

**Natural Resources Committee Field Hearing
Batesville
May 14, 2014**

**Testimony of Gene Pharr
Poultry Farmer
Board of Directors, Arkansas Farm Bureau**

Good morning. I appreciate the opportunity to be here this morning and to share the concerns of some of the farmers and ranchers in my part of the state.

I am Gene Pharr, and I raise poultry and beef in Northwest Arkansas, where Benton and Washington counties are proposed as critical habitat for the Neosho Mucket.

We are home to the corporate headquarters of Wal-Mart, Tyson Foods, J.B. Hunt and a fast-growing population. Yet Benton and Washington counties still rank No 1 or No. 2 in all livestock production in our state.

We believe the critical habitat designation will lead to unwarranted lawsuits and litigation against private landowners, with little risk placed on those who file the lawsuit, since the U.S. government picks up the legal fees for those filing the lawsuit.

There are several examples of this overreach, despite declarations that private lands would not overburdened by the critical habitat designations. We have already seen several examples of that, however.

The Dusky Gopher Frog occupies habitat in Mississippi, though frogs are not currently present in Louisiana nor have they been for more than 50 years. The ESA explicitly defines critical habitat as the "specific areas within the geographic area occupied by the species at the time it is listed." Yet the USFWS designated more than 1,500 privately owned forested acres in Louisiana as critical habitat that just happen to be adjacent to the habitat in Mississippi. While there is no current development plans for this property, the forest is a managed timber farm. The private land owners have now been prohibited from harvesting timber due to this critical habitat designation. This appears to be an arbitrary attempt to stop the harvesting of timber on private land under the guise of limiting potential future development. The cost of the potential future development has been estimated to be upward of \$30 million, according to USFWS.

In California, the Castaneda family raises irrigated row crops, including strawberries. The family decided to convert their farm into vineyards, which requires deep ripping of the ground before they are able to plant their grape vines. Their farm happened to be in a critical habitat area for the California Tiger Salamander, which lives in burrows or holes. Sonoma County advised the family to contact USFWS. Consultation with USFWS was not part of the approved development permitting process, and since the farmers had never seen the species on their property, they proceeded with ground preparation. A citizen group saw the family ripping the ground and filed suit. The Castanedas are now tied up in a legal battle and are bound up in what could be years of permitting and litigation costs.

In Arkansas, we are excluded from the EPA's approved list for the herbicide Enlist. While several states have recently gained the right to utilize Enlist, EPA has cited the need for more studies in Arkansas because of the critical habitat areas that have been designated.

We are at this point now because of the close relationship between the Center for Biological Diversity and the USFWS. They agreed to a stipulated settlement that not only listed certain species as endangered, but required the designation of critical habitat as part of the listing. This new development essentially streamlined the overall listing process, opening the door for non-government organizations like the Center for Biological Diversity and Wildearth Guardians to come into Arkansas, the south and southeast and, basically, extort private land owners through litigation, or the threat of litigation.

Those of us who farm in Northwest Arkansas operate under some of the most significant regulatory constraints in the country. You can likely understand then that the threat of any additional regulation would be viewed with skepticism and a fair amount of concern.

Allow me, in conclusion, to offer my additional support for Congressman Crawford's bill, HR 4319, the Common Sense in Species Protection Act of 2014.

Thank you for your time and your considerations of these comments.