Consideration of Lea County Resolution No. 23-MAR-080R Opposing the Listing of the Lesser Prairie Chicken as an Endangered Species

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 23-MAR-080R

A RESOLUTION OPPOSING THE LISTING OF THE LESSER PRAIRIE CHICKEN AS AN ENDANGERED SPECIES

WHEREAS, the U.S. Fish and Wildlife Service ("FWS") has issued the final rule to list the Lesser Prairie Chicken, scientific name *Tympanuchus pallidicinctus*, as an endangered species; and

WHEREAS, the listing of the Lesser Prairie Chicken as an endangered species will create a wide range of adverse effects upon communities, industries, and people who are located within, reside, ranch, farm, and use the millions of acres of public and private lands identified as Lesser Prairie Chicken habitat for a Distinct Population Segment in the states of New Mexico, Colorado, Kansas, Oklahoma and Texas; and

WHEREAS, the proposed rule to list the Lesser Prairie Chicken and separate the population into two Distinct Population Segments fails to recognize that the historic range has always been geographically separated by distance and changes in the weather that have been successfully accommodated by the Lesser Prairie Chicken; and

WHEREAS, the FWS has not demonstrated that there exists any genetic differences in the DPS One or DPS Two that would hinder the Lesser Prairie Chicken from existing in any environment across the entire range; and

WHEREAS, the declaration that a southern DPS and endangered status appears to be unfounded, the language describing critical habitat is vague, and the location of specific boundaries are not easily identifiable, potentially leading to subjective actions by FWS; and

WHEREAS, biological surveys and studies that were contrary to the FWS narrative of population decreases in the Lesser Prairie Chicken actually discovered that there was an overall increase in the populations of Lesser Prairie Chicken from 1997 to 2012; and

WHEREAS, the FWS seems to have arbitrarily and capriciously dismissed any studies which disagreed with tts studies of population trends, levels of sustainability, species resiliency, and other factors which were used to designate the Lesser Prairie Chicken as endangered and;

WHEREAS, the loss of the robust energy, agriculture, and utility employment sectors in the region will also adversely impact thousands of support jobs necessary to sustain the region's economic health and vitality; and

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WHEREAS, local industries and employment sectors are already actively taking actions for mitigation and protecting wildlife and native species, including the Lesser Prairie Chicken; and

WHEREAS, the scope of protection offered by FWS in listing the Lesser Prairie Chicken as "endangered" is excessive and will result in harm to working families, local industries, and communities, as well as the State of New Mexico.

he Board of County Commissioners of Lea County
e final rule to list the Lesser Prairie Chicken as an

econsider the theory of two Distinct Population
rly determining the validity of all surveys, studies,
an making the narrative fit the desired outcome.

9th day of March, 2023, by the Lea County Board
on, New Mexico.

UNTY COMMISSIONERS

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John W. Caldwell, County Attorney

a Chicken as an Endangered Species

LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM

LCBCC Meeting Date: Thursday, March 9, 2023

Submit this summary form & all attachments to agenda@leacounty.net by:

Monday, February 27, 2023

County Manager Approval required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 02/27/2023	**SUBMITTED BY** Name, Title, Dept: Ke'Onna Yates, Executive Administration Coordinator
SUBJECT: Opposing the Listing of the Lesser Prairie Chicken as an endangered Species.	**ATTACHMENT(S):** N/A
NO. OF ORIGINALS FOR SIGNATURE: N/A	**ACTION REQUESTED:** Action Item
BUDGET LINE ITEM NUMBER: N/A	**FISCAL BUDGET YEAR:** N/A

STRATEGIC PLAN Implementation of 5 Year Strategic Plan:

Section 2.6 Transparency and wthical decision making continue to be the framework in which the county operates

SUMMARY:

Opposing the Lesser Prairie Chicken as an endangered specie.

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel ☐ (If checked; how many:) Laptop ☑ Projector ☑ Other:	**See Additional Summary Attached** ☐
SUBMITTER'S RECOMMENDATION(S):	**Submitter's Signature** Department Director, Etc. Ke'Onna Yates
FINANCE REVIEW Fiscal Impact/Cost:	**Reviewed by Finance Director**
LEGAL REVIEW: (Note: Travel does not need legal review)	**Reviewed by County Attorney**
COUNTY MANAGER REVIEW:	**Approved by County Manager** to be Placed on Agenda Mike Callaghan

Item No. 0105 **RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN**

Approved: C.D. Denied: _____ Other: _____

Resolution No. 23-Mar-080R Policy No. _____ Ordinance No. _____

Continued To: _____ Referred To: _____ Comments: _____

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WHEREAS, the proposed rule to list the Lesser Prairie Chicken and separate the population into two Distinct Population Segments fails to recognize that the historic range has always been geographically separated by distance and changes in the weather that have been successfully accommodated by the Lesser Prairie Chicken; and

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WHEREAS, the scope of protection offered by FWS in listing the Lesser Prairie Chicken as "endangered" is excessive and will result in harm to working families, local industries, and communities, as well as the State of New Mexico.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lea County that they stand in opposition to the implementation of the final rule to list the Lesser Prairie Chicken as an endangered species.

BE IT FURTHER RESOLVED, that FWS reconsider the theory of two Distinct Population Segments taking all information into account and properly determining the validity of all surveys, studies, and other information, to arrive at a conclusion, rather than making the narrative fit the desired outcome.

PASSED, APPROVED AND ADOPTED on this 9th day of March, 2023, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Brad Weber (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

By: Cynthia Ramirez
Cynthia Ramirez, Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John W. Caldwell, County Attorney

COUNTY CLERK SEAL LEA COUNTY, NEW MEXICO