

Lesser Prairie-Chicken Threatened Listing: What Does It Mean For Landowners and Industry?

April 2, 2014

PRIMARY POINTS

- TPWD is obviously disappointed in the USFWS decision to list the prairie chicken as Threatened. We had hoped to avoid the need to list the species through the Lesser Prairie-Chicken Range-Wide Conservation Plan, where the five states with prairie-chicken range had shown a strong commitment to conserve the bird and its habitat.
- However, the good news is there are still several avenues for landowners such as ranchers and industry groups like oil and gas companies to obtain assurances that will protect them from the regulatory constraints of the Endangered Species Act.
- Meantime, TPWD's focus now is to continue implementing the range-wide plan, recover the species, and facilitate the bird's removal from the federal threatened list. We appreciate the USFWS's commitment to using the range-wide plan as the ultimate blueprint for recovery.

LANDOWNER OPTIONS

- Landowners such as farmers and ranchers can voluntarily enroll in programs where, if they commit to certain practices that will help conserve prairie-chicken habitat, such as prescribed grazing, they will get assurances that their land use practices can continue even after the listing.
- For example, landowners can obtain protective assurances through the Lesser Prairie-Chicken Conservation Initiative of the Natural Resources Conservation Service (NRCS) and through other qualified NRCS technical or financial assistance programs. Check with local NRCS offices for details about benefits for landowners under these programs.
- The range-wide plan, developed by the Western Association of Fish & Wildlife Agencies, also provides protective assurances to participating landowners. Landowners may participate in the offset-generating option (provides assurances and per acre payments) or the nonoffset-generating option (provides assurances but no payments).
- As industry enrollments increase, an increasing number of landowners will be included in the offset-generating, payment option. In the current initial stages, landowners in CHAT 1 (primary habitat focal areas) and larger tracts in CHAT 2 are most competitive for the funding option.
- In Texas, TPWD staff will continue working with landowners who wish to sign up for a ranching Candidate Conservation Agreement with Assurances, until the point that it is unlikely that it will be processed and approved in time for landowners to receive regulatory assurances, with that point expected to come in mid-to-late April 2014. Before and after that, landowners can still obtain assurances by enrolling directly under the range-wide plan, with no deadline.

INDUSTRY OPTIONS

- Companies involved in oil and gas, pipeline, electric transmission, wind energy and other sectors can also voluntarily enroll in similar programs, and get assurances when the species is listed the companies have a pathway to continue operations and development in the region. The companies agree to pay modest enrollment fees, follow a list of guidelines to minimize impacts on the bird, and agree to pay for impacts they cannot avoid. The money goes to farmers, ranchers and landowners to protect and restore habitat.
- The WAFWA range-wide plan includes a Candidate Conservation Agreement with Assurances program specifically for oil and gas companies. Companies have 30 days to enroll, starting from the date the USFWS posts their listing proposal in the federal register. If the register posting occurs in early April as expected, that would mean the oil and gas CCAA enrollment deadline would be in late May.
- Companies in any sector can also enroll anytime directly in the range-wide plan, with no deadline.