

(Washington, DC) - **Congressman Herger and 18 members of the California Congressional delegation today sent a letter to the Secretary of Agriculture, Ed Schaefer, and the Chairman of the Council on Environmental Quality (CEQ), James L. Connaughton, supporting utilization of the emergency provisions of the National Environmental Policy Act (NEPA) regulations in the wake of California wildfires.** Over 1 million acres have burned in California during the 2008 fire season, and some of that acreage will require substantial rehabilitation, restoration and reforestation work to protect the public and the environment.

An emergency provision exists in the NEPA implementing regulations whereby, if requested, CEQ can declare an emergency and allow federal activities such as fuels reduction and post-fire rehabilitation work to be done under expedited NEPA procedures to avoid bureaucratic delays. The letter, sponsored by Congressman Herger, supports taking steps to salvage and restore the fire-affected territory expeditiously to limit the threat to public safety and lands in the future. The letter follows below:

The Honorable Ed Schafer
Secretary of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Chairman James L. Connaughton
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Mr. Secretary and Chairman Connaughton,

As you know, California is experiencing one of our State's most devastating fire seasons. As of the date of this letter, over a million acres of our state have burned, over a hundred residences have been destroyed or damaged, and thousands of our State's citizens were forced to evacuate their homes and businesses. In many ways it has been an unprecedented fire season, and it is far from over. We appreciate everything the Administration has done to provide the necessary federal support and resources to assist our State in fighting these fires, protecting our citizens and communities, and helping those who have been impacted recover.

Our immediate focus and priority must continue to be on protecting life and property from active wildfires. At the same time, we believe we must also look ahead to the potential risk to life, property and public health that will persist even after the worst of the fires are brought under

control. Specifically, rehabilitation, restoration and reforestation work will need to be done in order to protect the public and private property from the threats that are likely to follow from such a large-scale wildfire disaster. Specifically, given the scale and intensity of some of these fires, our State's citizens could face risks of runoff into public waterways, mudslides, as well as an elevated fire risk created by the excessive amounts of burned and downed trees that have been left in the wake of these fires. These threats will need to be addressed quickly and cost-effectively.

We are very concerned, however, that the restoration, rehabilitation and fuel removal work that must be done in an expeditious fashion to address them will be delayed – if not halted entirely – by NEPA's stringent review and analysis requirements and the endless cycle of appeals and litigation. Regrettably, and sometimes with tragic results, we have seen the well-intentioned yet burdensome, expensive and time consuming NEPA process stymie commonsense forest management projects necessary to improve forest health and reduce the risk to the public and the environment from catastrophic wildfires.

As you know, recognizing the need to avoid these bureaucratic obstacles and delays in an emergency situation, NEPA's implementing regulations provide CEQ with very clear authority to adopt "alternative arrangements" to strict NEPA review and analysis. Specifically, 40 C.F.R. 1506.11, entitled "Emergencies," provides in relevant part,

Where emergency circumstances make it necessary to take an action with significant environmental impacts without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements.

Mr. Secretary and Chairman Connaughton, given the threat to public health and safety that will persist in the wake of these wildfires and the limited window of time in which we have to act, we urge you to invoke this authority and adopt "alternative arrangements" to strict NEPA compliance that will ensure that the Forest Service, working coordinately with State and local government, will have the regulatory flexibility necessary to complete fire recovery and restoration activities without delay. We believe the federal government must do everything possible to ensure that bureaucratic process requirements do not get in the way of federal, state and local efforts to address threats to public health and safety in the wake of the devastating fires that have severely impacted our State.

Thank you in advance for your consideration of this important and urgent request.

Sincerely,

Signatories:

Rep. Wally Herger
Rep. John T. Doolittle
Rep. Mary Bono Mack
Rep. Kevin McCarthy
Rep. Howard P. "Buck" McKeon
Rep. Dana Rohrabacher
Rep. Elton Gallegly
Rep. George Radanovich
Rep. David Dreier
Rep. Devin Nunes
Rep. Darrell Issa
Rep. John Campbell
Rep. Dan Lungren
Rep. Ed Royce
Rep. Jerry Lewis
Rep. Duncan Hunter
Rep. Gary Miller
Rep. Brian Bilbray