

**“There are no known breeding populations of the jaguar in the United States, and yet there are approximately 850,000 acres of ‘critical habitat’ set-aside in Arizona and New Mexico,”** Steve Trussell, Executive Director, Arizona Rock Products Association & The Arizona Mining Association.

9/24/19 Statement of Steve Trussell, Executive Director, Arizona Rock Products Association & The Arizona Mining Association

ESA has not been reformed or amended since its enactment in 1973, and has been almost completely ineffective at accomplishing the original intent of the law – to recover and “delist” threatened and endangered Species (T&E). The mining industry has borne the financial burdens of numerous lawsuits filed over protections of aquatic and terrestrial species, such as the Sonoran Desert Tortoise, jaguar (specifically, the critical habitat designation), Yellow-Billed Cuckoo, and the Roundtail Chub.

The requirements of the law and subsequent determinations made by federal agencies and federal courts have been applied and interpreted inconsistently. Decisions have also been made without meaningful analysis of the economic impacts that species listings or critical habitat designations would have on the mining industry, national security and the public that all depend upon excavated minerals. There are no known breeding populations of the jaguar in the United States, and yet there are approximately 850,000 acres of “critical habitat” set-aside in Arizona and New Mexico (Rosemont).

Most importantly, the ESA has not been used to save those most critically endangered species, but rather as a tool to advance political objectives, or to bring harm to those industries that drive and support economic development.

It would be helpful to have a more robust understanding of the fiscal impacts to the industry from ESA compliance – everything from property devaluation, litigation and mitigation to federal agency costs for managing the program and species’ “recovery” efforts. Costs associated with ESA are poorly tracked.

It’s time to reform the 45 year-old Act, and provide more reasonable consultation processes and permitting timeframes. It’s also critical to allow state wildlife agencies to play a larger role in managing ALL wildlife species, using locally collected scientific data, and ensuring decisions are not emotionally-driven.