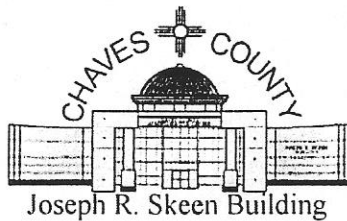


COUNTY MANAGER

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Richard C. Taylor · District 4
Greg Nibert · District 5

July 5, 2012

Mr. Dan Byfield, CEO
American Stewards of Liberty
P.O. Box 1190
Taylor, TX 76574

Re: Dunes Sagebrush Lizard Proposed Listing as an Endangered Species

Dear Dan:

Chaves County is extremely grateful for the guidance and work that American Stewards of Liberty provided our County in dealing with the proposed listing of the Dunes Sagebrush Lizard as an endangered species. I cannot tell you how valuable your assistance was to our entire community. I especially want to thank you and Margaret for your time and effort in educating our County Commission and Public Lands Advisory Commission members on the role that local government plays in the endangered species process.

Without your guidance and participation, the coordination meeting between the County and the U. S. Fish and Wildlife Service would not have been so successful. Your expertise in the process and questioning of U. S. Fish and Wildlife personnel was outstanding. I personally want to thank you for all the time you spent with me on the phone, listening to our ideas, and providing suggestions and guidance at every turn of this process. Through your organization's efforts, we were all victorious in having the Dunes Sagebrush Lizard not listed as endangered. I know that we would not have succeeded without the efforts of American Stewards of Liberty.

Sincerely,



Stanton L. Riggs
County Manager

AMERICAN STEWARDS

of Liberty

July 9, 2012

“Liberty, when it begins to take root, is a plant of rapid growth.”
- George Washington

Dear Member,

You may have heard the remarkable announcement made earlier this month that the U.S. Fish and Wildlife Service (Service) decided not to list the Dunes Sagebrush lizard in West Texas as endangered. What’s so remarkable about this is that eighteen months ago, the Service issued their proposed listing determination to ensure the lizard and its habitat would be federally controlled. The decision to reverse their earlier finding is unprecedented.

What you haven’t heard is the true story of how this came about, and, as one of our members, the part you played in making this happen. Here’s the whole story from the beginning.

Over a year ago, we received a call from a man named Tim Dunn, president of CrownQuest, a small independent oil and gas company out of Midland, Texas, to help the industry fight and possibly stop the Service from listing the lizard as endangered.

Tim connected us with the Permian Basin Petroleum Association (PBPA) and we met with Ben Shepperd, their executive director. After we explained what we do and how we do it through our coordination strategy, the PBPA asked for our help to begin educating and organizing four counties in Texas and four in New Mexico where the Dunes Sagebrush Lizard’s (DSL) habitat was supposedly being destroyed by oil and gas exploration and cattle grazing.

Immediately, all eight counties and one soil and water district came on board. We began working with every county judge and commissioner from Ward, Gaines, Winkler, and Andrews counties in Texas and Chaves, Eddy, Lea, and Roosevelt counties in New Mexico, as well as, the Sandhills Soil and Water Conservation District in Texas.

We only had two coordination meetings – one with the Bureau of Land Management in Lea County and the second in Chaves County with the U.S. Fish and Wildlife Service, but that was enough to show the federal agency their proposed listing was unwarranted, and we were going to do all we could to stop them from listing the DSL as endangered.

What we discovered immediately was, their science was totally inadequate and agenda-driven, but what’s new? In this instance, we knew we had an amazing opportunity to use the Endangered Species Act to prove they didn’t have what was needed to list the lizard.

So, let me back up. The DSL had been considered endangered since 1994, but by a series of agency maneuvers, it had been placed on a lower priority list as a candidate species while other species took center stage. Then, the Center for Biological Diversity sued the Service demanding they list hundreds of candidate species as endangered because of the backlog that had developed.

In a settlement agreement, a federal judge ordered the Service to make a determination for 251 candidate species within five years. The DSL was one of the first species targeted under this agreement and immediately became a threat to the oil and gas industry in West Texas where 20 percent of our nation's oil and gas production takes place.

Our first action was to get all the counties to adopt resolutions opposing the listing and demand coordination with U.S. Fish and Wildlife Service. We drafted the resolutions and cover letters to Dr. Benjamin Tuggle, the Southwest Regional Director of the Service in Albuquerque, NM. Once they received the counties' letters, they were publicly noticed and required to begin coordinating with the counties and the soil and water district.

We then began working with the PBPA to start locating the most credentialed biologists in the country to analyze the science the Service relied upon and to perform studies where data was lacking. As it turned out, we had the brightest biologists right there in Lubbock, Texas at Texas Tech University and all their new data pointed to the same conclusion; the lizard was not endangered.

Under the Endangered Species Act (ESA), the only information the Service can consider in deciding to list a species is the "best scientific and commercial data available." They are directed to do this after they have taken "into account those efforts...being made by any...political subdivision of a state...to protect such species..."

So, our plan was to organize the counties, demand coordination, hire expert scientists to put together the best scientific data available, and force the Service to take into account the local efforts.

In September, 2011, we had our one and only coordination meeting with the Service where we utilized the language from the ESA and the Information Quality Act to force them to consider new science and, at the same time, destroy the credibility of the science they were depending on to make their decision.

It was after this meeting that Wally Murphy, a Field Operation's Supervisor from the Service's Albuquerque office came up to me and very quietly asked: "If we don't list the lizard, will you defend us in court if we get sued by the environmentalists?"

My answer was a resounding "YES!"

From that point forward, U.S. Fish and Wildlife Service refused to coordinate with any other county or the soil and water district because they knew we had them boxed into a corner. But, that didn't stop us or the counties. We continued our strategy of presenting the Service with new scientific studies and peer-reviewed their science to show how inadequate it actually was.

Behind the scenes, an attorney with one of the oil and gas companies involved began working closely with Ben Sheppard at PBPA to prepare the case that would be filed in the event the Service made a final decision to list the DSL. The Permian Basin was ready to take this challenge to the next level if necessary.

We then drafted a joint letter to Ken Salazar, the Secretary of the Interior that was signed by all eight counties and the one soil and water district demanding they issue a "Not Warranted" decision. The letter was e-mailed on April 13, 2012 and mailed April 18, 2012, two months before the final decision was to be made on June 15, 2012.

The message was clear; list the DSL as endangered and we are fully prepared to prevail in court.

Guess what the final decision was? They withdrew their proposal because the science showed the lizard wasn't as endangered as previously thought and, adequate conservation measures had been taken by the state, which is the next part of this story.

While all our efforts were going on, our state Comptroller Susan Combs was busy brokering a deal between several major (unnamed) oil and gas companies and the federal government. In reality, what she was doing was undermining everything the counties had in place on the ground. She was leading a totaling different strategy that became known as the "Surrender Susan" plan.

It was a conservation agreement whereby oil and gas companies and the landowners who owned the land being explored could "voluntarily" sign up and agree to the restrictions they would be required to implement if the species was listed. Although she agreed that the species did not warrant listing, she encouraged landowners to take the surrender path instead of fighting the listing.

Several major oil and gas companies immediately signed up, but most independent companies did not. Then, the push came for landowners to sign up and fortunately very few took the bait. The Service claims they signed up 200,000 acres in Texas alone and that was enough to make their decision not to list on June 14, 2012, even though Secretary Salazar had said before the House Natural Resources Committee that they needed one million acres to save the lizard.

One of the most fascinating twists to this whole story is on the morning that the Service made their announcement, Secretary Salazar himself called the attorney drafting the Petition to file in court should they decide to list the lizard endangered and asked the very question Wally Murphy asked me six months before. "If we make this announcement today not to list, will you defend us in court if the environmentalists sue us?"

Even the federal government was hedging their bets, but they knew their decision not to list was the only decision they could make because we were ready to take them to court where they would more than likely have lost.

And all of that was created by our coordination strategy. We set the legal foundation for the oil and gas industry and the counties that placed them in a win-win situation. If the Service listed the species, we would have taken them to court and won because their science was not sufficient to

list. If they didn't list (which was their final decision), we would defend them in court against the environmentalists and probably win as well.

Overall, our strategy placed the entire Permian Basin region in the best possible position to prevail. Susan Combs came along and gave the Service the political cover they needed to make the only decision they could -- not list. At the end of the day, those standing tall are those who wouldn't give up their rights to political pressure, but instead remained determined to prove the action to list the species in the first place was not warranted.

A species that has been a noose around landowners and the oil and gas industry for twenty years has finally been removed from the candidate list. The proposal for federal protection is withdrawn.

Our hats are off to the local leaders that stood their ground. We all owe them a great debt for standing up to the Service and taking on one of America's most unjust laws, the Endangered Species Act. And, our hats are off to you. Your continued support of American Stewards put us in a position to step in and help when called upon. We are thankful to you and thankful to have had the opportunity to work with such great defenders of liberty.

Sincerely,



Dan Byfield
CEO

P. S. We are always in need of your help. Everything you give makes it possible for us to take on more battles like this one. We greatly appreciate your continued support.