

Committee on Resources

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**Testimony of
Mark Herrington
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The Honorable Greg Walden, Chairman
Subcommittee on Forests and Forest Health
Committee on Resources
U.S. House of Representatives
137 Longworth House Office Building
Washington, D.C. 20515

Mr. Chairman and Members of the Subcommittee,

On behalf of the citizens of Graham County, welcome, and thank you for this opportunity to testify today. For the record, my name is Mark Herrington, and I appear before you as a member of the Graham County Board of Supervisors, Vice Chairman of the Eastern Arizona Counties Organization, and immediate past President of the Coalition of Arizona / New Mexico Counties for Stable Economic Growth. Most importantly, though, I am here as a local citizen and farmer (for 27 years) to tell you about the difficulties our communities face with the Endangered Species Act and the condition of our forests.

In Eastern Arizona and Western New Mexico there are 65 animals and 31 plants on the Endangered Species list. Therefore, the Gila Valley has a vested interest and high priority for the serious reform of the ESA.

We believe that the honorable intentions of the current (Bush) Administration are not being implemented on the ground. This summer, the Nuttall Complex Fires burned the North face of Mount Graham, causing serious damage to streams, roads, endangered species, forest landscapes, recreation trails, the international telescope site, and a vital communications site. Many of the areas that burned have been in serious condition for years, yet restrictions placed upon them by the Endangered Species Act and its rules have either prevented or seriously delayed much needed work from being done on the Mountain. Clearly, the process and procedures prescribed for the treatment, cleanup and healthy management of the Forest are not working.

According to Daryl Weech (the Columbine Cabin Owners President) Columbine Cabin owners on Mount Graham are seriously hampered in their efforts to cut dead hazard trees close to cabins because of rules written under the Endangered Species Act for the Red Squirrel.

Buddy Powell, in his testimony, refers to the Steward Observatory's continuing frustration with constant delays associated with requests to reduce the fire risk around the telescopes, which are located within the Red Squirrel refugium established under ESA rules. The irony of this refugium, which has closed roads and allows no hiking, camping or other recreational activities, is that most of the trees in it have been killed by insect infestation, and almost all of the squirrels live outside of the "protected area". While common sense suggests that the refugium be abolished and the area opened up for treatment, the dogma of ESA regulations continues to lock up this once pristine area, and restrict its traditional uses. In addition, the fuel load approaches 100 tons per acre, which dramatically increases the potential for catastrophic fire, and the destruction of the Red Squirrel, their habitat, and the telescope site.

As a result of these delays, Graham County, with the support of its fellow Counties in Eastern Arizona (Apache, Gila, Greenlee, and Navajo), submitted a proposal to treat as many as nineteen (19) sites of significant environmental, historical, and economic importance. This \$1.3 million dollar proposal, while modest, would provide a much needed boost to accelerate the work of the Coronado National Forest beyond its current 200-300 acres per year efforts.

In addition to the critical conditions on Mount Graham, issues tied to the ESA problems have magnified the need for accelerated forest restoration and community protection work in the other Arizona and New Mexico

Counties I am representing today. For example, the Eastern Arizona Counties (Apache, Gila, Graham, Greenlee, and Navajo) through their non-profit Environmental Economic Communities Organization have identified over \$162 million dollars in ready to implement projects on roadways, private lands, NEPA ready forest lands, and Arizona State Trust Lands. Of this amount, at least \$74 million dollars is needed to address the most critical public safety and economic recovery needs. (Note: A copy of this request is attached for the record).

I wish to share two (2) specific examples of the abusive affects caused by the ESA on local agriculture and the everyday lives of citizens.

Ross Bryce, a local area rancher, shared with me his experience with the ESA. As the owner of the Spearhead Ranch located on the West end of Mount Graham, he and his family have run cattle on the Mountain for many years. Ross was informed by the Forest Service in 2001 that his allotment would be reduced by 50%, from 200 to 100 head of cattle because the presence of the Agave plant makes his ranching allotment potential habitat for the Longnose Bat. This was done even though the Forest Service stated to him that as far as they knew, there were no bats present. Since this reduction in 2001, Mr. Ross has received no compensation, despite no evidence of the presence of Longnose Bats. Although I don't have the specifics, this is one of hundreds of examples that can be given.

A classic example of the Endangered Species Act and its negative affects on Graham County's citizens is the Solomon Bridge project. After the flood of 1993, the road approaches to the Solomon Bridge were washed out, necessitating the building of a new 800 foot bridge that property owners on the North side of the Gila River, school buses, and farmers frequently used. With funds raised, Graham County started the permitting process to construct the bridge, which was the beginning of a 2 ½ year ESA nightmare involving the Southwestern Willow Flycatcher regulations.

From March, 1993 to October, 1995, Graham County waited while U.S. Fish and Wildlife personnel conducted mating call surveys for the Southwestern Willow Flycatcher. During those surveys, they stated that they thought they heard the Flycatcher's mating call, and held up construction of the bridge while school buses from Solomon had to reroute 26 miles each way to deliver children to and from class. This resulted in the Solomon School District, the poorest in the area, shortening its school days and changing activity schedules to accommodate a bird that "might" have been at the bridge construction site.

Farmers were also impacted as they were forced to drive heavy farm machinery on the same 26 mile detour to reach fields on the north side of the river. This disrupted traffic on state highways and raised farmers' fuel costs. The traffic safety hazard on the 8th Ave Bridge, which was used as part of the detour, was extremely high.

Finally, in October, 1995, because of mounting public safety and budgetary concerns, the Graham County Board of Supervisors felt compelled to start construction on the Solomon Bridge while the permits were still in process. The bridge was completed in September, 1996. A dedicatory plaque on the bridge's Southwest side says , (and it says it all) "This bridge is dedicated to the people of Graham County as an example of how persistence and common sense prevails over bureaucratic red tape". No action was taken against the county.

Representing our local communities and counties, we declare the right to our livelihoods, our traditions, and the preservation of our culture. We call on the Congress and the President to change the Endangered Species Act in a way that recognizes them.

The ESA must be based on sound peer reviewed science, as well as the full recognition of the economic impacts of the law and its implementation. Species recovery plans must be balanced with a community's social and economic needs. In other words, we want a sound, sensible Endangered Species Act, not a run away train. We earnestly seek some reasonable balance between the protection of species, our lives, and our economies.

Thank you