

**Congress of the United States**  
**Washington, DC 20515**

October 6, 2014

Mr. Dan Ashe, Director  
U.S. Fish and Wildlife Service  
1849 C Street N.W.  
Washington, DC 20240

Dear Director Ashe:

We write regarding the U.S. Fish and Wildlife Service's (FWS) proposed Endangered Species Act (ESA) threatened listing and critical habitat designation of the western yellow-billed cuckoo, one of the hundreds of species included in the 2011 mega-settlement between the FWS and the Center for Biological Diversity. We are dismayed that despite serious concerns about the FWS' misuse and lack of transparent data to justify that the western yellow-billed cuckoo is a separate "distinct population segment," the FWS nevertheless has announced it intends to finalize a "threatened" listing in November 2014.

While we oppose this listing proposal, we find it completely unacceptable that the FWS has proposed only 60 days of public comment with no public hearings, effectively shutting out meaningful public comment on a sweeping critical habitat designation proposal for the yellow-billed cuckoo. This proposal would impact 546,335 acres, including over 242,000 acres of private and locally-owned property surrounding 80 river and stream stretches located in more than 65 counties in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Texas, Utah, and Wyoming.

This proposal lists "as threats" a number of critical activities in rural areas, including operation of dams, reservoirs, diversions, groundwater pumping, channel and floodplain clearing, grazing, agriculture, irrigation, water withdrawals, mining, forest management, residential construction, road building and maintenance, control of invasive species and fire management and use of crop protection products. We note that the proposed rule would designate habitat in areas even where the cuckoo doesn't currently exist, and cites a highly controversial 2007 Intergovernmental Panel on Climate Change study to suggest that "climate change may be impacting the western yellow-billed cuckoo."

The FWS' proposed critical habitat also undercounts the true economic impact of the listing and habitat designation of the western yellow-billed cuckoo by limiting its analysis to "incremental" economic impacts rather than a more comprehensive analysis, and concludes that these habitat designations will cost \$3.2 million per year for hundreds of new federal permitting requirements associated with landowners, states and local governments' activities in designated

habitat areas. It is hard to believe that this would not cost much more in direct and indirect costs, regulatory delays and other impediments to vital economic activities.

Because of the seriousness of these issues and the vast areas impacted, we request that the FWS extend its public comment period for the critical habitat designation of the western yellow-billed cuckoo at least sixty (60) more days to December 14, 2014, and allow opportunities for public hearings in the areas affected. We look forward to your prompt response. If you have any questions, please contact Todd Ungerecht of the House Natural Resources staff at (202) 225-2761.

Sincerely,



Doc Hastings  
Member of Congress



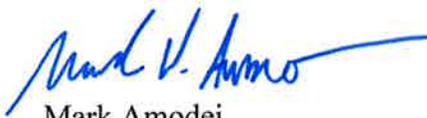
Steve Pearce  
Member of Congress



Cynthia Lummis  
Member of Congress



Walter Jones  
Member of Congress



Mark Amodei  
Member of Congress



David Schweikert  
Member of Congress



Mike Conaway  
Member of Congress



Kevin McCarthy  
Member of Congress



Scott Tipton  
Member of Congress



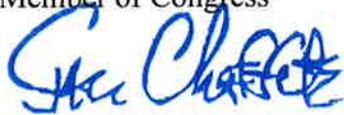
Paul Gosar  
Member of Congress



Joe Heck  
Member of Congress



Doug Lamborn  
Member of Congress



Jason Chaffetz  
Member of Congress



Matt Salmon  
Member of Congress



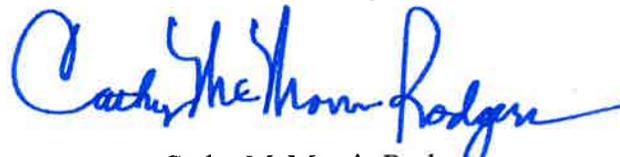
Chris Stewart  
Member of Congress



Jason Smith  
Member of Congress



Louie Gohmert  
Member of Congress



Cathy McMorris Rodgers  
Member of Congress