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**Congress of the United States  
House of Representatives**

Washington, DC 20515-3102

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The Honorable Hal Rogers  
Chairman  
House Appropriations Committee  
H-307  
The Capitol  
Washington, DC 20515

The Honorable Michael K. Simpson  
Chairman  
House Appropriations Subcommittee  
on the Interior and Environment  
B-308 Rayburn HOB  
Washington, DC 20515

Dear Chairman Rogers and Chairman Simpson:

We write to urge the Appropriations Committee's adoption of the attached amendment designed to call a "time out" in the Interior Department's precipitous march toward listing the Sand Dune Lizard and the Lesser Prairie Chicken as a threatened or endangered species. The U.S. Fish and Wildlife Service (FWS) proposed listing the Sand Dune Lizard on December 14, 2010 and is now soliciting public comment on that proposal; we understand that Interior has approved funding to proceed with activities that would lead to a notice of proposed listing for the Lesser Prairie Chicken. What FWS is going to find is that the citizens in the affected regions of New Mexico and Texas are extremely concerned with the impact these listings would 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 Sand Dune Lizard would by itself be a disaster on these areas, but would become a complete economic calamity if the Lesser Prairie Chicken were listed as well.

What makes this situation especially unreasonable and untenable, however, is that FWS officials in Washington are ignoring a promising program of voluntary agreements to protect the Sand Dunes 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 of these agreements were signed less than a year ago, in the second half of 2010. And in Texas, the process creating these agreements is just beginning.

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 Sand Dune Lizard and Lesser Prairie Chicken. 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 first, 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 Sand Dune Lizard and Lesser Prairie Chicken since Interior is moving ahead anyway.

Our amendment is carefully designed to suspend Interior's further activity related to listing the Sand Dune Lizard and Lesser Prairie Chicken under the express rationale that 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 Sand Dune Lizard and Lesser Prairie Chicken 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 staffs have any questions, we are prepared to discuss at your convenience.

Respectfully,



Steve Pearce  
Member of Congress



Randy Neugebauer  
Member of Congress



Michael Conaway  
Member of Congress



Francisco "Quico" Canseco  
Member of Congress

Amendment to Deny Funding for Listing of the Sand Dune Lizard  
and Lesser Prairie Chicken

“None of the funds made available under this Act or any other Act shall be used to advance or pursue the listing of the Sand Dune Lizard or the Lesser Prairie Chicken as a threatened or endangered species under the Endangered Species Act;

Provided, That, nothing in this provision prevents the Department from engaging in activities to enlist additional private sector signatories and the enrollment of additional acreage in Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances relating to habitat preservation and conservation for Sand Dune Lizard or Lesser Prairie Chicken;

Provided further that this limitation does not prevent the Department from engaging in the activities and responsibilities envisioned by the Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances relating to the Sand Dune Lizard or the Lesser Prairie Chicken that are in effect on the date of enactment of this provision or are executed and become effective after the date of enactment of this provision.”