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Environmentally Damaging Forestry Provisions of H.R. 2, The 2018 Farm Bill

Our public forest lands are not a crops or “fuels”, they are ecosystems which provide, among other things, clean water, clean air, and habitat for native species. These forests are also one of nature’s best carbon storage and sequestration systems on the planet. When intact, they provide a place of refuge and reflection as well as exceptional opportunities for the multi-billion dollar recreation economy. In fact, protection of public forestlands from logging is essential to mitigate the effects of climate change and arrest global temperature rise so that we can continue to grow food and feed the people of America. Unfortunately the purely Republican Agriculture and Nutrition Act is a focused attack on these lands and the laws that protect the benefits, beauty and recreation that they provide.

H.R. 2 uses falsehoods, partisan rhetoric and scientifically unsupported assertions in an attempt to support Republican’s agenda to rollback bedrock environmental laws to expedite harmful logging practices. But to be clear the projects they are proposing to exempt from the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA) are anything but benign.

Below we detail the most egregious provisions of Title VIII (Forestry) found on pages 464 thru 526 of the House Republican’s Farm Bill. In order to prevent large scale deforestation and its consequences, we urge you to actively speak out against these sections of the bill and resist any attempt to make a deal which includes these or any other similar provisions. The time to stand up for our forests and the environment is now.

Section 8104 would federally subsidize between 50 to 100% of the costs of landscape-scale logging on public forest land owned by a State or unit of local government. Degrading and destroying entire watersheds or forested areas to subsidize the wood products industry. Even though \$50,000,000 dollars over the next 5 years would be appropriated for such projects, these projects would not be subject to the provisions of NEPA, because the Farm Bill insists that such projects are not “major federal actions” (pg. 474).

Section 8106 would appropriate \$125,000,000 over the next 5 years to solidify reliance on the timber carbon economy. This money would be spent to facilitate the creation of twenty to twenty-five new woody biomass burning facilities each year across the country. Such facilities belch amounts of carbon into the atmosphere which exceed coal burning facility emissions. In addition there are numerous other noxious pollutants which are a byproduct of such facilities and are harmful to people’s health and wellbeing.

Section 8107 would permanently authorize and amend the 2014 Farm Bill Insect and Disease Categorical Exclusion which was set to expire on September 30, 2018, and would double the number of acres allowed to be logged (including clearcut) to 6,000 acres (an area 6 times larger than Golden Gate Park). The underpinnings of this CE are not supported by the scientific evidence. Logging does not stop native beetle activity or disease, nor does it prevent wildland fire, and areas which have an abundance of dead trees (“snags”) do not burn more intensely than green forest. In fact, the only areas that actually burn more intensely are areas that are the most heavily logged. Finally, snags are essential to the health of a forest and natural selection due to drought, fire or insects, is what keeps our forests resilient. In such circumstances the strongest trees with the best genetics, adapted to specific site conditions, survive and perpetuate the forest ecosystem, while snags improve heterogeneity and biodiversity. To date this CE has been used to log (including clearcut) mature and old trees, within California Spotted Owl, Grizzly and Lynx habitat.

Subtitle C Availability of Categorical Exclusions to Expedite Logging

Sections 8302 permits logging within national or State-specific inventoried roadless areas through the use of any of newly created exemptions (categorical exclusions or CEs) in this subtitle C. These CEs eliminate NEPA requirements to: prepare either an environmental impact statement or an environmental assessment; assess cumulative impacts; respond to dissenting scientific opinion and ensure the scientific accuracy and integrity of a decision.

Section 8303 would eviscerate ESA protections by permitting the Forest Service and BLM to be the sole deciders on whether their 6,000 acre logging projects, for which they were not required to prepare environmental analysis, are likely to adversely affect a listed species or designated critical habitat.

Section 8311 is another 6,000 acre logging CE with five catchall categories which are exempt from the requirements of NEPA. This section would eliminate the heart and purpose of the National Environmental Policy Act without actually repealing the law.

Section 8312 would allow 6,000 acre logging projects to proceed without compliance with NEPA provisions in areas that have experienced essentially any type of natural event, including a rain storm, earthquake, drought, fire or flood, so long as the agency makes the scientifically unsubstantiated claim that logging will prevent a future fire, or when they just wants to make a few bucks. This particular CE is targeted most clearly at the unique, rare and richly biodiverse (as biodiverse as old-growth forests) forest landscapes which exist after fire. Post-fire areas, especially the small percentage of these areas (typically less than 30%) which burn at high intensity are essential components of a healthy and resilient forest ecosystem. These areas serve as nurseries for myriad wildlife species due to the abundance of cavities, shrubs, naturally regenerating trees, insects and small mammals which these areas provide. Food and shelter, the essential ecological components of highly suitable wildlife habitat, would be destroyed (most likely through clearcutting) under this categorical exclusion for short-sighted minimal economic gain. There are no restrictions on what type of logging can occur under this CE, and only one waivable suggestion that stream buffers be observed.

Section 8313 creates yet another 6,000 acre CE to facilitate the removal of all mature trees in a given area to create, through logging mature and old forest, early successional (*i.e.* very young) forests.

Section 8314 creates an unnecessary categorical exclusion, with no acreage limitation, to remove undefined hazard trees. The Forest Service already has the authority to remove trees which pose an imminent hazard to human and health and safety.

Section 8315 thru 8320 are a series of categorical exclusions some exempting yet more 6,000 acre logging projects others for road building, administrative sites and recreational areas – but all specifically designed to permanently eliminate the application of NEPA protections and procedures to any and all “projects” regardless of their environmental impact, that might take place on federal public lands.

Section 8333 would lift the restriction on exporting unprocessed timber from live and dead trees on national forest lands in California. This would increase the economic pressure to log California national forests, degrading and destroying our native forest ecosystems for short-term economic gain.

And Finally, **Section 8503** would eliminate the extraordinary circumstances safeguard which was put in place to ensure that environmentally harmful projects would not proceed under a categorical exclusion. The Forest Service would no longer need to consider whether a categorically excluded logging project will affect a potential wilderness area, a Forest Service sensitive species, or a threatened, endangered, or candidate species or critical habitat under Section 7 of the Endangered Species Act. This section also makes clear that, regardless of how many 6,000 acre logging projects are implemented right next to one another, no cumulative impacts analysis is ever required, and that substantial alterations to potential wilderness areas will no longer require preparation of an Environmental Impact Statement.