

Endangered Species Act Working Group Forum
Senator Tom Casperson Remarks
38th Michigan Senate District
October 10, 2013

- Thank for the opportunity to speak today about the Endangered Species Act.
- The Senate district I represent in Michigan covers most of the Upper Peninsula and is bigger in size than 9 other states, yet has a mere 270,000 people.
- Given the make-up of my district and the land-based economic activities that most residents depend upon to make a living and support our communities, which are historically based and culturally centered, we have been significantly and adversely impacted by various environmental laws and regulations including the Endangered Species Act.
- And, in the UP, I routinely hear from constituents who strongly believe that changes are needed to environmental laws and regulations, with the Endangered Species Act being one of the laws most in need of changing.
- To help explain why, I'll offer a few examples of how the law has impacted the UP.
- Most recently, the wolf population has been a hot topic in the UP and across Michigan as most UP residents call for more management and control to curb the negative impacts that a growing wolf population has had on residents, pets, livestock, wildlife and visitors.
 - Wolves were recently delisted from the endangered species list in January 2012, but the delisting was long overdue.
 - When wolves were listed as an endangered species more than three decades ago, a recovery goal of 200 animals was set which was the target number at which time the animals would be delisted. Delisting didn't happen for years after that goal was attained. Part of the delay was brought on by certain animal welfare groups challenging the process.
 - When wolves were delisted in 2012, Michigan had approximately 700 wolves, well above the recovery goal of 200 in Michigan alone. Our neighboring states of Wisconsin and Minnesota have approximately 800 and 2,200 wolves respectively.
 - What have we seen as the wolf population has grown with little to no management?
 - Farmers are losing many livestock to wolves. I talked to one farmer a few weeks ago who lost more than 50 head over the past few years with a few calves recently killed one night and the next night he was awakened by wolves howling. He got up at 3:00 a.m. to drive in his fields and protect his animals. Unfortunately, he was not able to hit any wolves as he tried to shoot at them. He should not need to bear that burden

or risk, yet those are exactly the consequences that he and his fellow farmers now routinely shoulder.

- Many family pets have been killed too with a few incidences over the last month or two where multiple dogs have been killed, injured or remain missing. Some visitors to the UP who have experienced losses due to the wolves say they will not be returning until the wolf population changes.
- Other wildlife are being impacted as well, and hikers, loggers and others are encountering wolves where they have not before.
- Wolves are even entering communities such as the City of Ironwood where eight had to be killed within the city itself to address residents' fears that they were becoming too habituated to humans and threatening children in their yards and near day cares and schools.
- Delisting has allowed us to move forward as a state to enact some management tools, but all of the examples above show that the management we hope to retain now on a state level is long overdue.
- Had we been able to address the situation earlier without the Endangered Species Act and certain so-called animal welfare groups' reliance on it, the situation in the UP would not be as aggravated as it is now.
- Another example we have seen in the UP and other parts of Michigan related to excessive protection to the state's detriment relates to cormorants.
 - The cormorant population exploded after once being considered endangered. With their vast numbers, they have brought on significant damage to fisheries, landscapes and structures such as light houses and other buildings and made some landscapes resemble a waste land.
 - Constituents routinely beg for more authorization to address the populations that lead to local damage.
- Most economic activity in the UP is dependent on land-based economic sectors including forestry and mining. The Endangered Species Act has unreasonably and negatively affected those sectors with environmental groups and bureaucrats successfully using the laws and regulations to slow down sustainable use of the land.
 - For example, there are 3 federal forests in Michigan, with two of them being in the UP. Each federal forest has a forest service management plan in which an "allowable sales quantity" is established. This is essentially a timber harvest plan.

- Since 1986 when the first plans were written, the U.S. Forest Service has never sold the allowable sale quantity of timber in the forest plans for the Ottawa and Hiawatha National Forests in the UP.
- Specifically, over the last couple years, less than half of the timber required to maintain forest health was harvested with the amount ranging from 38 to 45% of allowable sale quantity.
- Many believe, myself included, the lack of management on forestland is directly attributable to environmental laws, including the Endangered Species Act, which has been used to stall or prohibit management efforts.
- Aside from the poor health in which this has left our forests, which are in part responsible for the natural disasters that have befallen them, this also equates to loss of jobs and economic activity in rural areas that depend on the land-based industries to survive. For example, in 2010, the Ottawa and Hiawatha National Forests cumulatively fell short of annual ASQ by more than 115 million board feet. This equates to a loss of 1,265 jobs using a calculation based on 1 million board feet of harvested timber providing enough raw materials to sustain 11 direct jobs and multiple other indirect jobs.
- In addition, the Endangered Species Act was recently cited by the Environmental Protection Agency (EPA) in its many objections to the development of County Road 595 in Marquette County. The road would have addressed public safety concerns and aided in economic development opportunities related to forestry and mining. However, after much local and state support and hundreds of hours of negotiation by the Marquette Road Commission to try to address concerns, the road project was not advanced due to concerns from federal agencies including the EPA, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service.
- For example, in a 44 page EPA document titled "Responsiveness Summary EPA Objection to the issuance of a Clean Water Act Section 404 permit to construct County Road 595" from December 2, 2012, the following statement was made: *"The project could cause impacts to Kirtland's warbler (Setophaga kirtlandii) and Canada lynx (Lynx canadaensis) which are protected under the Endangered Species Act and which have the potential to be present within the proposed CR 595 corridor."*
- The document also points to concerns about impacts on wetlands and references various threatened and endangered species that could be located in those areas which would have been impacted. It is significant to note, however, that the applicant was willing to mitigate any impacts on wetlands to a much higher degree than any impact they would have caused – and at one point offered to mitigate 22 acres of wetlands with an astounding offer of 1,600 acres of wetlands.

- In short, it was a tremendous loss for the UP when the federal agencies used various environmental regulations and hoops to reject the united local and state efforts to build County Road 595.
- While the Endangered Species Act has served a purpose, it has been abused and used as a tool by those who do not want to see human activity on natural resources. There must be more balance between environmental regulations to protect truly sensitive areas while allowing sensible activity as well, including economic development and recreational uses.
- Today's law does not provide that balance to ensure property rights and use are maintained.
- In fact, one could argue that laws like the Endangered Species Act actually hinder other much needed efforts to address issues such as controlling aquatic invasive species that are threatening the Great Lakes and local water bodies. These invasive species such as Eurasian Watermilfoil need to be addressed to help preserve our use of the natural resources and ensure that native habitat is able to continue to grow.
- Rather than federal laws and regulations imposing requirements that inhibit state response efforts, it would be more appropriate for states and local entities to be able to manage their natural resources and wildlife because they know better what is happening on the ground and in local communities.
- Thank you again for the opportunity to comment.