

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

September 22, 2015

Senator John McCain  
241 Russell Senate Office Building  
Washington, D.C. 20510

Congressman Mac Thornberry  
2208 Rayburn House Office Building  
Washington, D.C. 20515

Senator Jack Reed  
728 Hart Senate Office Building  
Washington, D.C. 20510

Congressman Adam Smith  
2264 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman McCain, Chairman Thornberry, Ranking Member Reed, and Ranking Member Smith,

Today the US Fish and Wildlife Service announced that the Greater Sage Grouse does not warrant specific protection under the Endangered Species Act for the next 5 years. They indicated that they would re-open an ESA determination 5 years from now.

While today's announcement may seem like a short-term victory, it is actually in keeping with the Administration's plan to expand its reach into state and local governance on environmental matters. The Greater Sage Grouse habitat is often found on federal lands, including large tracts of military test and training ranges, over which the Interior Department has exerted control with onerous land use plans with little to no meaningful consultation with the Department of Defense. Thus, while the bird will not specifically be listed under ESA for 5 years, the Interior Department can continue to usurp state and military power over land within its administrative control by amending its land-use plans. Further, given the litigious history of the Endangered Species Act by outside and well-funded environmental groups, there is no guarantee that today's Greater Sage Grouse decision will survive what is sure to be a lengthy court battle. With the history of past ESA court actions, it is entirely possible that during the next 5 years a

sympathetic federal court could impose ESA proceedings leading to strict land use and overflight restrictions. This outcome would leave states, and stakeholders such as the U.S. military, with both ESA roadblocks in addition to the stringent land use plans announced today.

Additionally, the District Court in Texas recently vacated the threatened status of the Lesser-Prairie Chicken, the range of which could affect many military installations across its five state range. The court held that the Fish and Wildlife Service did not fully consider state conservation efforts when making a listing decision. This decision made clear the Service has been less interested in recovering species by working cooperatively with the States, and is more concerned with increasing its authority over states.

Given these two very important developments, we strongly urge you to adopt the Bishop and Lucas language in the House-passed version of the NDAA. This language is vital now more than ever, and takes a reasonable approach to a very complicated issue, allowing states to retain control over their lands, while ensuring that the most effective conservation plans are given time to work. This language also will allow the U.S. military to continue to test and train on various ranges helping protect against environmental encroachments on military readiness.

Respectfully,



James M. Inhofe  
Chairman  
Senate Committee  
on Environment and Public Works



Rob Bishop  
Chairman  
House Natural Resources Committee