

April 8, 2019

The Honorable John Barrasso  
Chairman  
Senate Environment & Public Works Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Thomas R. Carper  
Ranking Member  
Senate Environment & Public Works Committee  
456 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Chairman  
Subcommittee on Transportation & Infrastructure  
Senate Environment & Public Works Committee  
172 Russell Senate Office Building  
Washington, DC 20510

The Honorable Benjamin L. Cardin  
Ranking member  
Subcommittee on Transportation & Infrastructure  
Senate Environment & Public Works Committee  
509 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso, Ranking Member Carper, Chairman Capito and Ranking Member Cardin:

As the Senate Environment and Public Works Committee and Transportation and Infrastructure Subcommittee begin to explore opportunities and policy improvements for the next Highway Bill, we are writing on behalf of the sportsmen and women and the conservation and outdoor recreation community to express our interest in engaging with the Committee and Subcommittee on next steps for this important infrastructure package.

Our transportation systems are integral to the nation's economy and our way of life. The nation's highways support the movement of people, goods and services and the surface transportation legislation provides vital funding for maintaining and upgrading federal roads, bridges and other transportation needs. As Congress has recognized both the importance of our nation's transportation system and the impact of the system on the environment, past surface transportation bills have made some crucial advancements in better integrating transportation projects with natural systems. MAP-21 and the FAST Act expanded opportunities for innovation in transportation construction with initial recognition of the importance of resilient transportation systems, as well as how our transportation systems can enhance access to our nation's public lands and waters.

As this Committee and Subcommittee begin to explore the future of our nation's highway system and the funding structure for the 2020 Highway Bill, our organizations extend an offer to work with you toward a paradigm shift. Design and construction of our roads, highways, bridges, ports, airports and waterways should accomplish better integration with our communities and natural systems beginning from the project inception phase. Increasingly, long-term transportation planning is looking at opportunities to reduce costs, address safety concerns, expedite project delivery, reduce environmental impacts and respond to societal and community needs. As consumer demand for buildings has shifted, building codes also have shifted—toward greater performance and energy efficiency. Likewise, the Committee can continue to lead change for our transportation systems, with improved implementation of nature-based and natural infrastructure solutions, fish and wildlife crossings and connectivity, stormwater reductions, and resilience opportunities for long-term sustainability and public safety.

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With the next Highway Bill quickly upon us, our community is reaching out to express our support in working with the Committee and Subcommittee on the following priorities:

### **Resilient Highway Systems**

Wherever possible within the highway statute, our community supports the integration of the concept of resiliency into state and federal highway planning and construction/reconstruction and increasing the emphasis on and priority within current provisions that may be used to address wildlife habitat and migration connectivity as well as reduce wildlife-vehicle collision risks. Significant innovations are occurring within highway planning and infrastructure construction and several states are taking the lead. Our community recommends the use of a sustainable infrastructure framework to assist infrastructure planners, engineers, communities, contractors and other infrastructure stakeholders in the planning, design and delivery of sustainable and resilient infrastructure. Such tools are currently being utilized for large-scale highway and airport redesign projects, and the American Society of Civil Engineers and American Public Works Association are taking the lead in advancing systems such as *Envision* to advance sustainable planning and design. The Department of Transportation and other federal agencies should be supporting, helping train and providing science and tools to enable states and communities to conduct vulnerability assessments and chart a path toward more resilient transportation systems. Communities across the country also need help in investing in resilient infrastructure projects.

### **Natural Infrastructure**

Consistent with the advancements made within the Water Resources Development Acts of 2016 and 2018, we recommend language to define natural infrastructure and to require the consideration of blended “grey-green” options as alternatives during the planning, design and construction and reconstruction of highway systems and surface transportation infrastructure. Natural infrastructure provides multiple benefits to meet many societal needs simultaneously. For example, right-sizing culverts with natural, open bottoms reduces the risks of road blowouts and closures while reconnecting miles of fish habitat, and the use of native plants on project sites can improve air and water quality, as well as provide wildlife habitat. Properly established and maintained, natural infrastructure can provide these benefits to local communities increasingly over time rather than depreciating from day one and costing more down the road. In addition to critical public safety improvements, natural infrastructure can also boost recreational opportunities, quality of life, natural resources adaptation opportunities, economic growth and a multitude of other benefits on a landscape scale. Implementing these solutions will allow us to address our infrastructure needs while serving as effective stewards of the nation’s natural resources. We urge you to incorporate natural infrastructure solutions into the 2020 Highway Bill.

### **Incorporate Connectivity into Long-term Planning, Design and Construction**

Many states are leaders in ensuring highway and infrastructure systems are not unnecessarily impeding the movement and migrations of fish and wildlife. However, while the number of vehicle collisions have roughly stayed constant, vehicle-wildlife collisions have increased. Based on this trend, and the success of interventions to address these accidents, we recommend the addition of wildlife crossings to

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the list of eligible activities under the Surface Transportation Block Grant Program and a new Innovation Fund for Fish and Wildlife Connectivity. This fund would be a competitive grant program (with funds in addition to state formula dollars) to reduce vehicle-wildlife collisions by driving innovation in how states are integrating connectivity into highway planning and constructing projects with fish and wildlife connectivity in mind. This would include both large-scale big game migration crossing projects as well as aquatic connectivity and priority structure replacements. Options exist to blend these eligible uses within existing innovation funding streams within the highway statute or to establish a new program. We recommend at least \$50 million annually be directed toward the planning, design and construction of these projects.

### **Federal Roads Programs**

As representative organizations of anglers, hunters and others who enjoy outdoor recreation on our public lands, we support strong funding for construction and repair of roads through National Forests, National Parks, Wildlife Refuges, and other public lands. A substantial portion of the maintenance backlog on public lands can be attributed to roads. Outdoor recreation on public lands is a vital economic driver, especially in rural areas, and access is essential. We urge you to support robust funding for the National Forest System, National Wildlife Refuge System and Bureau of Land Management roads as part of the Federal Land Transportation Program (FLTP) and urge that FLTP funds reflect a needs-based assessment of our public land road infrastructure. In particular, we support \$250 million in fiscal year 2021 for the Forest Service under FLTP, and an increase of \$5 million per year after that, through fiscal year 2025. We also strongly urge the Committee to consider striking the \$10 million cap on FLTP funds being used for environmental mitigation activities. We also urge you to reauthorize the Forest Service's Legacy Roads and Trails Program, which is used to repair and maintain roads and remove fish passage barriers, focusing on locations where Forest Service roads may be negatively impacting water quality.

### **Sport Fish Restoration & Boating Safety Trust Fund**

The Sport Fish Restoration and Boating Trust Fund serves as the backbone for fishery conservation funding in the United States. Funding for the trust fund is attained through a "user pay-public benefit" system, in which excise duties on fishing tackle and equipment, motorboat and small engine fuel taxes, and import duties on recreational boats and fishing equipment are collected for the various sportfish restoration and boating programs under the Dingell-Johnson and Wallop-Breaux Sport Fish Restoration Act (16 U.S.C. 7777). Congressional reauthorization of the contributions from the motorboat and small engine fuel taxes to the trust fund in the upcoming highway bill is critical for ensuring the trust fund remains viable and the diverse set of state and national recreational fish and boating programs, including recreational boating safety, fisheries management, habitat conservation, water and boating access infrastructure programs, among others, continue to receive nearly \$600 million annually. The members of the Angling and Boating Alliance (ABA) are developing recommendations on policy tweaks necessary to continue the longstanding successes of the Wallop-Breaux and Dingell-Johnson accounts. Our organizations will support the recommendations of the ABA.

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### **Recreational Access**

The outdoor recreation economy, which encompasses many forms of outdoor recreation such as hunting and fishing, as well as the retail of all outdoor gear, apparel, vehicles and accessories, is a dynamic catalyst of economic activity throughout the United States. Each year, the outdoor recreation economy generates \$887 billion in consumer spending and supports 7.6 million American jobs. Similarly, the outdoor recreation economy is thriving due to the small rural communities adjacent to public lands and waters that support this economic powerhouse across the nation.

To support this crucial sector of the nation's economy, we encourage the Committee to identify opportunities within the upcoming Highway Bill to enhance access to our nation's public lands and waters, including helping the public understand where access to public lands and waters already exists. This could encompass a pilot project in five Western states to make grants available to counties and states to digitize and make publicly accessible, detailed information on the location of county maintained roads. We also encourage continued investment in the Federal Lands Access Program to provide important funding to establish and conserve public recreational access. Greater access to recreational activities will spur economic activity that boosts local communities and funds critical conservation programs.

### **Permitting**

Five years ago, Congress enacted a permitting dashboard – Title 41 of the FAST Act (FAST-41) – to increase inter-agency coordination and improve the timeliness, predictability, and transparency of the Federal environmental review and authorization process for covered infrastructure projects. FAST-41 also created a new entity – the Federal Permitting Improvement Steering Council (FPISC or Permitting Council), composed of agency Deputy Secretary-level members and chaired by an Executive Director appointed by the President. According to a report from the Brookings Center on Regulation and Markets, FAST-41 measures have reduced the time to permit for large projects, mostly from Federal Energy Regulatory Commission and Department of Interior, which have gone through its process. The FAST-41 Act excludes projects covered by existing permit-expediting processes, such as highway and navigable waterways projects. As a result, projects with DOT as the lead agency have not been included in the FAST-41 permitting dashboard. As the Committee considers next steps to improve permitting processes, we encourage the Committee to hold oversight hearings on how FAST-41 is working now, how its processes could be improved or expanded before expiration in 2022 (e.g., to include more Department of Energy and Department of Transportation projects) and how its provisions compare to those that the administration has undertaken pursuant to Executive Order 13807 (One Federal Decision). We recommend Committee leadership invite participants to testify that are not just agency staff and permit applicants, but also stakeholders able to describe how communities and other interested parties satisfy their concerns during a FAST-41 coordinated process.

Thank you for your consideration of these requests. We look forward to engaging with the Committee and Subcommittee on these requests and working to submit more detailed legislative language as the 2020 Highway Bill negotiation process moves forward.

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Sincerely,

American Fisheries Society  
American Fly Fishing Trade Association  
American Sportfishing Association  
American Woodcock Society  
Angler Action Foundation  
Archery Trade Association  
Association of Fish and Wildlife Agencies  
Backcountry Hunters and Anglers  
Bass Anglers Sportsman Society (B.A.S.S.)  
Bear Trust International  
Camp Fire Club of America  
Congressional Sportsmen's Foundation  
Council to Advance Hunting and the Shooting Sports  
Fly Fishers International  
Houston Safari Club  
Izaak Walton League of America  
Mule Deer Foundation  
National Association of Forest Service Retirees  
National Bobwhite Conservation Initiative  
National Deer Alliance  
National Marine Manufacturers Association  
National Shooting Sports Foundation  
National Wildlife Refuge Association  
National Wild Turkey Federation  
North American Falconers Association  
North American Grouse Partnership  
Orion: The Hunter's Institute  
Pheasants Forever  
Pope & Young Club  
Quail Forever  
Quality Deer Management Association  
Rocky Mountain Elk Foundation  
Ruffed Grouse Society  
Safari Club International  
Sportsmen's Alliance  
The Nature Conservancy  
Theodore Roosevelt Conservation Partnership  
Tread Lightly  
Trout Unlimited  
Western Landowners Alliance

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Wildlife Forever  
Wildlife Management Institute  
Wildlife Mississippi  
Wild Sheep Foundation