

United States Senate

WASHINGTON, DC 20510

May 21, 2021

The Honorable Deb Haaland
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Haaland,

We write regarding the Fish and Wildlife Service's (Service) impending action later this month regarding the Endangered Species Act (ESA) "12-month finding" assessment of the lesser prairie-chicken (LPC), a species found in each of our respective states, including your home state of New Mexico. We understand that by May 26, 2021, the Service will issue a decision as to whether a formal ESA listing for the LPC is warranted. We strongly believe it would be imprudent and harmful to ongoing and unprecedented conservation efforts in our states for the Service to issue what would amount to a premature ESA listing proposal for the LPC.

We have long been supportive of the voluntary public-private conservation partnerships for the LPC and its habitat. These efforts have yielded significant private and public investment—dramatically increasing its population growth. The Western Association of Fish and Wildlife Agencies' (WAFWA) Range-wide Candidate Conservation Agreement with Assurances (CCAA) for the LPC has been effective in conserving and propagating the species. The CCAA has yielded over 111 active industry participants contributing more than \$64 million invested in enrollment and mitigation fees for conservation and over 6 million acres enrolled in the partnership. CCAA participants also adopt for their operations the conservation practices set out in that agreement. These conservation practices and financial investments, in league with other efforts led by USDA, have paid off. Aerial surveys from 2020 indicated the LPC's population has more than doubled since 2013. The evidence is clear—collaborative, public-private conservation partnerships work.

Recent history also urges caution in making this 12-month determination as the Service's erroneous listing of the LPC in 2014 was struck down in federal court the following year. The Court reasoned the Service failed to follow its own rules in not properly considering the enormous voluntary conservation efforts to preserve the species when it is clear that voluntary conservation has benefited the LPC's population and habitat. A premature listing sends the wrong message to the private partners who have invested important resources and adopted conservation practices to protect the LPC and prevent a listing. A premature listing would undermine the confidence of the private sector in the Service and their willingness to maintain ongoing conservation activity related to the LPC or any other species under ESA consideration in the future. Instead, the Service should recognize, respect, and reward the private sector for their conservation efforts.

We share your interest and commitment to safeguarding our nation's natural resources. We look forward to discussing this upcoming decision with you soon. Thank you for your consideration of this request.

Sincerely,



James M. Inhofe
United States Senator



Jerry Moran
United States Senator



Roger Marshall, M.D.
United States Senator



James Lankford
United States Senator



Ted Cruz
United States Senator



John Cornyn
United States Senator