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Opening Statement of
Chairman Doc Hastings
Committee on Natural Resources

On Wednesday, May 14, 2014

Batesville, Arkansas Full Committee Oversight Field Hearing on "Protecting the Rights of Property Owners: Proposed Federal Critical Habitat Designations Gone Wild."

I'm pleased to be in Batesville this morning with Congressman Crawford as part of the Committee's continued oversight of the Endangered Species Act. It is a law which has not been reauthorized in 25 years. And it is a law that was designed to protect species but has a less than 2 percent recovery rate. It's important that Congress travel to listen firsthand how the Endangered Species Act impacts rural America.

While legitimate questions remain about whether listing two mussels last year under ESA was warranted to begin with, today's hearing has two specific purposes: (1) to hear from a variety of affected Arkansas private property owners and other local interests about the potential impacts of the federal government's critical habitat designations on private property owners and (2) to explore concrete legislative solutions, such as H.R. 4319, a bill introduced several weeks ago by my colleague, Congressman Crawford, and co-sponsored by Congressmen Cotton, Womack and Griffin, to address this problem.

The Obama Administration has allowed a 'sue and settle' approach to dictate how federal taxpayer-funded resources are used to prioritize endangered species activities. This happens when an extreme environmental group sues the federal government, which in turn settles with that group behind closed doors. That settlement happened without input from the very people the decision affects. Nationwide, ramped up ESA listings and habitat designations and closed-door settlements are disrupting many facets of American life including rural economies, recreation, energy development, and private landowners' use of their own property.

Here in Arkansas and in other Southeast states, the Fish and Wildlife Service has proposed to designate 769 miles of rivers and streams in 28 Arkansas counties as critical habitat for the Neosho Mucket and the Rabbitsfoot mussel. I'm told that in several areas the species haven't been seen for years, or at all.

The Service, in response to several groups' petition they call "a Southeast freshwater extinction crisis," is also in the process of deciding whether listing is warranted for another

374 species of crayfish, plants, mollusks, moths, flies, frogs, and fish. The geographical area for this petition is in Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia. Not a small area.

Listing hundreds of new ESA species could significantly alter hydropower-producing dams, agriculture, logging, mining, fish aquaculture, and a host of other vital economic and private interests.

I want to note that we invited the head of the Fish and Wildlife and representatives of the petitioning groups to explain their views. Each declined to be here, which unfortunately demonstrates how little regard they apparently have for those most affected by their litigation and the potential sweeping policies that follow. They are the ones responsible for what we are hearing about today and their absence says a lot.

Despite what some say, these policies do have costs. Unfortunately, last year the Obama Administration finalized a regulation that effectively shut out Congress, states and the American public from accurately identifying the true costs of ESA listings and critical habitat designations. Already, millions of acres of public and private property nationwide have been included in habitat designations that will dramatically impact the future value and multiple uses of those lands.

I believe the analysis put forward for these proposed mussel designations vastly understates the costs to the citizens of Arkansas and other states. Longer term, legislation is needed to require more transparency for the true costs of these listings and habitat designations, and to limit them to areas where the costs do not outweigh the benefits.

I appreciate the efforts of my colleague and others to do just that and look forward to hearing from our witnesses on how to improve the outlook not just for species but for the American people. We can help truly endangered animals but we cannot stand idly by when policies mandated the federal government and their environmental friends stand to make rural America THE endangered species.

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