July 25, 2012

The Honorable John L. Mica The Honorable Nick J. Rahall, II

Chairman Ranking Member

Transportation & Infrastructure Committee Transportation and Infrastructure Committee

2165 Rayburn House Office Building 2163 Rayburn House Office Building

U.S. House of Representatives U.S. House of Representatives

Washington, D.C. 20515 Washington D.C. 20515

Dear Chairman Mica and Ranking Member Rahall:

We are writing to thank you for scheduling a markup of H.R. 2541, *the Silviculture Regulatory Consistency Act*, and to express our support for committee approval of this important bipartisan legislation that will protect jobs, natural resources and recreational opportunities on federal, state, local, tribal and private forestlands. We commend Representatives Jaime Herrera Beutler (R-Wash.) and Kurt Schrader (D-Ore.) for advancing this bipartisan legislation and your leadership in moving this bill forward.

As you know, the Clean Water Act created a legal framework under which the federal government, through EPA, regulates waters of the U.S. across various sectors. In implementing the law, EPA rightly differentiated between industrial activities, regulated as point sources, and the kinds of activities associated with responsible management of working forests, which have been regulated through nonpoint source management measures adopted by each state. Recognizing forest roads as nonpoint sources of water pollution allowed states to develop and implement highly flexible and ecologically tailored Best Management Practices (BMPs) that provide water quality benefits across a range of different local circumstances. As a result, in the 35 years since EPA issued its silviculture regulation, forest owners have managed their land to benefit water quality, fish and wildlife and a range of other natural resource values.

A recent decision by the 9th Circuit Court of Appeals struck down EPA’s silviculture regulation for forest roads, ruling that forest managers must submit to a point source permitting regime. Such an outcome not only lacks corresponding environmental benefits, it will impose significant costs on public and private forestland owners while exposing them to potentially endless litigation. While the Supreme Court has agreed to review the Ninth Circuit decision, we encourage the Committee to approve H.R. 2541 to ensure the proper interpretation of statutes under its jurisdiction, thus providing forestland owners with greater certainty needed for long term ownership and management of forestlands to achieve a number of public and private benefits.

Failure to maintain nonpoint source status for this activity will seriously threaten the continued economic viability of private, federal, state, local, and tribal forests and pose very real environmental risks to our critical natural resource infrastructure. Furthermore, the resulting loss of jobs and forests undermines the goal of preserving working landscapes that support rural families, wildlife habitat, clean water and recreational opportunities across the country.

*The Silviculture Regulatory Consistency Act* corrects the Ninth Circuit’s decision and protects jobs, forests, and the clean water so important to public health. H.R. 2541 codifies in law what EPA has contended for 35 years is the most effective way to regulate forestry activities under the Clean Water Act - treating them as nonpoint sources of water pollution best addressed by states through BMPs rather than through permits required for confined industrial sites.

Thank you for your scheduling this legislation and for your continued leadership and support on those issues under your jurisdiction which benefit the continued health and vitality of our nation’s outstanding forest resources and local communities that depend on working forests.

Sincerely,

Alabama Forestry Association

Alabama Loggers Council

Alaska Forestry Association

Allegheny Hardwood Utilization Group, Inc

American Forest and Paper Association

American Forest Foundation

American Forest Resource Council

American Loggers Council

Appalachian Hardwood Manufacturers Inc.

Arkansas Forestry Association

Arkansas Timber Producers Association

Associated California Loggers

Associated Logging Contractors - Idaho

Associated Oregon Loggers, Inc.

Association of Consulting Foresters

Association of Equipment Manufacturers

Association of Washington Business

Biomass Thermal Energy Council

Black Hills Forest Resource Association

California Forestry Association

Colorado Timber Industry Association

Empire State Forest Products Association.

Federal Forest Resource Coalition

Florida Forestry Association

Forest Landowners Association

Forest Products Industry National Labor Management Committee

Forest Resources Association

Georgia Forestry Association

Great Lakes Timber Professionals Association

Hardwood Federation

Intermountain Forest Association

Intertribal Timber Council

John Deere

Kentucky Forest Industries Association

Louisiana Forestry Association

Maine Forest Products Council

Maryland Forestry Association

Michigan Association of Timbermen

Michigan Forest Products Council

Minnesota Forest Industries

Minnesota Timber Producers Association

Mississippi Forestry Association

Missouri Forest Products Association

Montana Logging Association

Montana Wood Products Association

National Alliance of Forest Owners

National Association of Conservation Districts

National Association of State Departments of Agriculture

National Association of State Foresters

National Hardwood Lumber Association

National Stone, Sand and Gravel Association

National Woodland Owners Association

New Hampshire Timber Harvesting Council

New Hampshire Timberland Owners Association

New Mexico Forest Industry Association

North Carolina Association of Professional Loggers

North Carolina Dept. Agriculture/Commissioner

Steve Troxler

North Carolina Forestry Association

Northeastern Loggers Association

Northern Arizona Loggers Association

Northwest Pulp and Paper Association

Ohio Forestry Association

Oklahoma Forestry Association

Oregon Forest Industries Council

Oregon Small Woodlands Association

Ouachita Timber Purchasers Group

Pellet Fuels Institute

Pennsylvania Forest Products Association

Professional Logging Contractors of Maine

Pulp and Paper Resource Council

Society of American Foresters

South Carolina Forestry Association

South Carolina Timber Producers Association

Southeastern Lumber Manufacturers Association

Southern Wood Producers Association

Tennessee Forestry Association

Texas Forestry Association

Treated Wood Council

Virginia Agribusiness Council

Virginia Forest Products Association

Virginia Forestry Association

Virginia Loggers Association

Washington Contract Loggers Association, Inc

Washington Farm Forestry Association

Washington Forest Protection Association

Washington Friends of Farms and Forests

West Virginia Forestry Association

Wisconsin County Forests Association

cc: The Honorable Bob Gibbs, Chairman, Subcommittee on Water Resources &

Environment

The Honorable Timothy H. Bishop, Ranking Member, Subcommittee on Water

Resources & Environment

The Honorable Jaime Herrera Beutler

The Honorable Kurt Schrader