

Committee on Resources

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House Speaker Jake Flake Testimony on the Endangered Species Act

My name is Franklin L. Flake, commonly known as Jake Flake. I am an Arizona State Representative of District #5, which includes five of the 15 counties in Arizona—namely Navajo, Apache, Greenlee, Graham and Gila. My district includes the largest Ponderosa Pine forest of the world. I am also currently serving as Speaker of the Arizona House of Representatives.

I am 69 years old and have lived and worked and played in the forest for my entire life. My father was a rancher, and I have been a rancher for my entire life. I have owned several grazing permits in the national forest. I have had the opportunity and privilege of working and riding with many grand old cowboys who came into this area around the turn of the century. They have described to me the forests that were here at that time, with beautiful trees evenly spaced in such a way that the land could sustain them, very little underbrush, no carpets of pine needles, and good grasses to sustain wildlife and livestock. Also, a sustainable watershed that produced clean runoff, with springs and streams of clear water going down to the rivers and lakes.

Vern Gillett, a grand old cowboy that I rode with and whose ranch I eventually bought, described the old forests like this: In the early 19th century, during the lightning season you could get up on a hill in the forest and sometimes see a dozen fires burning around the country. Nobody paid any attention to them since there wasn't enough fuel to let them burn very hot. The fires would burn along the ground, cleaning up the old grass and pine needles and under brush, sometimes pruning the lower branches off from the trees but not hot enough to top out or to kill the trees.

I started riding the country around 1940. By that time, men in their supposed wisdom were stopping all fires and the forests were already beginning to clog up into a jungle.

There have been efforts to manage and harvest this great renewable natural resource. From the time settlers came into the country, saw mills were set up and trees were harvested, mostly in an orderly, managed manner. By the late 1950's and early 1960's Southwest Forest Industry established a paper mill in Snowflake in an effort to harvest the millions of small trees that were growing as a result of suppressing all fires. The logging of those small diameter trees was pivotal to the effective management of the forest. However, even while the paper mill was using the wood pulp at its full capacity, the supply of small trees was vastly outgrowing demand.

Then entered the environmentalists.

About that time, the Endangered Species Act was passed in Congress, a good bill that was much needed, but an act that has been terribly manipulated and misused. The ESA became the leverage that the environmentalists used to go to the courts to stop the timber and pulp wood sales, which also halted the forest thinning projects that are essential to fire prevention.

Our paper mill in Snowflake was running three machines. Even though the supply of pulp wood was there, environmental lawsuits prevented the contracts from being implemented. The mill got to the point that they couldn't be assured of a reliable supply of wood to keep all three machines running so they converted one machine to recycled paper. Then another machine was converted and finally, just a few years ago, the third and last machine was converted to recycled paper. That marked the end of the market for small diameter trees. Almost all of our sawmills had also gone out of business because the extreme environmentalists had stopped all contracts of timber sales.

Then came the catastrophic fires and with them a realization that we had to clean the forests. When contracts were prepared and let out, we found that not only was there no one who would pay for the products, but the forest service would have to pay to have the products removed.

We now have a thick jungle out in our forests. They have been terribly mismanaged. The same fire that

Mother Nature once used as a tool to keep our forests clean is now the enemy because of the over-abundance of fuel. Yet the extreme environmentalists will not back down. Even after the catastrophic Rodeo-Chediski Fire, we could not go in and harvest the dead, burned trees that were salvageable because these radical groups stopped the sales with lawsuits. The Apache Indians, who are not subject to the same regulations, took off thousands of board feet of beautiful timber that was dead or dying because of the fire.

Mostly, we have seen the error of our ways and now know that we need to clean the forests or they will all burn and many of our towns and cities with them. Much progress has been made in the past year: 1) The president's healthy forest act; 2) The forest health bill that we put through our legislature this year that gives tax incentives to Arizona businesses that will come in and use forest products; 3) The ten-year stewardship contracts that have been let out up in the Apache Sitgraves Forest.

Our biggest problem is that the industries that can use the forest products and manage the land effectively will not open new facilities since they are not guaranteed enough material and time to pay back their investment. This is because the radical environmental groups stop the contracts through lawsuits using the endangered species act as their basis.

Without some private sector incentive to thin and manage our lands, there is not enough money in the U.S. Treasury to clean our forests. There are individuals and companies that want to and will come in and set up much needed industry in and near our forests if they can just be guaranteed the material and time to pay back their investment. Some are already there and others have interest in coming in—businesses like small saw mills, biomass generation plants, wood heating pellet companies, OSB plants, and wood working plants.

There are uses for all the products that can and must be harvested from our forests. The initiative and ingenuity is there. We simply must reform the forest service rules and regulations and the Endangered Species Act to the point where they will function the way they were meant to function and not be manipulated and misused by extreme groups through the courts to their benefit.

Our forests will be harvested. Either we will harvest them through practical common sense by bringing jobs and a good economy to rural Arizona or Mother Nature will harvest the forest with catastrophic fire.