



November 4, 2021

*Via electronic mail*

Members of the United States House and Senate,

We write in support of H.R. 5376, the Build Back Better Act. This piece of legislation, if enacted, stands to be the greatest, single investment in combating climate change in history. In particular, the attention paid to our national forests and public lands and to agricultural conservation projects will benefit the natural, scenic, cultural, and recreational values for which the Appalachian National Scenic Trail was protected. We respectfully request that you support this legislation.

The Appalachian Trail Conservancy (ATC) is the §501(c)(3) nonprofit organization that organized the construction of the 2,193-mile Appalachian National Scenic Trail (ANST or Trail) and has led its management for almost 100 years. The Trail is a “linear park,” surrounded by approximately 300,000 acres of government-protected land as well as many acres of privately conserved land. The ANST, a unit of the National Park System, has the second-longest boundary line within the System (in excess of 4,000 miles) and was built in part to connect disparate protected lands. Today, the ANST connects eight national forests, six other units of the National Park System, four units of the National Wildlife Refuge System, and over 70 public land units conserved under state or local law as the largest contiguous stretch of public lands on the East Coast. In between these other units, surrounding the fee and eased lands protected for the Trail itself, are millions of acres of working farm and forest lands that contribute to the natural, scenic, and recreational values for which Congress protected the Trail. This totality of communities, lands and waters, is called the Appalachian Trail (A.T.) Landscape and stands to gain significantly from the passage of the Build Back Better Act.

The bill has many positive components, some of which we highlight below and for many of which we include specific ANST-related examples. We note the limited instances where we oppose provisions as written as well.

### **Forests and Forestry**

The Appalachian Trail Conservancy has extensive experience in forest management. Early segments of what is now the ANST were laid out on National Forest System Lands in the 1920’s and the 1930’s. Since that time, the ATC and our cooperative management partners in the Maintaining Clubs and the USDA Forest Service have worked hand-in-hand to protect and restore habitat, protect ecologically or scenically important areas, and promote a world-class recreational experience, all while preserving the multi-use nature of our National Forest System lands. In its forestry-related provisions, the Build Back Better Act invests heavily in our national forests. These investments will promote health, rural economies, and protect lands for human recreation and wildlife habitat.

Although frequent small-scale and low-intensity fires are a critical component of many forest ecosystems—and the ATC works with the Forest Service in our Region 8 forests to plan prescribed burns and ensure recreators safely navigate those areas—the escalating severity of fires, caused in large part by a legacy of misunderstanding the true dangers of fire suppression and exacerbated by climate change, must be arrested. The Act contains \$10 billion in funding to reduce hazardous fuels in the wildland-urban interface, as well as other related investments in preventing and combating wildfires. It further provides \$50 million for post-fire recovery plans that emphasize locally adapted native plant materials and ecological restoration. While the A.T. national forests do not experience the same frequency, size, or intensity of wildfires, exacerbated by climate change-driven drought, as the forests found in the western United States, the impacts of these catastrophic fires ripple out across the nation, from both a management and health perspective. With such significant portions of agency resources devoted to fighting fires, staff and funding are often siphoned out of the ANST's forests, delaying necessary work. Furthermore, the smoke from western wildfires contributes to negative air quality and health throughout the nation. Restoring degraded forests with native plant materials and retaining a diversity of plant and animal species is essential for ensuring a healthy, resilient forest, particularly after a climate-change driven fire event.

Our National Forest System was founded in large part to promote the reforestation of heavily logged and degraded lands as well as to protect the headwaters of rivers that provide drinking water to millions. The Act recognizes these vital roles of our national forests and provides \$400 million for vegetation management projects in the Collaborative Forest Landscape Restoration Fund (CFLRF) and \$400 million for restoration projects, including a water source management plan or a watershed protection and restoration action plan. The ATC has been heavily involved in the planning and development of the Pisgah Restoration Initiative in Pisgah National Forest in North Carolina, set to kick off in 2022. The CLRF has also been used in the Somerset Integrated Resource Project beside the Trail in the Green Mountain National Forest, while the Gale-Ammonoosuc Rivers headwaters along the ANST in the White Mountain National Forest have also benefited from the program. Water source management within our national forests is essential within the A.T. Landscape to ensure that many metropolitan areas, such as those of Atlanta, GA and Asheville, NC, continue to enjoy clean, drinkable water.

The national forests of the ANST will also benefit from the \$400 million the Act provides to conserve old growth, prioritizing the harvesting of smaller diameter trees and maximizing the retention of larger diameter trees when pursuing prescribed fire plans. Although many of our eastern forests were heavily logged, there are still strands of old growth in the north, such as in Sages Ravine in Connecticut and Baxter State Park in Maine, as well as more substantial stands in the Chattahoochee-Oconee, Nantahala, and Pisgah National Forests and in Great Smoky Mountains National Park. There are old growth pockets or stands throughout the ANST, particularly where there is appreciable topography (where it was too difficult to log). Because of ATC's management partnership with the Forest Service, the entirety of the ANST throughout its national forests is categorized as old growth trending (meaning it may not be harvested). The Act also provides \$50 million for the protection of older and mature forests and for inventorying them as well as \$50 million to expand research into carbon storage on NFS lands. The ANST is fortunate to have Trail-adjacent old-growth stands, in addition to protected forests of all successional levels whose carbon storage services have long deserved recognition. These old growth programs will benefit many of the most productive forest ecosystems in the A.T. Landscape.

Recognizing the vital importance of outdoor recreation, both to the human experience and for the vitality of rural economies, the Act provides \$450 million for Legacy Roads and Trails (LRT), a program devoted to maintaining transportation infrastructure within the National Forest System in an ecologically responsible way. By decommissioning low-utility roads while rehabilitating those with a higher capacity to serve the public, LRT provides access to remote forest areas while improving fish passage, restoring water quality, and reducing deferred maintenance needs. In addition to supporting LRT, the Act also provides \$100 million for capital maintenance and improvements, such as may benefit the immensely useful Southern Region Volunteer Center (the center of A.T. volunteer training and staging throughout the region), \$350 million for NFS land management, and \$100 million to implement the National Environmental Policy Act (NEPA). These funds, particularly the NEPA funding, will allow volunteers, agency staff, and partners the ability to work more quickly in our national forests on everything from Trail restoration to habitat protection. In addition, the land management funding will be valuable to address the deluge of visitation and increasing strain on our well-loved national forest lands.

Private forests (including private working forests) are key components in conserving the scenic and natural values of the ANST, as well as supporting sustainable economic opportunities. Private forests, too, are supported by the Build Back Better Act. With \$2 billion provided to the USDA Forest Service to award grants to support forest restoration and resilience on non-federal land, the private landowners within the Appalachian Trail Landscape will have access to funds that will help them keep their lands in a natural, forested state and to restore injured lands to promote resilience, preserve biodiversity, and promote connectivity. Particularly between Shenandoah National Park in Virginia and the Green Mountain National Forest in Vermont, it is absolutely critical that private forests are a feature of our national understanding of landscape-scale conservation. Research predicts long-term species poleward migration through the Mid-Atlantic region (the Boston-Washington corridor, or the “Northeast Megalopolis”) may be severely limited due to forest regeneration failure caused by climate change, invasive-exotic species, deer overpopulation, human disturbance, land use change, and altered fire regimes. The ANST is one of the larger protected land units within this region, along with our connected federal (the Delaware Water Gap National Recreation Area and the Cherry Valley and Walkill River National Wildlife Refuges) and state units (such as game lands in Pennsylvania, Worthington Forest in New Jersey, and Bear Mountain State Park in New York). No landscape-scale conservation effort can succeed in this region without including privately conserved forests. Further, in supporting private forest owners, between four programs, the Act provides \$1.25 billion to support underserved and small-scale private forest landowners to engage in climate mitigation, forest resilience, and promote market participation.

The Act further provides \$175 million to expand equitable outdoor access and promote tourism on non-Federal land. The level of land protection needed to prevent further escalating the climate crisis cannot be achieved simply by the federal government. Private landowners need to conserve their lands while also keeping them productive. Additionally, the Act provides \$2.5 billion for multi-year Urban and Community Forestry Assistance with priority to underserved communities and \$100 million for the acquisition of urban and community forests through Community Forest and Open Space Program. Expanding equitable outdoor access and promoting tourism will help connect underserved populations to nature while supporting sustainable outdoor recreation economies. Outdoor recreation is rural economic development, and natural experiences, such as those millions have on the ANST every year,

are critical to human health. Supporting urban and community forests will ensure that millions of Americans don't have to travel far to have a natural experience.

While federal ownership is not the total answer to conserving more forest land, it is absolutely part of the answer. The Build Back Better Act's \$1.25 billion investment in the Forest Legacy is tremendous. This provision prioritizes land and interests in land that offer significant natural carbon sequestration benefits and contribute to the resilience of community infrastructure, local economies, or natural systems, and provide benefits to underserved populations. Following on the heels of the 116<sup>th</sup> Congress' Great American Outdoors Act (GAOA), this exceptional investment in enhancing our national forests stands to significantly impact the Appalachian Trail Landscape. Recent Forest Legacy projects along the ANST include the 2,833 acres of protected forestland fronting the Appalachian Trail near Wind Rock and Mountain Lake in Giles County, Virginia, and the 23,738 Mahoosuc Gateway project in Coos County, New Hampshire. Additional projects, such as Pochuck Mountain in New York, Mt. Washington High Rock in Massachusetts, along with those proposed in the President's Budget and respective appropriations bills for Fiscal Year 2022, including Forest Legacy to protection of 13,000 acres of forestland in Maine along the ANST, all achieve major carbon sequestration benefits. These projects and many more are key to conserving the Appalachian Trail Landscape as envisioned with the protection of the ANST.

## **Concerns**

Contained within this section of the Act are two restrictions that ATC opposes, namely the prohibition of the use of maintenance or management funds within Wilderness Areas or Wilderness Study Areas or for the purpose of building permanent trails. The ANST is a permanent trail through eight national forests, and passes through multiple Wilderness and Wilderness Study areas, some of which provide significant habitat, carbon banking, and source water benefit. ATC believes these prohibitions are unnecessary and will produce unneeded complications in the management of American trust resources.

## **Conservation**

Although many believe that the ANST is an entirely remote park, surrounded by forests in all places, this is not an accurate reflection of the A.T. Landscape. The Appalachian Trail Landscape passes through lands that are home to hundreds of farms. These lands, which have been agriculturally productive for many generations, are quickly falling prey to opportunistic development as rural areas blend increasingly quickly into the densely populated suburbs and exurbs of the northeastern United States. For example, in Pennsylvania, the Trail traverses five of the top ten fastest growing counties in the state, with a similar reality present from central Virginia to western New Hampshire. These working agricultural lands are important contributors to the A.T. Experience and represent valued members of the broader A.T. community. Unfortunately, stressors for these agricultural producers, often small-scale and family farms, continue to grow. Whether it be loss in profitability, the continued migration of young people forever away from rural places, or changes in ownership and management of these working lands, changes in their character can have significant impacts on the ANST. Layered on top of these stressors is poor planning and a failure to prioritize the retention of green and open spaces. The Build Back Better Act makes several strategic investments that can

particularly benefit the Trail's neighbors in states like Virginia, Pennsylvania, and Massachusetts and drive a whole-of-government landscape conservation strategy.

The protection and management of the A.T. Landscape preserves a vast cross-section of latitude and altitude and their associated ecosystems, whether on private or public lands. The non-Forest Service USDA investments include \$9 billion Environmental Quality Incentives Program (EQIP), \$4.1 billion for the Conservation Stewardship Program (CSP), \$1.7 billion for USDA Conservation Easements (ACEP) and \$7.5 billion for Regional Conservation Partnership Program (RCP). The A.T. Landscape is noticeably undersubscribed in these programs, which imperils both the immediate and long-term needs to protect biodiversity, preserve carbon banking and source waters, and maintain the cultural resources of our A.T. communities. Investments in programs like EQIP help management on private lands align with public lands efforts for a healthier and more resilient Appalachian Trail Landscape. By focusing on opportunities to directly improve soil carbon, reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions associated with agricultural production, the USDA can work with working lands' owners to keep them working while also managing them to provide significant climate, environmental, and scenic benefits. NRCS projects are valuable in western North Carolina for wetland and water quality initiatives as well as in Maine for fish and wildlife habitat or in Maryland for conservation easements to protect rural character. These programs, administered by the Natural Resources Conservation Service, are essential for engaging as many landowners as possible to collaboratively support resilience and planetary health.

The Build Back Better Act further provides \$200 million for NRCS to provide technical assistance, \$50 million to promote climate change adaptation and mitigation through regional climate hubs, and \$600 million for NRCS quantification of carbon sequestration and Greenhouse Gas (GHG) emissions.

### **Education and Labor**

The Corporation for National and Community Service (CNCS) Volunteers in Service to America (VISTA) program addresses critical needs for recreation-based economic development in Appalachian communities, including over 50 designated Appalachian Trail Communities™ in towns and counties along the Trail. Sixty-eight percent of Trail-adjacent counties are considered distressed, at-risk, or transitional, and ATC VISTA positions support these vulnerable communities through increased capacity, education, and environmental stewardship. In addition, the increased subsistence allowances and improved benefits of participants in VISTA programs will improve lives and strengthen communities along the Appalachian Trail.

### **Fish and Wildlife Service**

The ANST is more than merely a footpath in the woods. As one of the most (if not the most) biologically diverse units of the National Park System and as a major north-south migration corridor for wildlife—both regarding natural, annual migration and the migration northward forced by climate change—the Trail is home to a huge diversity of species, including several federally listed rare, threatened, and endangered (RT&E) species. Bog Turtle, Small-Whorled Pagonia, Spruce Fir Moss Spider, Carolina Northern Flying Squirrel, Long-eared Bat, Rusty Patch Bumblebee, and Atlantic Salmon are a few of the federally listed species that ATC staff

and volunteers work to protect. Even larger than the population of federally listed species are state species of concern, which ATC helps manage along the ANST to prevent them from becoming federally listed. In our Southern Region (Georgia, North Carolina, Tennessee) alone, we also have two critically imperiled (G1 ranked) ecosystems with species at very high risk of extinction or elimination due to severely restricted range, small or limited populations/instances of populations, precipitous declines, and other stressors. The Build Back Better Act's commitment to preserving biodiversity and the health of our natural world includes supporting recovery plans under the Endangered Species Act (ESA) to the tune of \$180 million.

Significant, climate-change driven impacts to our pollinators present an existential threat, as without pollinators, pollination cannot occur. Pollinators are critical for ecosystem health and our food security, responsible for nearly \$20 billion worth of food-related products worldwide annually. The Build Back Better Act provides \$5 million to conserve T&E pollinators such as the American Bumblebee. Further, the Act provides \$250 million to rebuild and restore infrastructure and habitats and control invasives on FWS lands and state wildlife conservation areas. ATC staff and volunteers have worked hand-in-hand with our state and federal land managers to protect these species, including planting thousands of native plants and sowing native seeds in areas of extended need, such as throughout Pennsylvania, and sites of intense, sustained visitation, like the ANST's Bull's Bridge in Connecticut and Max Patch in the Pisgah National Forest.

Recognizing the importance of wildlife corridors such as the ANST, the Act makes a modest \$10 million investment to map and restore these corridors, including on private lands. ATC is engaged in several Regional Conservation Partnerships (RCPs) throughout the eastern United States, including the Appalachian Trail Landscape Partnership (ATLP), which ATC co-convenes with the NPS, and the South Mountain Partnership in Pennsylvania, which ATC co-leads with the Commonwealth of Pennsylvania's Department of Conservation and Natural Resources. These partnerships are poised to leverage the funding that the Build Back Better Act will make available to advance community-informed and -led landscape conservation at scale. As the ANST is the largest, successful, intentional landscape-scale conservation program in American history, we are particularly excited about the increased attention paid to supporting wildland connectivity and wildlife corridors.

The ATC believes that the National Wildlife Refuge System (NWRS) has historically been underinvested in, particularly in the eastern United States. The ANST passes through the acquisition boundaries of four NWR, but only over land of two (Cherry Valley NWR in Pennsylvania and Walkill River NWR in New York and New Jersey). Enhancing Cherry Valley and Walkill River, and the unprotected lands of the Great Thicket NWR and Silvio Conte NWR in New York and Connecticut and Vermont and New Hampshire, respectively, are important opportunities to advance landscape-scale conservation to promote continuity and preserve biodiversity. In the development of future Presidential Budgets and appropriations acts, ATC will remain engaged in articulating the value of NWR lands to protect wildlife, promote connectivity, and provide accessible recreation opportunities in the densely populated eastern United States.

## Public Lands

In responding to the climate crisis and providing for a sustainable future, the Department of the Interior (DOI) must also be engaged in appropriately stewarding our lands and resources. The DOI's remaining land management agencies, the National Park Service (NPS) and the Bureau of Land Management (BLM) have as significant a role to play in combating the climate crisis and conserving our natural resources as the USDA Forest Service does. In order to meet the challenges of the moment, the Build Back Better Act includes \$1.25 billion for the protection and resiliency of lands administered by NPS and BLM as well as an additional \$750 million to DOI for ecosystem and habitat restoration projects on NPS and BLM lands. The success in implementing the GAOA's National Parks and Public Lands Legacy Restoration Fund (LRF) for facility assets must be replicated for our national resource assets. Depending upon how the Secretary of the Interior makes it available to these agencies, this funding stands to jump start a process similar to what has worked on the facility side of NPS for the natural resource side of NPS.

The ATC's work to promote resilience and restore habitat along the ANST occurs in practically each of its 14 states; numerous early successional habitat (ESH) projects are undertaken across all regions (over 400 acres just in 2020) to benefit ESH dependent species, and many projects focused on areas of high biodiversity and species rarity. The ANST's length (spanning 12° of latitude in the temperate zone), north-south alignment, changes of over 6,500 feet in elevation, and the numerous peaks and ridges it crosses along the Appalachian Mountain chain creates its topographically diverse landscape, protecting very high habitat diversity and connectivity while providing for a unique recreation experience. It is an important landscape in the eastern U.S. that offers large-scale continuity and climate refugia, increasingly vital attributes in the highly developed and taxed eastern public land network. The ATC works in partnership to enhance and restore breeding habitat on public land in the Southern Appalachian highlands (Tennessee, North Carolina, and Virginia) for the Golden-Winged Warbler, where the species has experienced a 98% population decline. Our work in Connecticut to restore habitat for the globally imperiled Metalmark butterfly is another noteworthy project, as is our protection of over 1,000 mature ash trees across stands in North Carolina, Tennessee, Georgia, and Massachusetts. The funds made available via the BBB Act will increase our ability to implement science-based conservation methods for more species, and in more places, along the ANST.

While almost all routine maintenance and day-to-day care of the ANST is performed by dedicated volunteers (typically 6,000 annually), this incredible network and the communities around the Trail frequently need technical assistance and occasionally need a hand from contractors and outside corps. The Build Back Better Act provides \$500 million for eligible corps programs to perform conservation projects or resiliency and restoration projects on NPS and BLM lands. Among the many projects involving corps on the ANST is the current work to relocate the ANST by Palmerton, PA to move the Trail away from the ANST's only Superfund site, and in Maine to monitor the ANST's hundreds of miles of remote boundaries. The Act also provides \$400 million to address deferred maintenance needs and provide housing for those addressing those needs. Although the passage of the GAOA makes available over \$6.5 billion over five years to address NPS deferred maintenance needs, that only allows for about half of the 2020-estimated deferred maintenance needs of the NPS to be remedied. This further investment will enhance the ability of the BLM and NPS to keep water systems, roads, bridges, and trails in working condition, ready to serve the public. The ATC

supports the expansion of corps and the Maintenance Action Teams created under the GAOA, if those are coordinated by cooperative trail managers like the ATC and the Maintaining Clubs in providing expertise and labor for our units.

Furthering the equity commitments of the Biden Administration, the Build Back Better Act provides \$100 million to NPS for competitive land protection/development grants to increase parks in urban areas. This investment, to be made in the NPS' Outdoor Recreation Legacy Partnership (ORLP), will expand access to outdoor space for millions of Americans, many of whom live within the A.T. Landscape. While many may think of New York or Chicago when the ORLP is in question, A.T. towns such as Harrisburg, PA, Kingston, NY, Frederick, MD, Knoxville, TN, and Roanoke, VA all stand to benefit from the ORLP. Protecting land in areas like these, particularly if done with the collaborative landscape approach such as advanced via the ATC-NPS Appalachian Trail Landscape Partnership, could have significant conservation and recreation impacts for the ANST.

## **U.S. Geological Survey**

Good resource management relies on excellent geospatial data. With anthropogenic climate change, it is more important than ever to invest in cutting edge mapping tools to document and respond to changes. Furthermore, proper resource management requires knowing the condition of resources, which is not universally possible, even for longstanding, experienced resource managers such as the NPS and the ATC. The Build Back Better Act makes a strategic \$50 million investment in the Digital High-Resolution Elevation Collection (3DEP) Program, which will help make accessible valuable, and often expensive data relating to light detection and ranging (LIDAR). 3DEP allows for more accurate viewshed data and slope analysis for everything from treadway relocation and measuring forest health to analyzing potential erosion based on weather events. As a long trail and public land manager, ATC depends on the accuracy of data—and the ability to obtain that data—which 3DEP facilitates. The Act also makes a strategic investment of \$50 million for National and Regional Climate Adaptation Science Centers to provide regions, tribes, states, and local governments information to respond to climate change. Empowering our local resource management partners with better data and the technical assistance to use it will advance the all-of-government (really all-of-all-governments) approach to arresting the climate crisis and building a more sustainable future.

The ATC is deeply respectful of the historic investments the Build Back Better Act stands prepared to make in climate resiliency, climate change mitigation, and promoting a healthier planet. We are grateful for the work of the bill's authors and excited to get to work with our federal, state, and private partners to realize the promise of this legislation, both for the Appalachian National Scenic Trail and its Congressionally protected values, and for the whole of human society. In its implementation of programs within its jurisdiction, we hope that the USDA Forest Services incorporates habitat restoration and the promotion of refugia to the greatest extent possible. The mapping efforts undertaken under this Act in all sections should take connectivity and refugia under consideration to the greatest extent possible.

As noted, the ATC opposes the inclusion of prohibitory provisions related to Wilderness, Wilderness Study Areas, and permanent trails included within the forestry sections of the bill. While potentially designed to preserve forest health and integrity, we believe these prohibitions

may not be worded to achieve that goal. Furthermore, we do not believe that the National Trails System, particularly the National Scenic Trails administered and co-managed by the USDA Forest Service, were considered in the development of this language. The ATC also believes that the National Wildlife Refuge System has a significant role to play in protecting biodiversity and ensuring large landscape connectivity, particularly in the eastern United States, and hopes that President Biden and Congress will invest more significantly in it in the coming years.

Thank you for your support of the Appalachian National Scenic Trail. I am available at your disposal to discuss these topics and may be reached at [bmysliwicz@appalachiantrail.org](mailto:bmysliwicz@appalachiantrail.org) (or 207-370-0540).

Sincerely,

A handwritten signature in blue ink, appearing to read "Brendan Mysliwicz", with a horizontal line extending to the right.

Brendan Mysliwicz  
Director of Federal Policy  
Appalachian Trail Conservancy