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June 4, 2012

Congressman Tom McClintock
Chairman – Subcommittee on Water and Power
United State House of Representatives
1522 Longworth House Office Building
Washington D.C. 20515

Ref: “Evaporating Prosperity: How Federal Actions Are Driving Up Water and Power Costs Threatening Jobs and Leaving Arizona High and Dry”

Chairman Congressman McClintock and Honorable Members of your Subcommittee on Water and Power:

Thank you for being here today and your willingness to listen and hopefully take action on what you hear at this hearing.

My name is Gail Griffin and I’m the State Senator for District 25 which incorporates portions of five Arizona counties. I represent two thirds of Arizona border communities. I’m here today to talk about issues of great concern to my constituents and the State of Arizona.

First, I would like to talk about the situation of the “Town to Tough to Die”, Tombstone, Arizona.

In May 2011 the Monument Fire engulfed approximately 222,954 acres in the Coronado National Forest. Seventy homes and structures were totally destroyed and people’s lives disrupted forever. Following the fires, our monsoons occurred and further destruction to additional properties occurred.

Tombstone’s water infrastructure is located in the Coronado National Forest which supports both adequate safe drinking water and fire suppression. Tombstone’s water rights date back 130 years prior to any designation of land by the Forest Service.

Huge mudslides forced boulders, some the size of Volkswagens, to tumble down mountainsides crushing Tombstone’s water lines and destroying reservoirs, shutting off Tombstone’s main water source.

Arizona Governor, Jan Brewer, declared a State of Emergency for the town. Tombstone proceeded to take reasonable action to repair their century-old Huachuca Mountain water infrastructure. They initially were allowed to use mechanized equipment to repair two of Tombstone's 25 catchments.

The Forest Service has denied any further use of mechanized equipment and motorized vehicles that had been used to maintain their water systems for decades. The Forest Service has stated that Tombstone can only use hand tools and non-mechanized equipment to restore their springs and infrastructure. Wheel barrels are too mechanized; horses, mules and shovels are permitted.

The whole town of Tombstone is at risk. Should a fire occur, Tombstone structures could be history . . . gone. Tombstone does not have the water to fight a major fire. The people of Tombstone deserve better than to have a federal agency block their rights to restore their water!

Congress established the Forest Service in 1905 to provide quality water and timber for the Nation's benefit. The Forest Service was originally structured to properly manage for multiple uses and for benefit of our renewable resources such as water, forage, recreation and production. The Forest Service's motto is, "caring for the land and serving people." They have done neither in this case.

The Forest Service is supposed to accomplish the protection and management of our natural resources on National Forest lands. The proper management of our lands would produce jobs and a healthy environment and we would not be experiencing the catastrophic fires raging through this country. Please do not allow any more federal acquisition of land. They have proven they can't take care of what they have.

In another matter, the Bureau of Land Management submitted a stunning ultimatum to this State of Arizona (Department of Water Resources) to stop a development in Cochise County near the San Pedro National Conservation Area. This development in Sierra Vista has been on the drawing board for over six years and includes a water treatment plant capable of allowing four million gallons of water to be recharged into the aquifer each day. In spite of this, the BLM claims that the project should not be permitted because, "a sufficient water supply is not legally available."

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The agency letter and its choice of words – legally available – has chilling implications for all residents, property owners and property rights advocates as well as the entire country by claiming the sufficient water for the development is physically available, but legally the property of the federal government. This administration is signaling its determination to control the water not only in the San Pedro River but anywhere near it as well.

This blatant attempt to steal Arizona's water begins a new chapter in decades of struggles over property rights and water rights in Cochise County and the State of Arizona. To allow the federal government to usurp a person's property and water rights and thereby taking their freedoms to use their property is unacceptable. Certainly, this is not the kind of government our Founders envisioned when they crafted our Constitution, with property rights as one of its core principles.

Both of these situations address water issues for our local communities. It's not enough to put in place regulations and restrictions on property and water rights but the additional layers of unreasonable regulations on air standards will also cripple electricity providers. Costs will skyrocket and people will not be able to afford the standard of living they desire.

In my district that borders Mexico we have to deal with tires burning in landfills across the border. Arizona is a desert and we have wind and dust storms that are Acts of God and out of our control. The one size fits all policies that are expected from the Environmental Protection Agency and other federal agencies/departments do not work here. We in Arizona know how to properly manage our lands, our water, our air and our lives. State authority and states right are being usurped by federal agencies.

We respectfully ask that you allow us to define our future and allow us to properly manage our lands, water, energy and air. Please look at the maps in your package and here displayed. Arizona has less than 13% of our lands in private property. Look at the map where oil and gas potential is. Most of the natural resources are buried in federal regulations.

Thank you for allowing me to testify before you today and thank you for being here and listening to our frustrations.

Gail Griffin
State Senator
District 25