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OPPOSE H.R. 3715, the Scenic Columbia Gorge Restoration Act of 2017

December 12, 2017

The Honorable Rob Bishop, Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
United States House of Representatives
Washington, D.C. 20515

The Honorable Raúl Grijalva, Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Bishop and Ranking Member Grijalva:

On behalf of millions of members, our supporters, and our organizations, we write to express our strong opposition to H.R. 3715, the “Scenic Columbia Gorge Restoration Act of 2017.” H.R. 3715 is simply another in a long line of logging bills proposed during the 115th Congress that opportunistically and unscientifically attempt to use wildfire and other natural events as justification for extensive and unregulated logging on federal public lands. While the short title of H.R. 3715 purports to “restore” the Columbia River Gorge National Scenic Area, a portion of which burned this year in the Eagle Creek fire, this legislation would codify the accelerated destruction of this area’s outstanding natural and scenic values—as well as the resources of any of the other designated national scenic areas around the country—as soon as any *natural* disturbance event occurs.

The Columbia River Gorge is a world-renowned area that is home to innumerable ecological treasures, such as threatened and endangered species and their critical habitat, several species of endemic wildflowers, the Mark O. Hatfield Wilderness Area, cultural resources, and wetlands, among others. This Natural Scenic Area offers numerous recreational opportunities, supports a thriving tourist economy, and is in close proximity to the protected Bull Run Watershed, which provides municipal water supplies for nearly one million people.

We respectfully request that our reasons for opposition to this legislation, as detailed herein, be included in the committee(s) record should the committee(s) take up and consider H.R. 3715.

Protection of the world-renowned Columbia River Gorge National Scenic Act would be undermined. H.R. 3715 conflicts with numerous requirements of the Columbia River Gorge National Scenic Area Act and Management Plan. The Scenic Area Act, a bipartisan law signed by President Ronald Reagan in 1986, requires the protection and enhancement of scenic, natural, cultural and recreation resources of the Columbia River Gorge, including the Pacific Crest National Scenic Trail, and prohibits adverse effects to these resources. The fire occurred within Special Management Areas Open Space zones where logging is prohibited by the Scenic Area Management Plan. The Forest Service should be allowed to apply existing Management Plan provisions without the environmentally damaging provisions and conflicting language and environmentally damaging provisions in H.R. 3715.

Key provisions of the National Environmental Policy Act (NEPA) would be altered. In an effort to accelerate the removal of timber after any sort of natural event, including a fire, flood, windstorm or rainstorm (Sec. 2(a)(1)), H.R. 3715 eliminates the requirement to prepare an Environmental Impact Statement pursuant to NEPA, and authorizes logging projects as large as 10,000 acres (over 15 square miles) and as intensive as clear-cuts to be categorically excluded from any detailed analysis of environmental impacts. Intensive logging in National Scenic Areas, including, the Gorge, would be highly controversial and would have unique and long-lasting negative effects on the natural and scenic values and the environment, which is exactly the type of action that should necessitate rigorous environmental review.

Species listed under the Endangered Species Act (ESA) would be placed at risk. This legislation alters long-standing ESA consultation procedures by prohibiting the U.S. Fish and Wildlife Service, the agency charged with ensuring that species do not go extinct, from reviewing the Forest Service's determination that a given logging project (even one which clear-cuts 10,000 acres) is not likely to affect a listed species. (Sec. 2(e).)

Judicial review would become meaningless. The legislation neuters the judicial branch of our tripartite government by prohibiting any court of law from issuing an injunction to halt an illegal "salvage" logging project in a National Scenic Area. (Sec. 2(f).) Eliminating the public's ability to secure meaningful relief from violations of law is inconsistent with a nation of laws.

Assumes that all natural events are ecological catastrophes and will adversely impact a National Scenic Area. The legislation includes an extremely expansive definition of "catastrophic event," even though all of the events listed in Sec. 2(a)(1) are natural and oftentimes regular occurrences in areas like the Columbia River Gorge. The Eagle Creek Fire, which is being used as the justification for H.R. 3715, was not an ecological catastrophe, but rather was a fire that burned across the landscape in a varying pattern of low, moderate and high intensity patches, just as fires have been doing in this area for millennia. Creating a diversity of habitat types within the area burned will support high levels of native biodiversity¹, which enhances the natural and scenic values of the Columbia Gorge National Scenic Area.

Contrary to the best available science H.R. 3715’s “salvage” logging and associated provisions will not restore fire-dependent ecosystems but rather will degrade them. Dead trees – “snags” – are one of the most important habitat structures in a forest ecosystem; therefore, removing these trees through postfire logging would have significant ecological consequences and is not restorative. Forests in the West are fire-adapted, and the plants and animals which live in these forest ecosystems have evolved to respond to and take advantage of fire on the landscape. ² The use of heavy logging equipment to cut down trees is highly disruptive of a forest’s post-fire natural response and recovery processes. ³ Post-fire logging kills nitrogen-fixing shrubs and fungi that restore the soil and that support future trees that will naturally regenerate in these areas, kills live trees that survived the fire (which will provide a seed source for naturally regenerating trees), and actually kills most of the naturally regenerating tree seedlings. This kind of logging creates chronic sedimentation, which negatively impacts fish and amphibians as well as municipal water supplies. ⁴

Put simply, H.R. 3715 represents inappropriate public policy that would have substantial ecological repercussions for the Columbia River Gorge National Scenic Area, as well as other scenic areas around the country to which this legislation would apply. Representative Walden has attempted to capitalize on the occurrence of the ecologically beneficial Eagle Creek fire by utilizing fear and misinformation to compel a rollback of environmental laws and increases in logging of public lands. To protect our treasured public lands, it is imperative that such beneficial fires do not result in policies that expand short-term economic gain at the expense of our natural forest ecosystems and all the ecosystem services these areas provide. We therefore urge you to staunchly oppose this unnecessary and environmentally harmful legislation.

Sincerely,

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