

United States Senate

WASHINGTON, DC 20510

January 31, 2023

President Joseph R. Biden, Jr.
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Biden,

We write today to request your support in the Fiscal Year 2024 President's Budget for a clean legislative fix to reverse the 2015 Cottonwood Environmental Law Center v. U.S. Forest Service (Cottonwood) decision. An immediate resolution to this decision is vital to allow land managers and wildlife biologists to follow the best available science to improve the health of our forests, reduce the risk of severe wildfires, advance wildlife habitat projects, and support good paying timber jobs.

In 2015, the Ninth Circuit Court of Appeals ruled in Cottonwood that the U.S. Forest Service (USFS) must reinitiate consultation on completed forest plans, setting a new, never-ending procedural requirement for consultation. The ruling has opened the door for frequent litigation, delaying critical wildlife habitat and forestry projects and diverting federal resources away from important conservation works. The timing for a clean Cottonwood fix is becoming increasingly crucial. A partial Cottonwood reversal from the 2018 Omnibus bill will expire in March 2023, which will apply re-consultation requirements beyond the Ninth Circuit to all forests across the United States. At a Senate Energy and Natural Resources hearing, the Forest Service testified that over one hundred forest plans will have to go through immediate re-consultation following the rider's expiration, which will take years to complete and cost millions of dollars.

The bipartisan Cottonwood fix passed the Senate Energy and Natural Resources Committee and has the support of the last three Presidential Administrations. Importantly, numerous conservation and sportsmen organizations alike back the fix, signaling how necessary and comprehensive the Cottonwood fix is. Commonsense forest management practices using the best available science are key to protecting western communities and wildlife alike and must be allowed to continue.

Thank you for your attention to our request.

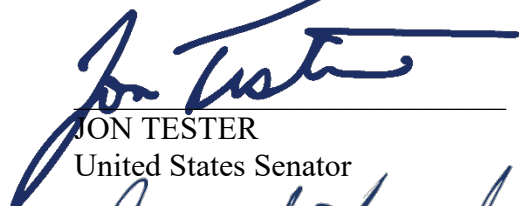


STEVE DAINES
United States Senator

Sincerely,



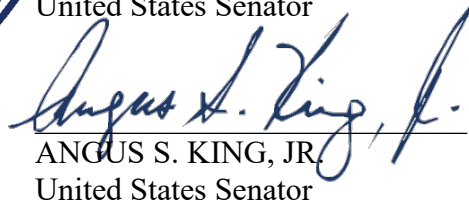
JAMES E. RISCH
United States Senator



JON TESTER
United States Senator



MICHAEL D. CRAPO
United States Senator



ANGUS S. KING, JR.
United States Senator

CC: Director Shalanda D. Young, Office of Management and Budget