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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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July 16, 2012

The Honorable Dan M. Ashe
Director
U.S. Fish & Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Director Ashe:

We applaud your decision that listing the Sand Dune Lizard under the Endangered Species Act (ESA) was not warranted. This result was a great example of the Fish & Wildlife Service working with state and local stakeholders to maximize conservation through voluntary agreements. Similar efforts are underway on the Lesser Prairie-Chicken (LPC) in Oklahoma, New Mexico, Colorado, Kansas and Texas through the Lesser Prairie-Chicken Interstate Working Group (LPCIWG), which, along with other partners, has invested and will continue to invest significant resources into ensuring LPC survival and recovery. These efforts include investment of millions of acres and dollars; significant research developments; and the creation of a Habitat Conservation Plan to address concerns surrounding wind energy development. Accordingly, these efforts have resulted in promising trends and discoveries indicating LPC populations are stabilizing and many of the threats catapulting the LPC to a high priority species are not materializing. It seems as though there are many similarities between LPC conservation efforts and the successful efforts that led to a not warranted decision for the Sand Dune Lizard.

Over the past ten years (with significant additional resources and funding dedicated and expended over the last two years), the LPCIWG has spearheaded significant conservation efforts. In Oklahoma, \$42 million has been directed toward Lesser Prairie-Chicken conservation. Management activities have been implemented on at least 563,000 acres of habitat within LPC range, and pending conservation efforts offer potential to improve an additional 22,000 acres of LPC habitat. The other four states have also invested millions of dollars and conserved millions of acres of LPC habitat: Texas (\$2,395,278 / 251,357); New Mexico (\$2,516,098 / 113,182); Colorado (\$396,406 / 69,500); and Kansas (\$1,998,771 / 1,744,960).

In addition, LPCIWG has discovered that LPC populations seem to be stabilizing. As the Western Association of Fish and Wildlife Agencies (WAFWA) notes, "While some populations in the southern portion of the range have declined, there is evidence that LPCs have and continue to expand into other areas such as the shortgrass regions of western Kansas, and the Oklahoma and the Texas Panhandles." For example, the Kansas Department of Wildlife and Parks (KDWP) developed a database to hold information about LPC lek sites and counts and "following the 2011 breeding season, the database contained 474 observations of 296 LPC and mixed lek sites that were known to be active at least once since 2005. This includes 126 observations of 68 leks north of the Arkansas River, where LPC were not known to exist only 15 years ago. It is the belief of WAFWA this supports the notion of a population shift."

LPCIWG, in conjunction with the Natural Resources Conservation Service (NRCS), has discovered that many of the threats facing LPC populations are not materializing as previously believed. As FWS noted in a December 10, 2008, Federal Register Notice (73 FR 75179), "We find that ongoing threats to the Lesser Prairie-Chicken throughout its range is high because the threats put the viability of the Lesser Prairie-Chicken at substantial risk. The threats are ongoing and thus, imminent. Consequently, we changed the LPN from an 8 to a 2 for this species." Recent NRCS analysis, however, has indicated that many threats to the LPC have been overestimated:

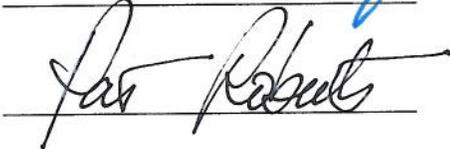
- a. Loss of Habitat: Expiring CRP land has overwhelmingly remained in grassland. Range wide, there is a 3% increase in CRP acres since the Lesser Prairie-Chicken was initially added as a candidate.
- b. Inappropriate livestock grazing: Over 600 National Resources Inventory data points indicate only slight departure from normal conditions with NRCS concluding that "rangelands are healthy in occupied range."
- c. Woody plant invasions: Ongoing efforts will result in 300,000 acres of cedar removal and 600,000 acres of mesquite removal.
- d. Inappropriate herbicide applications: Texas Tech University research indicates that teb treatments (a herbicide) is benign to reproductive output and survival and additional analyses are underway to examine possible benefits to brood habitat and survival.

In addition, the implementation of Voluntary Land-Based Wind Energy Guidelines, which were developed by FWS, working in conjunction with the Wind Energy Industry, will help address the major energy development and infrastructure challenge facing the LPC: the rapid development of our nation's wind energy resources in the Great Plains. These guidelines, which cover the entire LPC range, will help prevent the fragmentation of LPC habitat and allow wildlife conservation and economic development to coexist by providing a structured process for addressing LPC concerns.

In light of these significant developments and ongoing efforts, we urge your office to conclude that a listing as endangered or threatened is "not warranted" for the LPC. In addition, we ask FWS to consider the NRCS study in its LPC proposed listing decision and to explain in writing how you plan to do so this summer. If you have any questions, please contact J.W. Hackett with the Senate Committee on Environment and Public Works at 202-224-4764.

Sincerely,









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