

**American Bird Conservancy * American Rivers * Defenders of Wildlife
Earthjustice * Environment America * Friends of the Earth
League of Conservation Voters * National Audubon Society
Natural Resources Defense Council * Sierra Club**

January 24, 2014

Dear Senator:

On behalf of our millions of members and activists we write to urge you to oppose the 2013 Oregon and California Land Grant Act (S. 1784) (“O&C Act”) as introduced and any other national forest legislation containing similar damaging provisions that may be advanced. The O&C Act undermines federal environmental law and sets out detailed management prescriptions for newly designated “forestry emphasis areas” across 2.1 million acres of western Oregon forest land.

The O&C Act strikes at the heart of the Endangered Species Act (ESA) on its 40th anniversary. For example, it eliminates the requirement that the managing federal agency (the Bureau of Land Management) consult with expert federal biological agencies on whether individual logging projects on these public forestlands harm endangered species and their habitat. Federal agency consultation is a fundamental component of the ESA.

The O&C Act also reduces the application of the National Environmental Policy Act (NEPA) to a shell of its current self. It goes much further than “streamlining” NEPA. The bill would severely limit analysis and public disclosure of the direct environmental impacts of individual projects, as well as any cumulative effects analysis of other actions affecting these forestlands and resources. Instead, it requires only a once-a-decade cursory review with a largely predetermined outcome. In addition, it severely limits judicial review, closing the doors of the courthouse to citizens who are unable to analyze the entire NEPA decision and file a complaint during the 30 days immediately following release of NEPA documents.

In addition, the legislation has Clean Water Act (CWA) implications. For example, the bill only allows water quality impacts under the CWA to be measured a full two years after a harvest which could mask all near term negative impacts of a timber project. The bill could also be interpreted to establish a potentially degraded water quality baseline that could affect all future determinations of impact. We support post-treatment monitoring to measure the effects on water quality, but not in the context of defining the water quality under the CWA.”

Accordingly, we oppose S. 1784, along with any national forest legislation that may be modeled after the O&C Act or other proposals that curtail application of bedrock environmental statutes. Our federal environmental laws are a safety net for our forests, protecting a broad array of benefits including clean drinking water for millions of Americans, wildlife and their habitat, hunting, fishing, and hiking opportunities cherished by generations of Americans, and a multi-billion dollar outdoor industry important to rural communities and regional economies.

We are also concerned by any legislative effort to dictate timber harvest prescriptions that cannot be modified to reflect the best available science without a subsequent act of Congress. Forest managers must be able to use the best available information in making decisions about where, when, and how to proceed with logging projects. They need to be able to incorporate new information about the health of wildlife populations, potential air or water pollution, or changes in the forest from climate change. Ensuring healthy forests and healthy wildlife in a time of climate change will require greater reliance on evolving science, not less.

Just this past September, the Administration echoed these sentiments when it issued a strong veto threat against national forest legislation in the House H.R. 1526. As the Senate considers the O&C Act or national forest legislation it is worth noting that the administration made clear that it strongly opposed the House bill because it “includes numerous harmful provisions that impair Federal management of federally owned lands and undermines many important existing public land and environmental laws, rules and processes.” The September 18, 2013, Statement of Administration Policy made clear that such legislation could “significantly harm sound long-term management of these Federal lands for continued productivity and economic benefit as well as for the long-term health of the wildlife and ecological values sustained by these holdings.” The statement also provided that the “Administration 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.”

Our nation’s public forestlands, including those covered by the O&C Act, are national treasures that provide a wealth of benefits to all Americans. The O&C Act flouts environmental laws that have provided longstanding and vital safeguards to help ensure the health and resilience of these great assets. Without these protections and adequate reliance on science in management, our national forests would be threatened with declining wildlife populations, increased erosion, polluted rivers and streams, and substantial ecological and economic decline. We cannot let this happen.

We urge you to oppose S. 1784 and any other forest legislation that undermines sound forest management or undercuts our bedrock environmental laws.

Sincerely,

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