

United States Senate

WASHINGTON, DC 20510

June 13, 2013

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

Dear Mr. Director:

Thank you for your attention to efforts that increase conservation of habitat vital to the Lesser Prairie Chicken (LPC). For years, individuals, companies, and state and federal agencies have been working to protect this species and bolster its population. Since the Fish and Wildlife Service (FWS) proposed a "threatened" listing of the species last fall, state wildlife managers have worked together to prepare a five-state plan for preservation of the LPC. We applaud your decision to reopen the public comment period on the proposed listing to allow additional comments to be filed on the range wide conservation plan so they can be included in the Service's official evaluation. We encourage you to carefully evaluate the merits of the proposed five-state plan and included CCAAs and its potential for ensuring a healthy LPC population.

The recently proposed five-state conservation plan has great potential for increasing protection of the species across our five states. We recognize that some additional time may be necessary for effective participation in the five-state plan to be secured.

We understand that you have the authority under 16 U.S.C. 1533 to temporarily delay a final listing decision of the LPC if there is dispute over the status of the species. With an influx of significant new public input from the reopened comment period, and with the submission of the five-state conservation proposal, we encourage you to consider a six-month extension under this authority. Such an extension is permissible under both the law and the settlement agreement and would provide additional time to assess the benefits of the proposed plan and whether conservation efforts have been established to the point that a listing is not warranted.

We would also request that you consider extending the final decision deadline beyond March 30, 2014 to June 11, 2014. If FWS is held to the court settlement governing the listing of the LPC, then March 30, 2014, would be the final decision deadline if all time and extensions allowed under the settlement are exercised. We understand this timeline, however, to be inconsistent with the timeline allowed under the Endangered Species Act. FWS has acknowledged that it was late in proposing the initial threatened decision for the LPC, but in the amendment filed to the settlement agreement, FWS said it would continue to comply with the remaining procedural deadlines under the settlement agreement, even though this would establish a timeline that appears inconsistent with federal law. This inconsistency has resulted in less time for state wildlife conservation agencies and stakeholder groups to work with the FWS toward the approval of voluntary conservation efforts, which have great potential for protection of the species.

If the settlement agreement were not a component of this discussion, then the procedural timeline for the consideration of the LPC proposal would have begun on December 11, 2012 – the date FWS

published its proposed threatened listing for the LPC in the Federal Register – and FWS would be allowed to delay a final decision until June 11, 2014. We request that you consider further amending the settlement agreement to provide FWS and all stakeholders with this additional time so that the full amount of time allowed under the law can be utilized. Given the ground-breaking nature of the five-state plan, we are interested in giving participants the maximum amount of time to enroll in these programs and demonstrate their effectiveness.

Thank you for your continued effort to ensure that the most accurate analysis of the LPC is completed, and for your consideration of the extensive efforts to protect the species being carried out across our five states.

Sincerely,

Tom Udare

John McChesney

John Grunyn

Jerry Moran

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