

Congress of the United States
Washington, DC 20515

February 7, 2013

The Honorable Daniel M. Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, DC 20240-0001

RE: Federal Register Docket No. FWS-R2-ES-2012-0071, Proposed Rule listing the Lesser Prairie Chicken as Threatened under the Endangered Species Act

Dear Director Ashe:

We are writing to request at least a 60-day extension of the comment period and at least a 90-day extension of the final listing deadline for the proposed rule to list the Lesser Prairie-Chicken (LPC) as threatened under the Endangered Species Act. We also request that the U.S. Fish and Wildlife Service (FWS), in coordination with the Western Association of Fish and Wildlife Agencies (WAFWA), expedite consideration and approval of the proposed Candidate Conservation Agreement with Assurances (CCAA) for oil and gas activities that occur within LPC habitat. Lastly, we request an in-person meeting with you to discuss the proposed listing and pending CCAA proposals as soon as possible.

First, we request that FWS extend the public comment period by at least 60 days to give stakeholders in the geographic, five-state area it would impact sufficient time and flexibility to provide FWS with information on the most up-to-date science and conservation actions upon which FWS will base its final listing decision for the LPC. A 60-day extension of the public comment period, beyond the current deadline of March 11, 2013, would allow additional, necessary time for:

- 1) The five state fish and wildlife agencies to finalize and submit the LPC range-wide conservation plan;
- 2) Oklahoma and Texas to enroll more acreage under their respective ranching CCAAs and demonstrate proactive conservation actions;
- 3) FWS to review, finalize, and issue the current draft CCAA for the oil and gas industry and possibly allow acreage enrollment under this CCAA before the comment period closes;
- 4) FWS to respond to any requests from counties for additional public meetings beyond the four already planned and for the public to more fully engage and comment on the proposed listing;
- 5) State fish and wildlife agencies to host public meetings within the LPC range to gather important public feedback which will be considered and potentially incorporated into states' actions or plans for LPC conservation; and
- 6) State agencies to complete this spring's aerial population survey which will be conducted in the month of April.

We believe the data and information that could be provided to FWS during an extension of the public comment period would benefit the conservation decisions affecting the LPC and would also help address the concerns of citizens, private landowners, farmers, ranchers, and industry that depend upon these lands for jobs and rural economic development.

Second, we request that FWS extend the final listing deadline by at least 90 days, currently set for September 30, 2013. This is an arbitrary deadline based on the Interior Department's own lawsuit settlement, and it

does not account for realistic time constraints or the ongoing conservation efforts at the state and local level. Moreover, since the proposed rule was submitted on December 11, 2012, the current deadline imposes a truncated rulemaking process that could hinder FWS' ability to fully review the submitted public comments and make a transparent and justifiable determination.

We also understand that FWS recently provided comments on the preliminary draft of WAFWA's proposed CCAA for oil and gas activities that occur within LPC habitat. We ask that you continue to work with WAFWA on this proposal and swiftly approve the plan. It is critical that the affected states have as much time and flexibility as possible to enroll acreage under this CCAA, and any delay in approval, combined with the short comment period and final listing deadlines, would impede WAFWA and the affected stakeholders from substantively engaging in conservation measures at the state and local level.

Lastly, we request a meeting with you as soon as possible to discuss these issues, as well as the pending CCAA proposals and current efforts at the state and local level to conserve the species while protecting the livelihoods of landowners and other stakeholders. It is of the utmost importance to us and our constituents that we remain up-to-date and fully informed on the listing process. We also hope to directly express to you our concerns about the proposed rule and our interest in participating in an open and scientific process.

Your prompt consideration of these requests is greatly appreciated and we look forward to your response and the opportunity to discuss in person in the near future. For questions or to coordinate a meeting, please contact David Rokeach (Rep. Neugebauer) at 202-225-4005 or david.rokeach@mail.house.gov, or Lee Bobbitt (Rep. Conaway) at 202-225-3605 or lee.bobbitt@mail.house.gov.

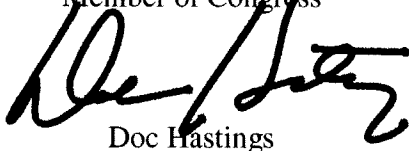
Sincerely,



Randy Neugebauer
Member of Congress



K. Michael Conaway
Member of Congress



Doc Hastings
Member of Congress



Frank Lucas
Member of Congress

Chairman, House Committee on Natural Resources

Chairman, House Committee on Agriculture



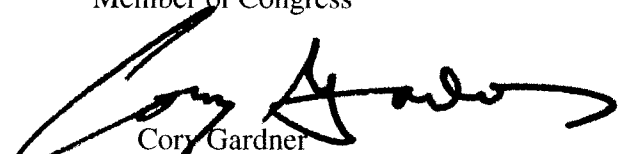
Mac Thornberry
Member of Congress



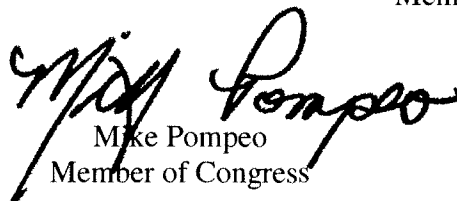
Stevan Pearce
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Cory Gardner
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