

**National Wildlife Federation \* Montana Wildlife Federation  
Conservation Northwest \* Idaho Wildlife Federation  
Association of Northwest Steelheaders**

March 8, 2017

Senator Jon Tester  
US Senate  
Washington DC 20510

Senator Steve Daines  
US Senate  
Washington DC 20510

Dear Senators Tester and Daines:

By this letter, we voice the support of the National, Montanan and Idaho Wildlife Federations and Conservation Northwest for your effort to better integrate protections for threatened and endangered species with federal land and resource management plans through the Litigation Relief for Forest Management Projects Act.

Two of our most important tools for managing wildlife and habitat are the Endangered Species Act (ESA) and land management plans developed under the Federal Land Policy and Management Act (FLPMA) and the National Forest Management Act (NFMA). When a species present on public lands is listed as endangered or threatened, its survival and recovery needs must be accommodated on those lands. And when critical habitat for an endangered or threatened species is designated on a unit of public lands, the habitat needed by the species must be maintained. The needs of endangered and threatened species on public lands can be met through consultation with the U.S. Fish and Wildlife Service, as required under the ESA, on the revision of land management plans, on significant plan amendments that affect a listed species, and on projects that may affect listed species. We share some of the concerns of the Forest Service and BLM that requiring consultation on the ongoing implementation of land management plans, independent of their implementation through individual projects, has the potential to unnecessarily disrupt and delay the important planning process.

The Ninth Circuit's decision in *Cottonwood Environmental Law Center v. U.S. Forest Service*, 789 F. 3d 1075 (9<sup>th</sup> Cir. 2015) has held up in sharp relief, the various planning and consultation duties required of federal land management agencies, and raises for policy-makers and legislators questions of efficiency and how agency expertise can best be utilized. Your legislation continues federal consultation requirements for threatened and endangered species on federal actions that occur at the project level until land management plans are revised or amended.

At the same time, your measured and carefully drafted bill also asks agencies to be forward looking. By requiring federal land management agencies to take into account all new and relevant information, including the best science on listed species when they revise or significantly amend the land management planning documents your legislation assures that

Senators Jon Tester and Steve Daines  
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Page 2

conflicts will be identified and avoided as plans are being developed, not after the fact when plans are being implanted. Moreover, this is the current standard for every aspect of BLM and Forest planning.

Thank you for your efforts to sensibly resolve the issues raised by the *Cottonwood* decision.

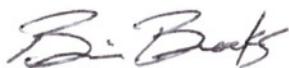
With best regards,



Tom France  
Regional Executive Director  
National Wildlife Federation



Dave Chadwick  
Executive Director  
Montana Wildlife Federation



Brian Brooks  
Executive Director  
Idaho Wildlife Federation



Mitch Friedman  
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Conservation Northwest



Bob Reese  
Executive Director  
Association of Northwest Steelheaders

C: Senator Mike Crapo  
Senator James Risch  
Senator Maria Cantwell  
Senator Patty Murry

Senator Ron Wyden  
Senator Jeff Merkley  
Mike Leahy - NWF

