



June 28, 2018

The Honorable John Barrasso, MD
Chairman, Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Endangered Species Act Amendments of 2018

Dear Senator Barrasso:

The American Forest Resource Council (AFRC) is pleased to offer its support for the Endangered Species Act Amendments of 2018. AFRC is a regional trade association whose purpose is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. We do this by promoting active management to attain productive public forests, protect adjoining private forests, and assure community stability. We work to improve federal and state laws, regulations, policies and decisions regarding access to and management of public forest lands and protection of all forest lands. AFRC represents over 50 forest product businesses and forest landowners throughout Washington, Oregon, California, Idaho, and Montana.

AFRC and our members are keenly aware of the impact of species listings under the Endangered Species Act (ESA). As a result of the listing of the northern spotted owl as a threatened species in 1990, public timber harvests dramatically decreased, leading to shuttered mills, lost jobs, and devastated communities. It is vitally important that the ESA be implemented carefully, collaboratively, and rigorously, lest the significant impacts of a listing happen without adequate justification.

The Endangered Species Act Amendments of 2018 take appreciable steps to improve implementation of the ESA. Title I will improve coordination and input from States which have some of the best local knowledge and information about status of potentially listed species. There are significant improvements in recovery planning, including the requirement to set objective recovery thresholds at the time a species is listed and the option of a State-led recovery team. Improving the recovery planning and implementation process is important, as clear guidelines and State involvement are more likely to provide a return on conservation investments made by State, private, and other stakeholders. Title II makes important strides in solidifying the use of Candidate Conservation Agreements with Assurances (CCAAs). CCAAs have emerged as an important tool in building commitments among private, State and federal landowners to conserve species across all lands to avoid the necessity of an ESA listing. The remaining Titles of the legislation contain important provisions with the goal of increasing transparency and data

5100 S.W. Macadam Avenue, Suite 350
Portland, Oregon 97239
Tel. (503) 222-9505 • Fax (503) 222-3255

Hon. John Barrasso, MD

June 28, 2018

Page 2

quality. The provisions regarding litigation transparency will shed important light on the role of litigation in driving management decisions that should be science-based.

As the Committee considers this important legislation, we urge you to examine the role that consultation under ESA section 7 plays in land management decisions. With the continued forest health crisis across the West, timely completion of the section 7 process is important to implementing management projects on the ground. Congress took a step forward with the Consolidated Appropriations Act in March where it addressed much of the Ninth Circuit's disastrous *Cottonwood* decision. A complete fix would eliminate duplicative paperwork without removing any significant conservation benefits. The Committee should also consider firm timelines for section 7 consultation, as the current timelines are very rarely observed. Additionally, the Committee should consider enabling the Forest Service's expert biologists to make their own determinations that an action is "not likely to adversely affect" listed species. This would streamline the process and make better use of the agency's expertise in land management.

Thank you for your leadership on the Endangered Species Act Amendments of 2018 and we look forward to working with you and the Committee as the legislation is considered further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is written in a cursive, flowing style.

Travis Joseph
President