

Conservationists hope their plan can save imperiled New Mexico chicken from extinction

Adrian Hedden Carlsbad Current-Argus Dec 10, 2021



A lesser prairie chicken is seen amid the bird's annual mating ritual near Milnesand, N.M. Oil and gas companies could play a key role in saving the nearly-extinct native bird species in southeast New Mexico. (Adrian Hedden/Carlsbad Current Argus)

A plan to recover an imperiled desert fowl was approved by the federal government this week to allow development of lands in eastern New Mexico while also protecting the species from extinction.

If put to use, conservationists hope the approved habitat conservation plan (HCP) could restore populations of the lesser prairie chicken (LPC) which was once believed to number in the hundreds of thousands but recent data show dwindled recently as low as 1,500 birds in New Mexico.

Oklahoma-based conservation bank LPC Conservation authored the plan tailored to renewable energy, transmission and communication tower developments and what owner can do to build and operate such facilities while protecting the chicken.

It would insulate landowners from litigation, transferring liability to LPC Conservation.

The plan was approved by the U.S. Fish and Wildlife Service, per a Dec. 2 announcement, and it could be enacted immediately.

Conservation banks are designed to set aside lands for wildlife conservation by working with private landowners and offering them “market-based” rates to purchase the land and set it aside as a stronghold for animals like the lesser prairie chicken.

Wayne Walker, chief executive officer of LPC Conservation said the company plans to produce a second HCP specifically for the oil and gas industry – the main economic driver of New Mexico’s southeast region.

He said the group presenting holds about 50,000 acres across New Mexico, Texas and Kansas with 10,000 in New Mexico and 3,000 in Texas.



With the use of the HCP's, Walker said he believed more landowners would be willing to sign on to the program, contending "hundreds of thousands" of acres would be needed to restore the chicken to its historic range which spans through Colorado, New Mexico, Texas, Oklahoma and Kansas.

We hope that will change sometime soon and we'll be able to get hundreds of thousands of acres," Walker said of the current acreage. "We're prepared to expand."

Earlier this year, the lesser prairie chicken was proposed for protections under the Endangered Species Act which identified a northern distinct population segment (DPS) containing Colorado, northern Texas, Oklahoma and Kansas, and a southern DPS including parts of eastern New Mexico and West Texas.

The southern DPS was proposed for an “endangered” listing, the highest level of restrictions imposed by Fish and Wildlife as extinction is believed to be imminent.

The northern DPS would be listed as “threatened,” per the proposal, meaning conditions are worsening and an “endangered” designation is likely.

A listing decision was expected next year, and Walker said efforts like LPC Conservation’s were intended to restore the bird to avoid a listing and heavy federal restriction on land use.

But a listing could also trigger more landowners willing to sign up, he said, as regulatory necessity and lead to later reducing restrictions.

“We wanted to do it without a listing. But people are more likely to buy the credits if there’s a regulatory need,” Walker said. “We’re not advocating for a listing, but it looks like it is going to happen. The key thing is when you get a new program like ours, you’ve got to design it right.”



Walker said multiple energy companies including Xcel Energy and “many major players” in the Permian Basin already signed on LPC Conservation to set aside land. He said he’s also in talks with local ranchers to negotiate prices.

“The challenge of this bird all along has been we have not put enough money to conservation in the right places to get enough scale,” Walker said. “This bird needs to have hundreds of thousands of acres restored and protected. The scale of the problem requires a massive and strategic response. It needs to be huge stuff. We’re in triage mode.”

In addition to LPC Conservation’s plan, local landowners also signed on to agreements known as candidate conservation agreements (CCAs) which see them taking voluntary conservation measures and thus avoiding any further requirements imposed should the listing occur.

That’s why local government agencies in Eddy County along with the oil and gas industry contended the southern DPS, and specifically southeast New Mexico, should be excluded from federal action.

In public comments submitted to the Fish and Wildlife Service this fall in response to the listing proposal, the Eddy County Commission said a listing was not warranted in the region and could be damaging to the economy.

Eddy County and southeast New Mexico is known as the state’s busiest region for oil and gas, and industry that provides about a third of the state’s budget and tens of thousands of jobs in New Mexico.

“Any impact to these operations would not only be detrimental to the economy of southeast New Mexico, but would also have a huge impact on funding for the State of New Mexico,” the commissioners wrote.

They argued the industries like oil and gas and ranching are already working to conserve the chicken, and any negative impacts could stymie that work as well.

“If the listing should occur impacting these in southeast New Mexico, this would also have a significant impact on those industries’ ability to provide funding and conservation of the lesser prairie chicken,” commissioners wrote.

“Industry funding has contributed to the action which has show so much success in the recovery of the species.”

But environmentalists disagreed, calling for federal action to give more regulatory teeth to a listing decision that the voluntary agreement.

“Voluntary conservation measures are, of course, voluntary and cannot guarantee recovery of the lesser prairie chicken,” wrote WildEarth Guardians in its comments submitted Sept. 1.