nesting habitat, and shelter for forest wildlife. We are losing this diversity throughout the United States on a landscape-level scale, in many cases because our forests have become homogenized and over-mature. The USFS has not been able to meet its' targets for early forest successional habitat, estimating that 65-82 million acres of National Forest habitat is in need of restoration. The USFS has recognized the need for young forest habitat and has allocated funding and guidance to provide such habitat for threatened, endangered or at-risk species such as the golden-winged warbler, gopher tortoise, red cockaded woodpecker, and New England cottontail. However, studies have estimated that populations of 59% of the bird species that are dependent on early forest successional habitat have declined over the last 2 decades. Ruffed grouse have been nearly extirpated from many parts of their range due to the lack of active forest management, and wild turkey populations have declined by about 15% in the last decade, due in part to a lack of this habitat type. The NWTF strongly supports affirmation of this CE in statute.

The NWTF prefers that the application of a certain CE be tied to meeting the future desired condition of the habitat for wildlife, regardless of acreage. We do believe the acreage limits provide assurance that the actions will not be over-utilized. Additionally, it is important to understand that USFS forest management plans do not allow for forest management treatments to improve wildlife habitat of the size contemplated in some of the bill provisions. The most likely management scenario is several smaller blocks of timber harvest would make up an aggregate CE of accumulated acreage for this management protocol. While the NWTF is supportive of the proposed CE acreage caps, we believe that the acreage limits are secondary to providing the ability for more young forest habitat to be created in a timely manner and at a scale that is meaningful to the dependent wildlife species.

Title I of the bill is a common-sense, bipartisan supported remedy to the Cottonwood decision which has ground timber harvest to a halt in the Upper Rocky Mountain West USFS region. Both the US Fish and Wildlife Service (USFWS) and the Department of Justice under the Obama Administration argued that if additional species are listed or additional acres of critical habitat are designated in an already approved Forest Plan (FP) or Resource Management Plan (RMP), only that newly listed species, and those new acres, are subject to a section 7 consultation under the Endangered Species Act. The NWTF agrees with this opinion. Litigants argued, and the federal court supported, that the entire FP or RMP must be

reviewed again under a section 7 consultation. The NWTf strongly supports Title I of the Discussion draft which remedies the unnecessary process required by the Cottonwood decision.

The NWTf supports the provision of the Discussion Draft that expedites NEPA review of forest projects by limiting review to the action and no-action alternatives. The USFS is increasing its' use of collaborative-developed projects which bring together interested parties around the spectrum, from environmentalists to mill owners, to thoroughly deliberate and draft a science-based forest management project that achieves the desired wildlife conservation, forest restoration, outdoor recreation and other multiple-use objectives desired under the Forest Plan. The process is exhaustive in considering all options, often takes years to complete, and it makes sense that the NEPA review should consider only the option of the selected action of the proposed project compared with the consequences of taking no action. Requiring a NEPA review of all options alternative to the option selected inordinately delays project implementation, and invites litigation that compels the courts to deliberate over an option that has already been thoroughly considered and rejected. The NWTf strongly endorses this expedited NEPA review process.

The NWTf welcomes the provision of a pilot program offering binding arbitration as an alternative to litigation. The loss of years of effort, and the delays in implementation of conservation actions under an approved forest project, from frivolous lawsuits has significantly contributed to increasing fuel loads and greater risks of catastrophic fire; additional species listings under the ESA, some of which may have been avoided by timely implementation of habitat improvements to address the life needs and habitat requirements of species known to be in decline; and failure to provide recreational access to our federal forests. As an example, in Region 1 of the USFS, 5.8 million board feet of timber have been withheld from harvest as a result of litigation just this year. This cries out for a remedy that is alternative to litigation so that we can manage the forests, rather than the forests managing us, as we see with the current wildfire situation. The NWTf strongly supports the pilot program of binding arbitration as an alternative to litigation while continuing to provide public challenge of decisions. This will greatly expedite the process so that the important management of our forests can be implemented.

The National Wild Turkey Federation generally supports the language in section 313 to allow a percentage of the gross receipts in stewardship contracting projects to be paid to the counties. We understand the budget concerns facing counties and certainly don't have all the answers for how to replace lost timber revenue to counties due to lack harvest. That said, we recognize that not treating timber revenues generated from Integrated Resource Timber or Service Contracts the same as regular timber sales has led to unintended consequences on county budgets. As one of the larger users of Stewardship Contracting Authorities, we believe this change will remove one impediment to using Stewardship Contracting Authorities and help garner and/or maintain support for the Authority.

The National Wild Turkey Federation is, however, concerned that paying a portion of the gross receipts to counties could negatively impact the outcomes and/or willingness of partners to enter into Stewardship Agreements with the USFS. Stewardship Agreements, a specific type of project authorized under the Stewardship Contracting Authorities, are uniquely different from Integrated Resource Timber or Service Contracts. Stewardship Agreements, unlike Stewardship Contracts, are awarded via a non-competitive process, require mutual benefit and mutual interest, and the partner is required to contribute a minimum of 20% matching funds in order to expand the scope and scale of the project. Stewardship Agreements are often applied in situations with limited timber value, in places where there aren't viable markets, or where the U.S. Forest Service lacks capacity to administer or implement the project. As a result, the partner's match is required to make the project feasible and to enable the timber harvest and related wildlife/habitat service work to be completed. The NWTf has partnered with the USFS on over 100 stewardship contracts and agreements. We have seen firsthand how our match was used to expand the scope/scale of the project beyond what would have been possible via a

regular timber sale or Stewardship Contract. Diverting a portion of the gross timber receipts to the counties, would decrease the dollars available for on-the-ground work and place a disproportionate strain on the partner match. For these reasons the NWTF suggests that payments to counties be incorporated into the Integrated Resource Timber or Service Contracts but not into Stewardship Agreements.

Thank you very much for consideration of the NWTF perspectives on the Discussion Draft which we strongly support. The NWTF stands ready to work with the Committee to report out a bill with robust bipartisan support.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca A. Humphries". The signature is fluid and cursive, with a large initial "R" and "H".

Rebecca A. Humphries  
Chief Executive Officer