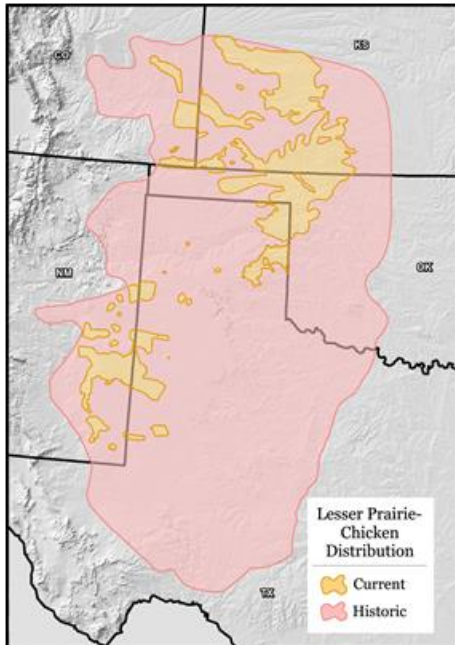


Imperiled Species Fact Sheet: Lesser Prairie-Chicken

Species Background:

The lesser prairie-chicken (*tympanuchus pallidicinctus*) an imperiled southwestern bird currently facing several threats to its population and habitat. This large, ground-nesting bird has warranted ESA protections since 1998, when the U.S. Fish and Wildlife Service (FWS) first identified the species as a candidate for federal listing due to habitat loss, modification, degradation and fragmentation within its range. It has lost more than 80 percent of its traditional habitat due to human activities such as oil and gas drilling, ranching and construction of power lines and wind turbines.



In 2013, the prairie-chicken's population across five states (Colorado, Kansas, New Mexico, Oklahoma and Texas) declined to fewer than 18,000 birds – nearly 50 percent lower than 2012 population estimates. In 2014, FWS finally listed the bird as threatened under the Endangered Species Act (ESA). This threatened listing was accompanied by a special 4(d) rule that exempts certain land use activities, including oil and gas development and agricultural activities. Regulation of these activities were covered under a voluntary five-state conservation plan developed right before the species was listed.¹ After FWS listed the species as threatened with this permissive 4(d) rule, conservation groups went to court to challenge the listing, arguing that the bird should have been listed as endangered. Meanwhile, contrary to hysterical predictions of the economic ruin of the oil and gas industry from the prairie-chicken's listing, the industry indicated in August 2014 that it had already easily adjusted to FWS's listing decision.² However, several groups opposed to granting the imperiled bird any federal protections went to court to challenge the threatened listing and a judge in Texas vacated FWS's decision. The judge's ruling stated that the agency had failed to adequately consider whether existing voluntary conservation programs like the Range-Wide Conservation Plan would help stem the bird's decline.

If the Texas federal court's decision stands, or if Congress blocks a federal listing through legislation, the lesser prairie-chicken would no longer be eligible for federal endangered species recovery funds, and landowners would be free to destroy the bird's habitat without consequence. Additionally, without the threat of listing, landowners and industries would lack the necessary incentive to participate in the voluntary range-wide plan to conserve the bird.

Congressional Actions:

Members of the 114th Congress have attempted to remove ESA protections for the lesser prairie-chicken and hand over management to the states on several occasions. H.R. 659, the so-called "Lesser Prairie Chicken Voluntary Recovery Act of 2015," would delist the bird and prevent it from being treated as a listed species under the ESA before 2020. It would also prohibit the bird from being treated as a listed species after that date unless the Secretary of the Interior publishes a determination that the conservation goals of the Range-Wide Conservation Plan have not been achieved. A rider blocking federal funding to protect the threatened lesser prairie-chicken was proposed on both House and Senate versions of the FY 2016 Interior Appropriations Bill, while a rider removing ESA protections for the bird was proposed on both House and Senate versions of the FY 2016 National Defense Authorization Act (NDAA). A rider blocking a listing for the lesser prairie-chicken was once again included in this year's NDAA bill.

¹ "The Lesser Prairie-Chicken Range-Wide Conservation Plan," October, 2013, <http://www.wafwa.org/Documents%20and%20Settings/37/Site%20Documents/Initiatives/Lesser%20Prairie%20Chicken/2013LPCRWPfinalfor4drule12092013.pdf>

² McEwan, M., "Oil Producers Adjust to Lesser Prairie-Chicken Listing," Midland Reporter Telegram, Aug. 25, 2014.