

Testimony of Ryan Bronson, Director of Government Affairs
Rocky Mountain Elk Foundation
House Natural Resources Committee, Federal Lands Subcommittee
Legislative Hearing on H.R. 200, H.R. 1473, H.R. 1567, & H.R. 1586
Thursday, March 23, 2023, 2:00 p.m.

Chairman Tiffany and Members of the Committee. I am Ryan Bronson, Director of Government Affairs for the Rocky Mountain Elk Foundation. The Elk Foundation is a 225,000-member non-profit conservation organization with a mission to ensure the future of elk, other wildlife, their habitat, and our hunting heritage. We are headquartered in Missoula, Montana.

Since our founding in 1984 we have helped conserve and enhance more than 8.6 million acres (about half the area of South Carolina), and improved access to 1.5 million acres. Most of these projects have occurred in the forests and sage lands of the western US. Our 500 chapters raise money in communities across the country to help us accomplish this mission and work on the public multi-use lands that are impacted by the legislation you are discussing today.

Elk benefit from diverse and actively managed forests, as do most wildlife. Overgrown forests with closed canopies, where sunlight cannot reach the forbs and grasses on the forest floor, do not provide the food and cover that so many species need.

Actively managed forests provide diverse age structures of trees, and diverse habitat that provides for the various lifecycle stages of many species. In addition, managed forests are more resilient to weather, insect outbreaks and catastrophic wildfire

This position is not unique to hunting conservation organizations like mine. In August of 2021, a coalition of California environmental groups and land trusts sent an urgent letter outlining a history of forest management that led to forests that are “unnaturally dense, overstocked, and choked with surface and ladder fuels”. Their plea was for “a significantly increased level of ecologically based forest restoration treatments in order to turn the corner to get federal forests back to a more resilient condition.”

Unfortunately, litigious special interests have weaponized the Endangered Species Act to prevent many wildfire-prevention and habitat management projects. The 9th Circuit *Cottonwood Environmental Law Center v. US Forest Service* decision (aka. *Cottonwood*) has already delayed hundreds of projects, leading to catastrophic wildfires that have destroyed lives, property, homes, and important wildlife habitat. There is increased urgency today as the temporary and partial fix that Congress provided in 2018 expires, placing more projects at risk of delay.

We have specific examples. The Stonewall project in Montana’s Helena-Lewis and Clark Forest was a proposed vegetative management project that would have benefitted elk and other wildlife, but it was delayed by *Cottonwood* litigation. In 2017 the Park Creek and Arrastra wildfires burned over half of the proposed treatment area with intensities that damaged some of the soils in the area. This was economically and ecologically costly.

In April of 2022, the Hermit’s Peak Fire in New Mexico began as a prescribed fire that got out of control. The Forest Service’s Wildfire Review Report provided several important lessons, but it was noteworthy

to us that treatment was delayed from September of 2019 to October of 2020 by a Cottonwood-related injunction, and by Covid staffing issues following that. A thinned project area would have had lower wildfire risk. The subsequent 341,000-acre fire has not been good for threatened Mexican Spotted Owls, elk, other wildlife, or people

Fixing the Cottonwood Decision has had bipartisan support since the ruling came down. The Obama administration appealed the decision in 2016, the Trump administration addressed it with a Rule that was never finalized, and in the 117th Congress a bipartisan 16-4 vote in the Senate Energy & Natural Committee provided hope that a solution was in reach.

HR 200, the Forest Information Reform Act would close the open loop that the Cottonwood decision created and prevent redundant and costly delays for re-consultation under the Endangered Species Act. The Rocky Mountain Elk Foundation strongly supports this legislation.

Forest management for habitat improvement and for hazardous fuel reduction are often very similar, every acre treated through thinning, prescribed burning and other treatments help achieve the resiliency laid out in the Forest Service 10-year Wildfire Crisis Strategy. However, reporting only the acres treated may convey that more progress is being achieved than what is truly happening on the ground, and a single high risk acre may be counted multiple times as subsequent treatments occur.

HR 1567, the ACRES Act, will help Congress and the public gain a better understanding of the state of America's forest lands, and the progress or deterioration that is occurring while the land agencies attempt to accelerate mitigation efforts with the new resources recently provided by Congress.

As increased funding flows to wildfire mitigation and forest management we fear that the level of on-the-ground projects that Congress envisions will be stymied by litigation, frustrating everyone.

The Rocky Mountain Elk Foundation thanks the Committee for the opportunity to participate today.