

United States Senate

WASHINGTON, DC 20510

July 16, 2019

The Honorable David Bernhardt
Secretary
Department of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240.

Dear Secretary Bernhardt:

Understanding that certain interest groups have recently filed suit seeking to compel an early decision by the Department of Interior's Fish & Wildlife Service (FWS) on whether to list the Lesser Prairie Chicken (LPC) as an endangered species under the Endangered Species Act (ESA), we urge your Department's careful consideration of the clear instruction Congress provided in the conference report to accompany the enacted FY-19 Interior appropriations bill (P.L. 116-6):

“...the Conferees direct the Service to collaborate with local and regional stakeholders on improving voluntary solutions to conserve the species with the goal of avoiding the necessity of listing the LPC under the ESA.”

In arriving at that instruction, the conferees registered their concern that by listing the LPC in spite of the unprecedented level of voluntary conservation efforts across five states, the FWS would significantly reduce the incentive for stakeholders to pursue future initiatives to preserve the LPC and other species. This report language makes very clear that Congress intends for the FWS to strive to use voluntary conservation from the private sector and impacted states before engaging a listing of the LPC.

As demonstrated by annual aerial surveys, the unprecedented private sector initiative to preserve LPC habitat has resulted in successive increases in the LPC population. Recognizing that adequate precipitation is also a significant factor in successful breeding of the LPC, the combination of wet weather and habitat protection has yielded remarkable results. Thus far, landowners—including oil and gas operators, pipelines, electric distribution and transmission utilities, and wind companies---have enrolled more than 7 million acres in the Range Wide Plan (RWP) of the Western Association of Fish and Wildlife Agencies (WAFWA), the Candidate Conservation Agreement with Assurances (CCAA) and WAFWA's Conservation Agreement, and private sector participants in these FWS-endorsed agreements have funded them with more than \$64.3 million. Moreover, the USDA's Natural Resources Conservation Service (NRCS) Lesser Prairie Chicken Initiative—now merged into the larger NRCS Working Lands for Wildlife Program—has also been successful in enlisting additional farmers and ranchers and their acreage, further enhancing the numbers enrolled in the agricultural CCAAs in Oklahoma, Texas and New Mexico—all conserving LPC habitat.

These conservation partnerships are precisely what the FWS should be encouraging and supporting as a means of avoiding the need to list the LPC or any species under the ESA. We urge you to be mindful of the Congress's instruction to the Department in that regard. In so doing, it is imperative that you provide the fullest and fairest opportunity for such private conservation efforts to succeed. A premature listing decision, as urged by the plaintiffs in the above-referenced litigation, will preclude careful consideration of these voluntary conservation achievements and the recent scientific data upon which a listing decision must be based. Prior to a listing decision, FWS should be required to disclose relevant data to RWP participants, including the data from the agency's on-going LPC Species Status Assessment, and recommend adjustments which might strengthen an already successful program. With the amount of successful conservation achieved to date and the amount of conservation infrastructure and private sector funding already amassed, there is no need to rush to judgment on a listing.

We would appreciate your response to this recommendation, and strong, continuing support for cooperative conservation.

Sincerely,



James M. Inhofe
United States Senator



James Lankford
United States Senator



Cory Gardner
United States Senator



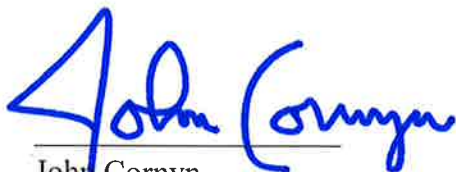
Pat Roberts
United States Senator



Jerry Moran
United States Senator



Ted Cruz
United States Senator



John Cornyn
United States Senator