



IRON COUNTY

68 South 100 East • Parowan, Utah 84761 • Phone (435) 477-8300 • Fax (435) 477-8847

Sept. 5, 2014

As Chairman of the Iron County Board of Commissioners a political subdivision of the State of Utah, acting on behalf of citizens of Iron County I submit this written testimony in connection with verbal remarks I intend to share at the Legislative Hearing to be held on September 9th, 2014 before the Committee on Natural Resources.

I preface my remarks by saying that I am honored to speak in favor of work that is moving forward in the House of Representatives by each Congressman presenting improvements to the Endangered Species Act. Americans with few exceptions, especially in rural America, understand what it means and what it takes to care for the land, the environment and the species, both plant and animal, that inhabit shared space. The unintended consequences resulting from the current processes under the endangered species act especially where preemption of fundamental rights of US citizens has reached a feverish pitch undermining the very purposes of America and downplaying the value of the ESA. It is causing alarm and disgust amongst countless Americans experiencing irreparable damage many of whom are found powerless to participate in the process for the good of all involved. With that introduction let it be stated for the record that there does need to be dramatic adjustments made to the ESA shifting from the broad, expensive federally driven political solutions to localized state and interstate agreements for many reasons some of which follow.

By its very definition a species that is endangered or threatened has vulnerable populations and habitat leading to the risk of becoming extinct. Based on this simple understanding there are limited geographical locations where these species are found. Some are found highly localized, others are found interstate or even international. Whatever the case may be as far as geographical locations are concerned, in large part, should be driven by the respective affected jurisdictions. Sadly, it has become increasingly evident that Non Governmental Agencies are driving the agenda and continue to enrich themselves on the backs of American Taxpayers through sue and settle arrangements with USFWS invoking the protections afforded under the Equal Access to Justice act. This litigious model, by so called non-profit organizations, has not only harmed the American Economy by nearly shutting down our Primary and Secondary sectors of Industry but it has further divided the nation because of the disregard many of the outspoken environmental advocates have for private property and the protections afforded by both Federal and State Constitutions for the same.

That leads me to address the current reality and how the proposed improvements suggested by Congressman Stewart to the Endangered Species Act are not only crucial but legitimate adjustments to an Act that has been in existence long enough to identify the shortcomings and instigate much needed

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improvements. This bill known as HR 4256 simply illustrates a way to improve a severe inconsistency in the way the living populations of species are counted. Currently internal rules exclude counting populations toward recovery objectives because they may be found on State, tribal or private property. Suffice it to say those private property owners who are restricted, impacted and often is the case found damaged as a result of the poor processes and coordination efforts are less than enchanted with the so called protections of life, liberty and property or lack thereof.

The argument that populations found on private property, if delisted from a listing status, would instantly be reduced because of a lack of protections demonstrates the divide between interested parties. It is preposterous that local interests would allow, once a species is delisted, the population to merit a listing status again. Further, it is at the local level that the best and most effective management policies and practices can be put in place with the least cost. However the more the damage to the affected, local economy continues the less likely the resources necessary to expedite the betterment of efforts for recovery at the local level will be available thereby forcing more federal dollars to be expended. Dollars the US does not have.

Although I could speak ad infinitum to the immediate impacts in our community and the expanded negative effects throughout our country of what was intended to be a good law but is in fact a poorly conceived and administered program I will conclude my written remarks by saying that I believe in the idea of America. I believe in America. I believe in the culture, the freedom, the goodness, the foundational principles and the constitutional organization that, when implemented, continues to shine a light in a world of ever expanding dismal darkness. Adopting this measure addresses the inconsistency that architecturally currently place endangered species in an adverse relationship with State, tribal and private property owners and allows the advantages of localized involvement, shared responsibility and opportunity for recovery of endangered and threatened species while mitigating the negative relationship with the USFWS and the Congress of the US.

Sincerely,



David Miller

Chairman, Iron County Board of Commissioners