

Congress of the United States
Washington, DC 20515

November 1, 2011

Honorable Hal Rogers
Chairman
House Appropriations Committee

Honorable Michael K. Simpson
Chairman
House Appropriations Subcommittee on Interior, Environment
and Related Agencies
H-307
The Capitol
Washington DC 20505

Dear Chairman Rogers and Chairman Simpson:

We write to urge the Appropriations Committee's adoption of the attached amendment designed to call a one-year "time out" in the Interior Department's precipitous march toward listing of the Dunes Sagebrush Lizard as a threatened or endangered species. Unlike the broad language in the original Interior Appropriations bill, which led to passage of the Dicks Amendment, this amendment is very limited in scope. Therefore, we ask for your assistance temporarily halting the job-killing regulatory action by the U.S. Fish and Wildlife Service (FWS). This commonsense amendment will give local landowners and public officials the opportunity to better understand the lizard's biology and enter into conservation agreements to protect the species.

FWS proposed listing the Dunes Sagebrush Lizard on December 14, 2010. FWS is finding that the citizens in the affected regions of New Mexico and Texas are extremely concerned with the impact this listing will have on a very broad range of economic activity in the area which is highly dependent on being able to use the land that may be declared protected habitat. The economic impact of a possible listing of the Dunes Sagebrush Lizard would be an economic disaster.

The businesses, land-owners, and communities of West Texas are willing to work with the Service to advance sound science and to protect vulnerable species, but the one year deadline for a decision on listing is precluding the cooperation that otherwise might occur.

Just recently, state stakeholders completed a survey of potential habitats for the lizard. It found evidence of the lizard, but without further research, such a study is mostly useless. It requires follow up research to establish trends and track changes. Listing the species now, without the opportunity for further research, will be a setback for our understanding of this potentially threatened species.

Moreover, several local communities have asked for the opportunity for formal coordination with FWS. This process is supposed to be an opportunity for the communities to work with the Fish and Wildlife Service, yet to date, this has not yet occurred. Giving a one year time-out from the listing process will give FWS the opportunity to coordinate any listing activity with these communities.

Rushing this listing also threatens to upend a promising program of voluntary agreements to protect the Dunes Sagebrush Lizard that is just beginning to be stitched together across the Permian Basin. Through the hard

work of the private sector, and the local offices of FWS and the Bureau of Land Management (BLM) , Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs) are being crafted to commit private sector signatories to an array of conservation measures. In New Mexico, the first agreement was signed in the second half of 2010. And in Texas, a similar conservation plan was rolled out late this fall.

CCAs and CCAAs hold the promise to help us conserve our wildlife in partnership with our local businesses and communities, instead of at their expense. These agreements provide very substantial annual funding that is under the full control of FWS to implement conservation projects to preserve what FWS determines to be priority habitat of the Dunes Sagebrush Lizard. Yet, before these projects have even begun to bear fruit, FWS is removing them as an option. We firmly believe FWS should explore and exploit every available voluntary conservation option before resorting to economically destructive mandates.

Recently, private sector signatories pleaded with senior officials at the Interior Department to postpone moving forward with any proposed listings until additional members of the affected community could enroll their acreage in the CCAs/CCAAs and until the projects to be funded by the signatories' financial contributions were given a chance to show the progress in conserving habitat that everyone—including the local FWS and BLM officials—believes is possible. It appears this has fallen on deaf ears at the Department. Not only does this frustrate the aspirations and intentions of both the private sector and the local FWS and BLM officials in negotiating these CCAs/CCAAs, but it sends precisely the wrong signal to entities that have not yet enlisted in the CCAs/CCAAs. Specifically, there is no real upside to putting their money into the conservation fund to avoid a listing of the Dunes Sagebrush Lizard since Interior is moving ahead anyway.

Our amendment is carefully designed to suspend Interior's further activity related to listing the Dunes Sagebrush Lizard under the stakeholders can bring more science to the table and the CCAs and CCAAs should be given a fair opportunity to preserve the relevant habitat to the point where a listing of the respective species is not needed. Our amendment specifically does NOT prevent or inhibit FWS and BLM from doing all it can to effectuate the range of beneficial activities called for in the CCAs and CCAAs; indeed we encourage FWS and BLM to actively solicit the enrollment of more acreage and more signatories to the CCAs to maximize prospects for expeditious improvement in the habitat for the Dunes Sagebrush Lizard to the point where listing is rendered unnecessary. We believe—and we understand that the local FWS and BLM officials share our belief—that the CCAs/CCAAs are the best and most effective opportunity to redress the habitat threat for these species while avoiding the economic calamity that will ensue from a listing.

If you or your staff have any questions, we are prepared to discuss at your convenience.

Respectfully,



Steve Pearce
Member of Congress



Michael Conaway
Member of Congress



Randy Neugebauer
Member of Congress



Francisco "Quico" Canseco
Member of Congress