

BLOCKING ENDANGERED SPECIES ACT PROTECTIONS FOR THE LESSER PRAIRIE CHICKEN

Passed: 216-199

SUMMARY:

The House passed an amendment to the FY 2019 Interior appropriations bill that would have prevented the U.S. Fish and Wildlife Service (FWS) from spending funds to list the lesser prairie-chicken under the Endangered Species Act (ESA). (*July 18, 2018, Roll Call No. 354*).

BACKGROUND:

The lesser prairie-chicken is an imperiled southwestern bird in the grouse family. This large, ground-nesting bird is known for its unique courtship behaviors; males display showy dances and elaborate calls to attract females on “booming grounds” in the spring. FWS first identified the species as a candidate for federal listing in 1998 due to habitat loss, modification, degradation and fragmentation within its range. 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, and in 2014 FWS finally listed the bird as threatened under the ESA. However, the listing was accompanied by a special 4(d) rule which exempted certain land use activities, including oil and gas development and agricultural activities. Conservation groups challenged this listing, arguing that the birds should be listed as endangered, and other groups challenged the listing, arguing that the bird should not be listed at all. In 2015, a judge vacated the FWS’s decision, ruling that the agency had failed to adequately consider existing voluntary conservation programs. In September 2016, three conservation groups petitioned the agency to relist the lesser prairie-chicken, and several months later FWS took the first step toward protecting the species by issuing a 90-day finding noting that listing may be warranted. FWS is reviewing the status for the lesser prairie-chicken, which continues to experience habitat loss and fragmentation, and numerous other threats.

Rep. Steve Pearce (R-NM) introduced an amendment to the House Interior, Environment, Financial Services, and General Government Appropriations Act of 2019 (H.R. 6147) that would have prohibited funds from being used by FWS to list the lesser prairie-chicken under the ESA. This amendment would have legislatively tied the agency’s hands and forced it to abandon a science-based decision as to the lesser prairie-chicken’s listing status, depriving the species and stakeholders of an important safety net and management tool for conservation and recovery.

OUTCOME:

On July 18, 2018, the House passed the Pearce Amendment, 216-199. “No” was the pro-conservation vote. This provision did not ultimately become law as part of FY19 appropriations included in P.L. 116-9.