United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In response Reply to:
FWS/AES/054836

JUN 26 2013

The Honorable James Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter of June 13, 2013, cosigned by your colleagues, requesting that the U.S. Fish and Wildlife Service (Service) consider a six-month extension under the Endangered Species Act (Act) on the final listing determination for the lesser prairie-chicken. An identical letter is being sent to each of the letter's signatories.

The Service will soon publish a notice in the Federal Register announcing a six-month extension of the final listing determination for the lesser prairie-chicken through March 30, 2014. Public comments received by the Service since the publication of the proposed rule have highlighted substantial scientific disagreement regarding the sufficiency or accuracy of the available data relevant to the listing proposal for the lesser prairie-chicken. Therefore, as the law allows, the Service is extending the final listing determination for six months in order to solicit additional data and information that will help to clarify these issues.

With respect to extending the final listing beyond March 30, 2014, our original commitment under the Multi-District Litigation settlement agreement was to issue a proposed listing determination or not warranted finding by September 30, 2012. Plaintiffs and the U.S. District Court agreed to our request for a short extension of that initial deadline, with the understanding that we would continue to make a final listing determination or not warranted finding within one year of the original September 30, 2012, deadline, unless extended as authorized by the statute (i.e., six months). While we are now invoking that statutory extension, we do not intend to ask the plaintiffs or the court for any additional extension beyond March 30, 2014. With the six-month extension, the Service can fully consider the comments received and implementation of conservation actions to benefit the lesser prairie-chicken. Please be assured that any final action by the Service will be based on the best scientific and commercial data available and will reflect the comments and information submitted to the Service.

The Service appreciates your support for the five-state conservation plan and assures you that we will carefully evaluate application of the plan as part of our listing determination for the lesser prairie-chicken. We are committed to working with the Western Association of Fish and Wildlife Agencies (WAFWA) and the States to further lesser prairie-chicken conservation. We strongly support the efforts to develop a Rangewide Conservation Plan and are working closely with the States to refine the plan.

Again, thank your support for conservation of the lesser prairie-chicken. The Service looks forward to continuing to work with you on this important issue. Please feel free to contact me directly or have your staff contact Dr. Benjamin N. Tuggle, the Service's Southwest Regional Director, at 505-248-6282 to discuss any questions or concerns you may have.

Sincerely,

DIRECTOR