

CORY GARDNER  
4TH DISTRICT, COLORADO

ENERGY AND COMMERCE COMMITTEE  
ENERGY AND POWER SUBCOMMITTEE

COMMUNICATIONS AND TECHNOLOGY SUBCOMMITTEE

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0604

February 4, 2014

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Director Daniel Ashe  
U.S. Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

Dear Director Ashe:

On February 3<sup>rd</sup>, 2014, the Federal Emergency Management Agency (FEMA) published a report regarding the Preble's Meadow Jumping Mouse. The mouse is listed as a federally threatened species under the Endangered Species Act (ESA). The report by FEMA claimed that work on many infrastructure and public projects in Colorado's flood recovery effort could be delayed because of the mouse's status as a threatened species. I write today to request a waiver from the ESA for the Preble's Meadow Jumping Mouse so that needed recovery efforts can move forward as scheduled.

As you are aware, on September 11<sup>th</sup>, 2013, Colorado experienced a major flood event which damaged or destroyed, thousands of homes, important infrastructure, and public works projects. Colorado has made great progress in our recovery effort, but there is still more work to be done. Expediting this process should be a top priority for federal, state and local officials. It is important that significant progress be made in rebuilding prior to spring in which rain and spring runoff could result in even more damage. FEMA's announcement is deeply troubling and I find it reprehensible that the federal government has chosen a mouse over people -- a mouse whose ESA status remains questionable at best.

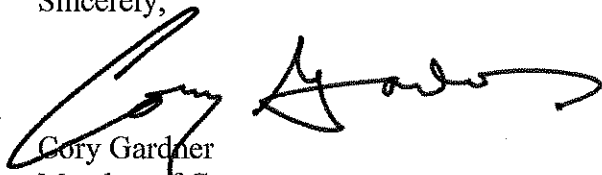
According to Section 7(p) of the Endangered Species Act of 1973, there is an "exemption from the prohibition of the ESA for repair or replacement of public facilities" that are designated by the President to be a major disaster area under the Stafford Disaster Relief and Emergency Assistance Act. The disaster declaration occurred between September 11<sup>th</sup> and September 30<sup>th</sup>, making Colorado ineligible to receive an exemption under Section 7(p). However, because of this section there is precedent to provide relief from ESA compliance for areas that experience natural disasters and are designated. I implore your agency to provide relief for Colorado immediately.

The FEMA report states that the "legally required review may cause some delay in projects undertaken in the Preble's mouse habitat." Further, it goes on to read that "[L]ocal officials who proceed with projects without adhering to environmental laws risk fine and could lose federal funding for their projects." As I emphasized previously, many Colorado communities cannot

afford a delay in recovery projects or risk a loss of federal funding. I request that your agency render a decision quickly on granting a waiver or I will pursue a statutory change through legislative action.

I appreciate your consideration of this request and look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory Gardner', with a stylized, sweeping flourish at the end.

Cory Gardner  
Member of Congress