



## Sonoran Audubon Society

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May 11, 2003

Representative Trent Frank  
US House of Representatives  
Washington DC 20515

Re: H.R. 1904 Healthy Forests Restoration Act of 2003

Dear Representative Trent Frank,

Protecting homes and keeping people safe must be a top priority of wildfire policy. Forest Service researchers believe that making homes "fire wise" and creating defensible space near communities is the best way to achieve this goal — one that can be realized within a reasonable time frame. The Sonoran Audubon Society asks you to oppose the Healthy Forests Restoration Act (H.R. 1904) as currently written.

Specifically, Sections 105 and 107 would abolish citizens' rights to appeal Forest Service projects by limiting the ability of the public to litigate US Forest Service timber sales authorized under this Act.

Section 105 (c) and Section 107 of this Act reads:

(c) RELATION TO APPEALS REFORM ACT- Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project. The Sonoran Audubon Society strongly urges removal of this section from the Act.

### **SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.**

If an action brought against the Secretary concerned under section 703 of title 5, United States Code, involves an agency action on Federal lands in which the Secretary concerned found that the agency action is necessary to restore a fire-adapted forest or rangeland ecosystem, including an authorized hazardous fuels reduction project, the court reviewing the agency action, in considering a request for a prohibitory or mandatory injunction against the agency action, shall--

- (1) Consider the public interest in avoiding long-term harm to the ecosystem; and
- (2) Give deference to any agency finding, based upon information in the administrative record, that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem.

While the Forest Service, timber industry and current House leadership may think that restricting public oversight and weakening environmental laws will end the rancorous forest debate, these actions will only ensure continued divisiveness, polarization and mistrust — while doing nothing to heal our ailing forests.

The Sitgreaves portion of the Apache-Sitgreaves National Forests — where the Rodeo - Chediski wildfires unleashed their fury after scorching 275,000 acres of Apache Indian tribal land — is the most intensively logged and roaded landscape in the Southwest. It is the sole national forest among 12 in Arizona and New Mexico with no designated wilderness. Of the 818,000 acres in the forest, little more than 1 percent is "road less." While this logging has abated, it has not ceased. Since 1990, 10 timber sales targeting large trees were logged in the Apache-Sitgreaves within the boundaries of Rodeo-Chediski. Many of these areas were severely burned by the fire. If logging prevented fires, the Apache-Sitgreaves National Forest should have been the safest place in Arizona.

We urge you to vote “no” on this bill.

Sincerely, Charles Kangas  
President, Sonoran Audubon Society