

The Lesser Prairie Chicken, a sub-species of the grouse, is a bird that finds its home in parts of Kansas, Oklahoma, Colorado, Texas, and eastern New Mexico. This lesser prairie chicken (LPC) is most known for its mesmerizing and fascinating mating dances. Until 2013, people would travel from all over to attend festivals in eastern New Mexico to observe and celebrate this bird. Unfortunately, Over the past century the LPC population has decreased significantly, and in 2014 was listed as “threatened” under the Endangered Species Act. Because the federal government utilizes punitive measures as well as overwhelming regulations to enforce the preservation of listed species on private land, the listing of the LPC had detrimental implications for agriculture and other industries that support our economy. In the case of the LPC, the federal government disregarded significant conservation efforts by our state conservation agencies, landowners, and other industries. Instead, they chose to impose unnecessary regulations on these stakeholders and in doing so limited the resources that were greatly benefitting the LPC and its habitat. This oversight by the federal government was an obvious misuse of power. However, stakeholders refused to surrender the well-being of the LPC and our state to federal mismanagement. This refusal of federal overregulation has allowed the LPC to begin to flourish again while our economy continues to thrive; The case of the LPC is an example of how private land owners and related industries can be the best conservationists if they are allowed to do so.

The decision by the U.S. Fish and Wildlife Service (USFWS) to list the LPC was made despite significant preservation efforts through an organization called the Western Association of Fish and Wildlife Agencies (WAFWA). This organization began the rehabilitation of the LPC by coordinating efforts of state conservation agencies, land owners, and over 177 companies involved in industries such as oil and gas, wind, electricity, and telecommunications. (**Western Association of Fish & Wildlife Agencies**) These efforts have preserved and created large amounts of habitat by creating a united front to preserve the LPC. The organization offers land owners and businesses financial incentives for sharing the interests of the LPC and its habitat. Consequently, land owners and businesses were involved in large scale efforts to preserve the LPC and its habitat. The outcome of this program proved advantageous to both the LCP and local stakeholders.

However, the USFWS listed the LCP despite these successful conservation efforts. The USFWS’s implementation of the ESA resulted in strict regulations regarding land use in the LPC’s range, and thus brought about huge revenue losses for land owners and other industries. Ranchers, farmers, and those in the energy industry felt their businesses suffocate under heavy handed federal regulation of the land they depended on to maintain productivity. Stakeholders from the effected states quickly filed lawsuits challenging the USFWS’s decision to list the LPC. In September of 2015, a federal judge ruled in favor of the plaintiffs, which resulted in the de-listing of the species. The court found that the USFWS did not adequately evaluate existing conservation efforts before listing the LPC, and thus violated its own policies. The judge referred to the listing decision as “arbitrary and capricious” arguing that the USFWS arrived at “tainted critical findings and determinations, resulting in an unwarranted final rule listing the LPC as a threatened species.” (**Wahlberg, 2015**) The USFWS overlooked an effective interstate and inter-industry conservation effort and asserted its own conservation methods that ultimately

proved to be destructive to stakeholders and unsuccessful in further conserving the species. Such behavior is the embodiment of federal overreach and mismanagement. The federal government appealed the decision to de-list the LPC, but ultimately dropped the appeal in 2016. Currently, the LPC is not listed under the ESA, what does that mean for its conservation?

The federal governments assumption, that failure to list the LPC under federal protection will result in no conservation for the species, has been recognized to be grossly inaccurate. Our state and stakeholders have been empowered to take the lead on the conservation of the LPC, the result has meant the opportunity for the species and its habitat to flourish. The WAFWA has raised, (in conjunction with state agencies, landowners, and the energy industry) more than 50 million dollars to promote the protection, preservation, and creation of habitat for the LPC. The efforts enacted by WAFWA have also collaborated with land owners to conserve 67,000 acres of LPC habitat. Because our state and its stakeholders have been empowered to manage the LPC free from federal overreach, species population has grown 25%. (Western Association of Fish & Wildlife Agencies) WAFWA offers financial incentives for land owners and businesses to join in the conservation effort. This management approach encourages land owners and other industries, by offering incentives, to adopt practices that benefit the species. Both stakeholders as well as the species benefit under this type of management plan. The federal governments misuse of the ESA does exactly the opposite. The USFWS suppresses stakeholders and undermines local economies with its sweeping punishments and regulations; and these efforts often fail to preserve species in a significant way.

The de-listing of the lesser prairie chicken was a huge victory for our state. With our state and its stakeholders' ability to continue conservation efforts for the LPC free from federal regulation, the future of another species of cherished New Mexican wildlife is bright. When the federal government is not allowed to dictate how our state manages its wildlife, the result is a species that flourishes and economy that is thriving. PAN exists to continue fighting federal abuse of power by funding sound research to inform legislation that will allow New Mexico to conserve its rich natural resources while promoting a strong economy. We need your help more than ever. Join us by signing up to be member, donating on our webpage, and sharing our Facebook page as we continue to educate New Mexicans on our battle to protect their rights.

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