

**House Natural Resources Committee Hearing
Washington, D.C.
Sept. 9, 2014**

Testimony of Randy Veach, president, Arkansas Farm Bureau

Mr. Chairman and members of the Committee, thank you for the opportunity to be with you this morning. I applaud your efforts to look deeper into the over-reach of rule-making authority being used by some agencies to amend the Endangered Species Act.

As Congressman Crawford said, my name is Randy Veach and I am a cotton, soybean, corn and rice farmer from northeast Arkansas.

On behalf of our farmers and ranchers in Arkansas and across the nation, I want to express Farm Bureau's support for Congressman Crawford's bill, HR 4319, the "Common Sense in Species Protection Act of 2014." This legislation would require federal agencies to first perform a complete analysis of the economic impacts on the lives and livelihoods of those who live, work and raise families in an area before it is possible to declare those areas as critical habitat.

Mr. Chairman, I commend your leadership in bringing all of us together to address legislation that would provide some balance to the way federal agencies are now using this law.

Let me be blunt; in my view, the species most threatened here is the American farmer and rancher. We are being marginalized right out of business by over-regulation from federal agencies acting beyond the intentions of Congress. These actions jeopardize the economic stability of the nation's agricultural economy.

Four decades ago, the men and women of Congress passed the Endangered Species Act. We now need Congress to exercise some common sense and fix these problems.

To be clear, Farm Bureau supports the Endangered Species Act for the protection of legitimately threatened species. However, expansion of the law without first considering the full economic consequences is detrimental to an industry that provides food, fiber and shelter for our country and a good portion of the world.

Current regulations allow federal agencies to only include the consultation costs between federal agencies when identifying the "costs" of critical habitat designations. This is a reckless approach.

The only way to understand the full costs of critical habitat designations is to have a completely transparent economic impact study, subject to public comment, well in advance of these declarations.

We hear a lot these days about sustainable agriculture, which, to me, means a readily available supply of food. The farmers and ranchers who supply this food are sustainable only when we can profitably remain in business. But, if over-zealous enforcement of federal laws hinder, disrupt or further burden our farmers and ranchers, we will not be able to sustainably raise the crops and livestock necessary to feed the 7 billion people currently on our planet, much less the 9 billion projected by 2050.

Allow me to address the specific situation in Arkansas, where a proposal to create critical habitat for a pair of aquatic species – the Neosho Mucket and the Rabbitsfoot mussel – threatens to clamp down on Arkansas’ farmers and ranchers. This proposed habitat listing will have a negative impact on the repair and maintenance of farm-to-market roads and bridges, on economic development activities, and exert severe restrictions on construction and development projects.

In Arkansas, the proposed habitat designation for these two mussels would include 31 of our state’s 75 counties and would affect nearly 42 percent of the state’s watershed.

There are nearly 770 waterway miles in our state connected to this proposed critical habitat designation. Roughly 90 percent of these river miles pass through private property, disproportionately impacting productive land.

In this proposed area there are 21,000 family farms, 7.4 million acres of farmland, 8.6 million acres of forestland and \$2.9 billion of agricultural income. Farmers in these areas produce 78 million broiler chickens, 6 million laying hens, beef cattle by the tens of thousands, 600,000 acres of rice and 780,000 acres of soybeans.

A recent study conducted by the University of Arkansas at Little Rock estimated the cost of the habitat designation in Arkansas alone to be five (5) times the impact calculated by U.S. Fish and Wildlife Services for the 12 states included in this designation of these two aquatic species. Quite frankly, we expect the impact in Arkansas to be significantly higher, once the full cost of changes to best-management practices, unrealized opportunities and additional regulatory costs are included.

Again, we must consider the impacts to the lives and livelihoods of those who live, work and raise families in these areas.

We believe the proposed critical habitat designation will lead to unwarranted litigation against private landowners. There is little risk placed on those who file the lawsuit, since in many cases, the ESA provides taxpayer dollars to cover legal fees for those who file the lawsuit. The government never picks up the cost of the private landowner who has to defend the use of their property.

There are several examples of agency overreach, despite declarations that private lands would not be overburdened by the critical habitat designations.

Much of the reason we are here today defending the rights of American farmers is due to the current tactics employed by radical environmental groups. In 2011 two environmental groups negotiated a settlement agreement with the Fish and Wildlife Service and National Marine Fisheries Service that resulted in hundreds of new species listings across the nation – potentially more than 300 species in the southeast. With each listed species comes with the consideration of expansive and limiting regulatory burden of critical habitat designations.

These tactics have changed the threatened and endangered species listing process, opening the door for non-government organizations and third-party litigants to come into states nationwide to essentially extort private land owners through the threat of litigation.

In closing, I ask again for Congress to rein in those working around the intent of the Endangered Species Act and provide the American public full transparency to the true cost of the ESA and proposed critical habitat designations.

Thank you for your time.

God bless you and your families. God bless our farmers and ranchers. And God bless America.