

TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER



July 25, 2011

The Honorable Ken Salazar, Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Salazar:

Thank you for the opportunity to comment on the U.S. Fish and Wildlife Service's (USFWS) published finding on the petition to list the spot-tailed earless lizard as endangered or threatened.

The USFWS is under growing pressure to classify an increasing number of species as threatened or endangered. As in the case of the spot-tailed earless lizard, these petitions are usually not based on sound science but anecdotes, and place unnecessary burdens on your agency, other organizations, and most unfortunately private landowners who are outstanding stewards of potentially affected habitat.

The absence of science-based and adequately peer-reviewed research related to earless lizard habitat is a major flaw in the petition request. An option to overcome the lack of science is for USFWS, in partnership with stakeholders, to conduct a comprehensive assessment of the status and trends of habitat; I encourage your staff to prioritize this effort should consideration of the listing move forward.

As you know, species listings often carry additional obligations for landowners. The earless lizard petition identifies 75 counties across Texas as potential habitat. Approximately 35 percent of the state's food and fiber production acreage is located in this region, and the impact of listings on a safe and affordable food supply for all Americans could be significant. It would be simply unacceptable to impose restrictions, such as restricting pesticide use that is already regulated by the U.S. Environmental Protection Agency or grazing practices, on agricultural lands to protect habitat that may not even be compromised.

Thank you in advance for choosing to prioritize a science-based approach to implementation of the Endangered Species Act. Please feel free to contact me if I may assist you further with this or any other matter.

Sincerely yours,

Todd Staples

TS/KF/kh

