



News Alert

Kansas Natural Resource Coalition
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Status Review and Petition to List the Lesser Prairie-Chicken as an Endangered Species Under ESA

On September 1, 2016 the U.S. Fish and Wildlife Service (FWS) released its 7-Year Work Plan for species reviews and actions under the Endangered Species Act (ESA). As part of the Work Plan, FWS will conduct a Discretionary Status Review (DSR) of the Lesser Prairie-Chicken, which was delisted by a Federal court in September, 2015.

On September 8, 2016, the unpopular and litigious environmental groups WildEarth Guardians, Defenders of Wildlife, and the Center for Biological Diversity (environmental groups) filed a petition with FWS, requesting the LPC be given endangered protection under ESA through an emergency listing process.

Claiming “new science,” the environmental groups requested endangered status for the Shinnery Oak Prairie and the Sage-Sagebrush Prairie DPS areas, contending LPC populations in those areas are isolated, contain small populations, and are thus imperiled. The petition also requests LPC populations in the Mixed-Grass Prairie and Shortgrass Prairie/CRP Mosaic DPSs be listed as endangered, but not as part of the emergency listing. Critical Habitat has been requested for all three DPSs. For its part, the Mixed-Grass Prairie DPS is home to several KNRC member counties.

USFWS has ninety days from the date of the petition to decide if it presents substantial scientific or commercial information warranting action.

What does this mean for KNRC member counties?

It is noteworthy the “emergency listing” prerogative is the *sole* discretion of FWS, and so the petition itself inappropriately encroaches on Federal decision-making from the onset. In response, FWS has taken the position the submittal is simply a petition-for-listing, thus requiring FWS to issue either a positive, 90-day finding - which would result in a 12-month status review or a negative finding, which would terminate the process. KNRC speculates the negative finding will result in the environmental groups filing litigation to force FWS to meet mandated deadlines. Since FWS has released its Work plan and scheduled a LPC discretionary status review, we believe the petition to be both redundant and moot.

In 2017, FWS will likely attempt to list the LPC as “Threatened” species because an “Endangered,” listing would both jeopardize the WAFWA Range Wide Conservation Plan and require designation of Critical Habitat, which triggers a NEPA Environmental Impact Statement.

For more information, see the KNRC website at: <https://knrc.org>

The Kansas Natural Resource Coalition (KNRC) is an association of counties who maintain collective and participatory involvement in administrative government on behalf of its citizenry. The Coalition serves as a conduit between local, state and federal governments to promote balanced, necessary and effective administrative policymaking through the mechanism of government-to-government coordination. Our mission is to monitor, analyze, understand, communicate, and participate in those initiatives that materially affect the natural or human systems governed by individual member counties.”