

January 25th, 2023

Information on Federal listing of the Lesser Prairie Chicken

FROM: Zack Pistora, Kansas Sierra Club

Phone: 785-865-6503 / Email: zackpistora@gmail.com

TO: House Committee on Agriculture and Natural Resources



Chairman Rahjes and Honorable Members of the Committee,

Thank you for the opportunity to provide testimony on the recent decision by the US Fish and Wildlife Service (USFWS) to include the Lesser Prairie Chicken (*Tympanuchus pallidicinctus*) as a “threatened” species in the Northern Distinct Population Segment (DPS), which includes territory in Kansas.

The Lesser Prairie Chicken is an iconic species of the short grass prairie. Its steep decline over the last 200 years reflects the loss of habitat to farming, urban development and oil/gas extraction activities. We feel the decision to list the Lesser Prairie Chicken was long overdue.

We think it is important for you to understand the reasoning USFWS gives for this recent determination is, in their own words, per their [press release](#). We have underlined certain lines for your benefit.

Following a rigorous review of the best available scientific and commercial information regarding the past, present and future threats, as well as ongoing conservation efforts, the U.S. Fish and Wildlife Service is listing two Distinct Population Segments (DPS) of the lesser prairie-chicken under the Endangered Species Act (ESA). The Southern DPS of the lesser prairie-chicken is being listed as endangered. The Northern DPS of the lesser prairie-chicken is being listed as threatened. The Service is also finalizing a section 4(d) rule designed to conserve the Northern DPS of lesser prairie-chicken while allowing greater flexibility for landowners and land managers.

The lesser prairie-chicken serves as an indicator for healthy grasslands and prairies – needing large, unfragmented parcels of intact native grasslands to maintain self-sustaining populations. This makes them an important measure of the overall health of America’s grasslands, a treasured and storied landscape.

While historical estimates suggest lesser prairie-chickens once numbered in the hundreds of thousands, or even millions, across nearly 100 million acres, populations have declined drastically due to habitat loss and fragmentation. Lesser prairie-chicken habitat has diminished across its historical range by about 90 percent. Aerial survey results from 2012 through 2022 estimate a five-year average lesser prairie-chicken population of 32,210 across the five-state region. Their decline reflects the larger decline in the vitality and resilience in shinnery oak, sand sagebrush and mixed-and short-grass prairie ecosystems.

The Service understands the vital role that managed grazing plays in maintaining grasslands and looks forward to continuing to work with partners and landowners to promote sustainable grazing practices. However, there remain long-term challenges in conserving the lesser prairie-chicken. Voluntary conservation efforts have helped conserve key habitat for the lesser prairie-chicken but have not demonstrated an ability to offset the threats and reverse the trends of habitat loss and fragmentation facing the lesser prairie-chicken.

The 4(d) rule for the Northern DPS provides that farmers can continue their routine agriculture activities on existing cultivated lands. In addition, it recognizes the importance of proper grazing management and includes an exception for those producers who are following a prescribed grazing plan developed by a qualified party that has been approved by the FWS. Lastly, the 4(d) rule also provides an exception for implementation of prescribed burning for grassland management.

The Sierra Club does not oppose the decision by USFWS to designate the Lesser Prairie Chicken as "threatened." The historical decline in population precipitated the decision, based on science not rhetoric. The federal agency is following what is required under the Endangered Species Act. They have done a scientifically based species status assessment *twice*. In our view, the agency does not take listings lightly; the point of the Endangered Species Act is to balance habitat loss from economic development (ag, oil/gas, urban growth, etc.) with critical habitat protection.

We feel that the legal enforcement measures and Habitat Conservation Plans per the Endangered Species Act listing are necessary for the species' well-being.

These added protections have a proven track record of improving periled habitats and wildlife populations. A [2019 Study](#) by the Center for Biological Diversity showed the Endangered Species Act has a 99% success rate at preventing extinction for species under its protection.

The Sierra Club reminds this body that the Kansas Legislature **already passed** a [bill](#) in 2014 - [S Sub for Sub for HB 2051](#)- that declared that lesser and greater prairie chickens are not subject to the enforcement of the Endangered Species Act. So, while a resolution might score some political points in assisting our KS delegation's efforts for a Congressional Review Act, it's clear to us that anything the Kansas Legislature can do in relation to challenging the Endangered Species Act is a waste of effort.

In conclusion, the Endangered Species Act was enacted to protect species impacted by human activities that destroy natural habitat...to balance the detrimental effects of agriculture, industry, and urban development on wildlife. Habitat loss is the key factor in the long-term decline of the prairie chicken.

Protection of critical habitat now is required if we are going to save this iconic prairie bird and that is best accomplished by listing the bird under the Endangered Species Act and providing it with the habitat it needs to rebound.

Thank you for allowing us to share our perspective.

Sincerely,

Zack Pistora | Legislative Director and State Lobbyist, Kansas Chapter of Sierra Club

The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for nearly fifty years.