

## **ALLOWING LOGGING PROJECTS TO AVOID ENVIRONMENTAL REVIEWS**

Passed 268-151

### **SUMMARY:**

The House passed a bill that would open federal land to logging projects by avoiding environmental reviews under the National Environmental Policy Act, ignoring science relevant to species under the Endangered Species Act, and blocking access to judicial review. (*September 24, 2024, Roll Call No. 448*).

### **BACKGROUND:**

Wildfires pose a threat across the country to wildlife and to communities. Old-growth trees are particularly fire-resilient, capture carbon, and provide habitat to countless species. Logging of large, old-growth trees not only removes these trees' fire-resilience from forests, but it also leaves highly flammable underbrush and destroys habitat for wildlife. As a result, clear-cutting trees does not prevent wildfire, but in fact it increases the risk of wildfire.

Currently, it is disturbingly common for the Forest Service to use categorical exclusions to avoid environmental review under the National Environmental Policy Act across acres of forest, allowing logging for timber without appropriately considering effects on wildlife. Further, the Ninth Circuit Court ruled in *Cottonwood Environmental Law Center v. US Forest Service (Cottonwood)* that the Forest Service or Bureau of Land Management must reinitiate consultation to update their management plan if new information becomes available under the Endangered Species Act; this update must occur if new information is revealed that would impact a threatened or endangered species, a new species is listed, or new critical habitat is designated. Finally, if a project will have detrimental environmental impacts for wildlife, communities have six years to file a lawsuit to protect the environment. Judges have discretion to stop or temporarily delay projects when a credible challenge is made to an inadequate environmental review.

Rep. Bruce Westerman (R-Ark.) introduced the Fix Our Forests Act, H.R. 8790. H.R. 8790 would expand categorical exclusions under the National Environmental Policy Act to 10,000 acres; overturn the legal precedent set by the *Cottonwood* ruling; shorten the statute of limitations to file a lawsuit to 120 days; and allow logging projects to proceed under the guise of wildfire risk before environmental reviews occur or even if a court finds the review legally insufficient. The bill utilizes concern about wildfire to expand logging on public lands and to undermine environmental reviews. As a result, large-scale logging projects would occur before considering the environmental effects on wildlife, and forests would suffer irreparable harm. Additionally, by overturning *Cottonwood*, forest plans would not need be updated to reflect the best-available science, which would result in projects proceeding to the detriment of threatened or endangered species. This bill would block communities from accessing the courts to protect wildlife and would weaken the National Environmental Policy Act and the Endangered Species Act.

### **OUTCOME:**

On September 24, 2024, the House passed H.R. 8790, 268-151. "No" was the pro-conservation vote.