



July 19, 2018

The Honorable Pat Roberts
U.S. Senate
109 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Debbie Stabenow
U.S. Senate
731 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Michael Conaway
U.S. House of Representatives
2430 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Collin Peterson
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairmen Roberts and Conaway, and Ranking Members Peterson and Stabenow:

The undersigned organizations urge the 2018 Farm Bill conferees to reject the provisions in H.R. 2 that would grant the United States Forest Service (USFS) overly-broad leeway in conducting non-emergency management activities that would damage natural and cultural resources found on much of its property. We are also concerned that this language, if enacted, would cause serious erosion in the consultation relationships that exist between the USFS and stakeholder groups, including federally-recognized tribes.

The Coalition for American Heritage is made up of more than 300,000 heritage professionals, scholars, small businesses, non-profit groups, and history-lovers from across the country who work together to support and promote our nation's commitment to historic preservation. Together, we advocate for policies that streamline regulations and speed permitting, while ensuring that local communities and the public have an opportunity to express their priorities.

We understand the need for the USFS to manage lands impacted by true natural disasters more efficiently and effectively, and we fully support giving it the tools it needs to accomplish this. Sections 8301—8321 of Subtitle C of Title VIII in H.R. 2, however, would enable the USFS to dispense with vital mitigation and consultation procedures under the National Environmental Protection Act under too broad a set of conditions. For example, Section 8301 defines “catastrophic event” for the purposes of a categorical exclusion for salvage activities as being “any natural disaster (*such as hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak*) or any fire, flood, or explosion, regardless of cause.” No one doubts the disastrous nature of hurricanes, tornados, tidal waves and floods; but very few rainstorms or snow storms are natural disasters, and hardly merit a sweeping departure from conservation procedures that have served the nation so well for decades. Even in some

cases where natural disaster damage has been severe, and significant response actions must be carried out—such as with the pine beetle infestation in the West—survey and mitigation work should still be done prior to remediation, in order to ensure that natural and cultural assets we might not know we had in the first place aren't lost forever.

Further, Subtitle C's long list of approved purposes for which categorical exclusions could be granted seems to contain many objectives that the USFS should be carrying out under regular procedures, and do not reflect critical actions needed to repair the damage from catastrophic events, or to prevent potential catastrophes from occurring. Some of these exclusions consist of: meeting plan goals for early successional forests; infrastructure management activities; managing developed recreation sites; and managing administrative sites. Many of these would allow for the building or altering of roads and other structures without doing the survey and mitigation requirements required under NEPA, which exist precisely to protect impacted natural and cultural resources from damage or destruction by human activity.

Finally, the broad categorical exclusions called for under the subtitle would result in a dramatic decrease in the amount and nature of public and stakeholder consultations that NEPA requires of federal agencies prior to carrying out undertakings. These consultations—particularly those with federal-recognized tribes on a government-to-government basis—constitute a key factor in the successful multi-use management of USFS lands, and must not be weakened or dispensed with.

In short, H.R. 2 would grant exclusions for a broad range of activities that have little to do with natural disaster response, and we strongly urge the conference committee to reject Subtitle C of Title VIII in H.R. 2.

Sincerely,

American Anthropological Association
American Cultural Resources Association
Society for American Archaeology
Society for Historical Archaeology