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June 1, 2017

Dear Senator/Representative,

The National Association of Forest Service Retirees (NAFSR) is a professional and science-based organization with members consisting of Forest Service retirees and associates.

We write in this instance to support the bipartisan bicameral Litigation Relief for Forest Management Projects Act, S605 and HR1483, to statutorily repeal the Cottonwood decision.

The Ninth Circuit Court's *Cottonwood* ruling increases Endangered Species Act compliance with little or no benefit to listed species. Projects have already been enjoined and Notices of Intent have been filed on additional projects. These legal challenges delay hazardous fuels reduction projects to protect communities and impact jobs in rural communities. Approximately 70,000 acres of fuels treatment and thinning and millions of board feet of timber are enjoined. In addition, 80 vegetation management projects (fuels treatment, prescribed burning, thinning, timber sales) could be litigated and enjoined.

There is now greater uncertainty as to whether project implementation can proceed even when Lynx critical habitat consultation has been completed. In addition, the 9th Circuit decision challenges USDA's long-standing position regarding the nature of Forest Plans. The implications of Cottonwood extend beyond national forests with critical Lynx habitat and have the potential to challenge any project requiring consultation under the Endangered Species Act.

NAFSR is pleased to support this bipartisan legislation and join the ranks of the diverse stakeholders who support congressional action to repeal the Cottonwood decision

James L. Caswell

James L. Caswell, Chair
National Association of Forest Service Retirees