

Open Letter to Congress Requesting Removal of Environmentally Harmful Policy Riders from any Funding Legislation including FY2018 Appropriations, Disaster Supplemental or any Continuing Resolution

20 December 2017

Dear Members of Congress,

As Congress grapples with funding the government for another year and assisting State and U.S. Territory recovery from hurricanes, floods and wildfires, principals of bedrock environmental laws, such as the Endangered Species Act (ESA), National Environmental Policy Act (NEPA), the Roadless Rule, and even the Clean Air Act (CAA), are on the chopping block.

Below, we the undersigned environmental organizations and activists, have undertaken to detail the most egregious anti-environment policy riders and provisions currently included in the House and Senate draft appropriations bills for the Department of Interior (DOI), environment and other agencies, and the Disaster Supplemental funding bill. We urge you to stand up for the environment and oppose these or any similar provisions and ensure that such controversial policy riders are NOT included in any Continuing Resolution for government funding.

House Draft Interior Appropriations Bill

In the House bill, please oppose, and ensure the removal of the following sections:

Section 116: instructs the re-issuance of rules, which were declared illegal by the D.C. Circuit Court of Appeals, which would delist Gray Wolves in Minnesota and Michigan (Great Lakes population) and Wyoming. Conveniently the re-issuance of these illegal rules would not be subject to judicial review.

Section 117: prevents the US Fish and Wildlife Service from spending any funds to protect Gray Wolves under the Endangered Species Act (ESA).

Sections 417 and 418: override environmental laws, including the Clean Air Act, and prohibit federal agencies from analyzing the greenhouse gas emissions from livestock grazing, even though methane from livestock has been determined to be a significant contributor to climate change.

Section 428: encourages taxpayer subsidies to increase logging of our National Forests and other federal lands for forest “bioenergy” and forces federal agencies to promote the notion that logging and burning trees for energy is carbon neutral. This is a falsehood, and has been refuted by the nation’s top climate and forest scientists, who have concluded that such a requirement would increase forest degradation and would exacerbate climate change (<http://whrc.org/letter-to-the-senate-on-carbon-neutrality/>).

Section 437: allows the livestock grazing industry to occupy areas where livestock grazing had previously been halted, often due to environmental damage to vegetation, streams, and wildlife. This section calls such areas "vacant" and would allow renewed livestock grazing under certain

circumstances while suspending NEPA and preventing any new environmental analysis. This would threaten streams, native fish and amphibians, as well as bighorn sheep and other wildlife.

Senate Draft Interior Appropriations Bill:

Please oppose, and ensure removal of, the following sections:

Sections 114 and 121: would prevent spending any funds to protect the sage-grouse or the lesser prairie chicken under the ESA, and Section 431 would undermine the ESA by overriding the “Cottonwood” court decision. These three sections should be eliminated.

Sections 416 and 417: override environmental laws, including the Clean Air Act, and prohibit federal agencies from analyzing the greenhouse gas emissions from livestock grazing, even though methane from livestock has been determined to be a significant contributor to climate change.

Section 430: allows the livestock grazing industry to occupy areas where livestock grazing had previously been halted, often due to environmental damage to vegetation, streams, and wildlife. This section calls such areas “vacant” and would allow renewed livestock grazing under certain circumstances while suspending NEPA and preventing any new environmental analysis. This would threaten streams, native fish and amphibians, as well as bighorn sheep and other wildlife.

Sections 501 and 502: creates a massive new multi-year budget authority, increasing taxpayer appropriations for federal fire suppression by as much as **\$2 billion annually**, but these provisions contain no guidance on the use of funds, which means the current misguided emphasis on backcountry fire suppression would be increased. Unless these sections are modified to explicitly require expenditure of fire suppression funds to be prioritized closest to human communities, and de-prioritized in more remote forests, the sections should be removed.

Section 504: encourages increased logging of any type or intensity on federal lands, under the guise of creating “resilient landscapes” (Subsection 504(b)(2)(B)), by allowing any surplus fire suppression funds (which could potentially be hundreds of millions of dollars in a given year) to be used for such logging projects. Section 504 also vaguely mentions projects within and adjacent to communities ostensibly to make communities more fire-adapted, but there are no standards or definitions. As written, this would simply be a recipe for more backcountry logging on federal lands. Either Section 504 should be stripped from the bill, or all references to logging for “resilient landscapes” should be removed, and references to “wildfire risk reduction projects” should be changed to “fire-safe community projects” focused on defensible space immediately adjacent to homes (within 100 feet) and assistance to homeowners to help them make their houses more fire-resistant.

Section 505: is an attack on the National Environmental Policy Act (NEPA) that would eliminate the requirement that a reasonable range of alternatives proposed by the public be fully considered for logging projects on federal lands. Instead, Section 505 would allow such logging projects to go forward with only a single action alternative to be considered—the logging project proposed by the federal land management agency. The federal courts have described NEPA’s

range of alternatives provision as the heart of NEPA. Please do not allow yet another attack on our nation's fundamental environmental charter. When the Forest Service controls the process, the outcome is not binding and full consensus is not required; "collaboration" does not result in environmentally sound decision-making.

Section 508: would eliminate current protections for Roadless Areas on National Forests in Alaska, and would force continued emphasis on logging old-growth forests on the Tongass National Forest in southeast Alaska.

House Draft Disaster Supplemental, H.R. 4667

Section 2029: exempts FEMA from key provisions of the Endangered Species Act (ESA), namely the requirement to consult with US Fish and Wildlife Service when a threatened or endangered species or designated critical habitat may be affected by post-disaster rebuilding efforts, as well as the ESA Section 9 prohibition on the taking (killing, injuring, harassing or capturing) a listed species.

Again, we ask you to please safeguard the environment by opposing the provisions detailed above and any similar provisions that may be proposed in or attached to funding legislation.

Sincerely,

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WildWest Institute
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Idaho Sporting Congress
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Kootenai Environmental Alliance
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Wilderness Watch
Missoula Montana

Blue Mountains Biodiversity Project
Portland, OR

Sequoia Forest Keeper
Kernville, CA

Alliance for the Wild Rockies
Missoula, MT

Friends of the Bitterroot
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Montanans for Gallatin Wilderness
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RESTORE: The North Woods
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Georgia Forest Watch
Ellijay, GA

California Chaparral Institute
Vista, CA

Los Padres ForestWatch
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Wildland Defense
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Shawnee Forest Sentinels
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