

Testimony of Ryan Bronson, Director of Government Affairs  
Rocky Mountain Elk Foundation  
House Natural Resources Committee, Water, Wildlife and Fisheries Subcommittee  
Legislative Hearing on H.R. 7408  
Wednesday, March 6, 2023, 10:15 a.m.

Chairman Bentz 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 8.9 million acres and improved access to over 1.5 million acres. Our 500 chapters raise money in communities across the country to conserve the public lands and wildlife that are impacted by the legislation you are discussing today.

RMEF believes strongly that Hunting Is Conservation. Hunters know firsthand that stewardship of the land goes hand-in-hand with maintaining wildlife—and our own way of life. That is why sportsmen proudly bear the responsibility of providing the most significant and sustainable source of funding for wildlife. Thanks to passage of the Pittman-Robertson Act in 1937 state fish and game agencies across America have received over \$27 billion in Wildlife Restoration Act funding, and 60% of state wildlife budgets are from hunting and fishing licenses and other outdoor recreation generated revenue..

H.R. 7408, the America Wildlife Habitat Conservation Act, supplements our contributions by providing state agencies and tribes with a downpayment of up to \$300 million annually to recover imperiled species. Investing in these conservation efforts on the front-end can prevent federal threatened or endangered listing decisions, and the regulatory burden and costs associated with those decisions, down the road. Rocky Mountain Elk Foundation works closely with state fish and game agencies, and we appreciate that H.R. 7408 supports their good work.

From sage grouse to grizzly bears, state fish and game agencies have championed the recovery of some of our most iconic species despite having no assurance these efforts will yield a regulatory outcome. The federal government should incentivize good faith efforts, but instead, states are often left demoralized by regulatory barriers, bureaucratic processes, and lengthy court battles that confuse management on the ground, discourage future recovery initiatives, and provide no benefit to the species themselves.

Title 6 of H.R. 7408 directs federal agencies to establish incremental recovery targets for threatened species and allow states to gradually assume management authority as those targets are met. This title also ensures federal wildlife experts have the full-suite of wildlife management tools available to use at their discretion to conserve threatened species. These provisions affirm an existing, though rarely used, authority to manage threatened species as Congress originally intended.

This approach to threatened species management has the potential to lower the temperature on numerous highly-contested delisting decisions. We anticipate social tolerance for listed species would increase and litigation would decrease as a result. More importantly, the regulatory incentives and

flexibilities and the empowering of state agencies would place more imperiled species on the road to recovery.

Elk benefit from diverse and actively managed forests, as do most wildlife. 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.

The Good Neighbor Authority has increased the Forest Service's capacity to manage our forests by partnering with States, counties, and tribes to expand and expedite management across priority landscapes. We support the expansion of this authority to wildlife refuges and recreation services as proposed in title 3.

Unfortunately, litigious special interests having weaponized the Endangered Species Act to delay many wildfire-prevention and habitat management projects. The 9<sup>th</sup> Circuit *Cottonwood Environmental Law Center v. US Forest Service* decision (aka. *Cottonwood*) established a new criteria for the Forest Service to reinitiate consultation on already completed forest plans. The agency has repeatedly testified that this duplicative consultation requirement has no conservation benefit. Further, this decision conflicted with a previous 10<sup>th</sup> Circuit ruling and a similar 2004 Supreme Court decision regarding BLM plans. *Cottonwood* caselaw has already delayed hundreds of projects, leading to catastrophic wildfires that have destroyed lives, property, homes, and important wildlife habitat.

For example, the Stonewall project in Montana's Helena-Lewis and Clark Forest would have benefitted elk and other wildlife, but 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 revealed hazardous fuel reduction treatment was delayed from September of 2019 to October of 2020 by a *Cottonwood*-related injunction. The subsequent 341,000-acre fire has not been good for threatened Mexican Spotted Owls, elk, other wildlife, or people.

There is an urgency to address this issue. The 2018 temporary, partial fix expired one year ago. The Forest Service previously estimated that failure to enact a full and permanent legislative fix, would create an initial consultation workload of 187 taxa across 36 national forests in the ninth circuit alone, taking up to 10 years to complete and diverting millions away from high priority projects.

Reversing the *Cottonwood* decision has bipartisan support. The Obama administration appealed the decision in 2016, the Trump administration proposed a rule to resolve this issue, and the Senate Energy and Natural Resources Committee passed the bill by unanimous consent last fall.

Rocky Mountain Elk Foundation strongly supports title 5 of H.R. 7408 that would finally resolve this issue.

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