



October 25, 2017

The Honorable John Barrasso, MD
Chairman
Environment & Public Works Committee
US Senate
410 Senate Dirksen Office Building
Washington, D.C. 20510

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

Chairman Barrasso and Ranking Member Carper,

The Rocky Mountain Elk Foundation (RMEF) stands in full support of the comprehensive legislation before the Senate Environment & Public Works Committee to expedite forest management activities on public lands, discourage litigation that has needlessly stopped necessary forest management projects and improve habitat for greater sage grouse and mule deer.

RMEF is a national sportsmen and conservation organization based in Missoula, MT with over 222,000 members and 11,000 volunteers nationwide. Our mission is to ensure the future of elk, other wildlife, their habitat and our hunting heritage. One of our core functions is to partner with state and federal land and wildlife management agencies to secure and improve habitat for elk and other wildlife. Our resources and volunteers have helped conserve more than 7.1 million acres for elk and other wildlife. One of our proudest accomplishments is our managed lands initiative, which has utilized forest thinning, prescribed burning, noxious weed control, aspen restoration and wildlife water source development to improve habitat across 28 states. We have completed more than 4,000 of these projects with the U.S. Forest Service, Bureau of Land Management and state wildlife agencies.

Our experience with our managed lands initiative has solidified our belief that federal public lands, outside of national parks and wilderness areas, should be actively managed to benefit wildlife habitat, mitigate wildfire, improve forest and rangeland health, and improve the economies of forest and rangeland dependent communities. Unfortunately, numerous federal land management agency projects—including some of our partnership projects—have been needlessly delayed or stopped altogether by baseless litigation brought by organizations with no incentive to benefit public lands or wildlife, but rather only to impede the process and have their attorney fees be reimbursed from the U.S. Treasury.

It's time to stop the frivolous litigation, inefficient and ineffective environmental review process and lack of common sense that has left our national forests with record high acreages of



dead standing timber, record high numbers of catastrophic wildfires and acreage burned, degraded wildlife habitat and decimated local economies. It's well past time to pass this legislation to give federal land management agencies and their state, nonprofit organizations and industry partners a chance to implement projects to improve forest health, wildlife habitat and local economies while mitigating catastrophic wildfire.

We offer the following comments about specific sections of this bill.

- 1) **Title I. Litigation Relief for Forest Management Projects.** This Title directly addresses the 2015 case, Cottonwood Environmental Law Center v. United States Forest Service, 789 F 3d 1075 (9th Cir. 2015), that required federal land management agencies to initiate consultation with the U.S. Fish & Wildlife Service at the programmatic level when new critical habitat is designated or a new species is listed. The impact of this decision is significant. Nearly every agency decision or project, whether or not it included any ground disturbance, would require consultation and result in delays and increased costs. RMEF strongly supported stand-alone legislation to overturn this ruling and remains in support of this provision.
- 2) **Title II. Sage-Grouse and Mule Deer Habitat Conservation and Restoration.** The threats to greater sage-grouse and mule deer habitat are well-established. Among these are encroachment of conifers, invasive vegetation, wildfire, and soil and water degradation. Federal land management agencies have been prevented by litigation and obstructions to the environmental review process from carrying out projects to address these threats. This Title would establish a categorical exclusion to expedite projects to improve sage-grouse and mule deer habitat as well as require development of long-term monitoring and maintenance plans to ensure their effectiveness. Studies demonstrate over 40 million acres support both sage grouse and elk habitat. Any on-the-ground improvements to benefit sage grouse and mule deer will also benefit elk.
- 3) **Title III. Forest Management Improvement.** Lack of active forest management has created a situation on significant acreages throughout the National Forest System where once diverse ecosystems have become monocultures of diseased and dead timber, ripe for catastrophic wildfire. Elk and other wildlife cannot thrive in these areas. They require a diversity of forest stands, in terms of age, species and canopy cover.

This Title will help federal land management agencies overcome needless delays in the environmental review process by creating an “action-no action alternative” that will ensure a project’s potential impacts on forest health, habitat diversity, wildfire, insects and disease, water quality and economic and social factors are thoroughly evaluated without delay. Another beneficial feature of this Title is coordination of Good Neighbor Authority between the Departments of Agriculture and the Interior. This program has



been significantly beneficial for projects involving cooperative partnerships between federal and state land management agencies. This Title also makes improvements to the Forest Service's Stewardship Contracting program by keeping a percentage of the gross project receipts in local communities to help retain existing wood products infrastructure—which is critical for accomplishing wildlife habitat projects.

RMEF also supports this Title's establishment of a 5-year pilot arbitration program to provide an alternative to litigation. We believe this program will demonstrate there will be ample time and opportunity for all parties interested in a project to make sure their concerns are addressed completely and expeditiously.

This Title's Ecosystem Restoration section is critical to help federal land management agencies address the significant challenges they face in trying to restore forest health and make forests more resilient. These challenges cannot be met without implementation of timber harvesting, including thinning and creation of openings, prescribed fire, insect and disease treatments, hazardous fuel load reductions, timber salvage and a variety of vegetation manipulation tactics. This Title establishes minimum targets for restoration treatment on the National Forest System and categorical exclusions to get them done. Perhaps the most important section of this Title from RMEF's perspective, is establishment of the categorical exclusion to meet forest plan goals for early seral and early successional forests. These forest types are critical for elk and a wide diversity of other wildlife.

We encourage the members of the Committee to approve this important legislation and thank you for the opportunity to submit comments.

Sincerely,

David Allen
President & CEO