



September 1, 2021

Public Comments Processing, Attn: FWS-R2-ES-2021-0015
U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Comments on the U.S. Fish and Wildlife Service's Proposal to List Two District Population Segments of the Lesser Prairie Chicken under the Endangered Species Act (FWS-R2-ES-2021-0015)
86 Fed. Reg. 29,432 (June 1, 2021)

To whom it may concern,

The Independent Petroleum Association of America (IPAA) appreciates the opportunity to comment on the proposed US Fish and Wildlife Service (the Service) Rule to list two Distinct Population Segments (DPSs) of the lesser prairie-chicken (LPC), a grassland bird known from southeastern Colorado, western Kansas, eastern New Mexico, western Oklahoma, and the Texas Panhandle under the Endangered Species Act of 1973, as amended. IPAA is a national upstream trade association representing thousands of independent oil and natural gas producers and service companies across the United States. Independent producers develop 90 percent of the nation's oil and natural gas wells. These companies account for 54 percent of America's oil production, 85 percent of its natural gas production, and support over 2.1 million American jobs.

IPAA recognizes the intent of the Service to list the Southern DPS as endangered and the Northern DPS as threatened under the ESA. A threatened or endangered listing for the LPC under the ESA would drastically change activities for our member companies on federal and private land in the affected areas. IPAA members make every effort to develop American mineral resources in a safe and environmentally responsible manner, taking painstaking precautions to ensure environmental disruption is mitigated to the best of their ability. IPAA is concerned that this new listing proposal is not based on the best available scientific data as current studies are ongoing and does not embrace the effective voluntary efforts to improve LPC habitat and population numbers.

IPAA supports increased flexibility and equipping states and localities to tailor regulations to their own unique set of characteristics in cooperation with the Department of the Interior. For over a decade, state and local officials, landowners, recreationalists, and land users such as oil and gas developers have worked to implement voluntary conservation measures to protect the LPC and its habitat. To date, landowners have enrolled more than 7 million acres in



the Range Wide Plan (RWP) of the Western Association of Fish and Wildlife Agencies (WAFWA), the Candidate Conservation Agreement with Assurances (CCAA) and WAFWA's Conservation Agreement. These programs have been funded by participants with over \$64 million of private investment. These voluntary agreements have successfully conserved species populations and habitat and strike the perfect balance between conservation and responsible economic development.

Finally, it is IPAA's opinion that the FWS has not provided a substantive explanation why it believes its proposed rules are necessary and advisable. The ESA requires a high benchmark for listing a species as threatened or endangered. An "endangered" species is defined as one that is presently in danger of extinction throughout all or a significant portion of its range. A "threatened" species is one that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The FWS does not have the information to determine such a listing is warranted as ongoing studies have not yet concluded and data has not yet been aggregated. Furthermore, it is the intent of Congress through the ESA that the FWS must meaningfully consider conservation efforts that have been taken such as the programs through WAFWA.

Given the above rationale and the fact that studies are ongoing, IPAA respectfully requests that the FWS withdraw its proposal for the listing of the LPC as endangered or threatened as unwarranted. IPAA urges the FWS to precluded listing, pending further study of the LPC development and work with local and state officials as well as stakeholders in the CCAA's to determine a reasonable pathway forward.

Sincerely,

Dan Naatz
Executive Vice President, IPAA