

# What's next for the prairie chicken?

By Theresa Davis / Journal Staff Writer

Sunday, February 23rd, 2020 at 10:01pm



Male lesser prairie chickens gather on breeding grounds in eastern New Mexico in 1985. In 2013, a conservation area of about 40 million acres was established to help save the bird from extinction. (Greg Sorber/Albuquerque Journal)

*Copyright © 2020 Albuquerque Journal*

Lesser prairie chickens have a flair for the dramatic. During mating season on the grasslands of eastern New Mexico, the male bird puffs out its chest, inflates colorful air sacs and fans out its feathers as it struts across the plains. That drama is echoed in the debate over how to save the bird from extinction.

In 2013, five states with lesser prairie chicken habitat – New Mexico, Texas, Kansas, Oklahoma and Colorado – created a rangewide conservation plan for the bird in conjunction with the Western Association of Fish and Wildlife Agencies (WAFWA). The chicken conservation area is about 40 million acres in the five states.

“We don’t need a chicken on every acre, but we do need acres that are beneficial to the chicken, and I think we’ve seen a lot of success with this plan,” said Bill Van Pelt, WAFWA grasslands coordinator and one of the plan authors. “The plan is unique; it doesn’t pay attention to state boundaries, but does what’s best for the bird.”

The association pays landowners to set aside chicken habitat and allow other conservation activities using mitigation fees from energy companies, who make the payments to offset habitat impact by their activities. But the bird’s status under the Endangered Species Act is up in the air, so companies don’t have to mitigate impact.

In 2014, the U.S. Fish and Wildlife Service determined the lesser prairie chicken should be listed as threatened under the Endangered Species Act. That decision was overturned after the Permian Basin Petroleum Association and four New Mexico counties filed a lawsuit in which they argued that the agency rushed the listing process. Some environmental groups have since asked Fish and Wildlife to reconsider and again put the bird back on the list.

Listing drama aside, public and private efforts have a mutual goal: for the chicken and its habitat to recover to a point that population numbers are no longer at or near historic lows.

But some private conservation companies say the federal program needs a turnaround. At least two program reviews say it has strong strategies but lacks money to produce adequate results.

RiverBank Conservation helped secure a prairie chicken conservation easement last month on Mack Kizer's Lost Draw Ranch near Portales. Xcel Energy, which is building a massive wind farm nearby, paid for the easement with mitigation fees. Chickens avoid wind turbines, oil rigs or trees because raptors perch there.

"Landowners represent a solution," said Adam Riggsbee, founder of RiverBank Conservation, which helped initiate and secure the Lost Draw Ranch easement. "Out on the plains of eastern New Mexico and west Texas, it tends to be an extractive economy, and the land gets the short end of the stick. But ranchers like Mack care about the land. He bought more land next to his ranch because of the Xcel deal, and wants to make that land better for the lesser prairie chicken – but we have to be able to pay him to do that."

An independent audit of the WAFWA lesser prairie chicken program provided to the Journal says the program's finances are not properly administered. Between \$5 million and \$7 million designated for reimbursing landowners who allow conservation activities on their land was instead transferred for staff salaries and other administrative costs, according to the document.

That could be because industry mitigation fees are too low. The rates are based on federal Farm Bill programs. The audit suggests reducing biology staff costs, conducting proper financial analyses before new agreements, and focusing more on permanent conservation easements.

Oil and gas activity is expanding in lesser prairie chicken states. But energy development doesn't automatically mean more energy industry mitigation money, as companies often drill outside sensitive bird habitat instead of paying to mitigate impacts. Avoiding delicate habitat is a positive step, but limited energy participation doesn't bode well for WAFWA's main revenue source.

Reviews of the WAFWA program call for transparency and a better system to show impact of mitigation dollars and conservation easements. A 2017 review by the North American Grouse Partnership said a "strategic approach needs to be combined with increased funding and better collaboration amongst programs."

WAFWA has secured 150,000 acres for conservation and 22 mitigation contracts since adopting the rangewide plan. The audit says finances should be retooled to direct revenue to more long-term conservation contracts. Program objectives to obtain a specific ratio of short-term and permanent conservation lands are being met, a goal Van Pelt said is built into the adaptive nature of the mitigation strategies.

"The plan had to address changing climatic patterns and create a moving mosaic of chicken habitat based on where the chickens are," he said. "We do 10-year contracts so we can be adaptable. If too much weight is placed on permanent side, you may be putting lots of money into an area where the birds might not be in a few years."

The bird thrives on connected habitat, so organizations work to connect conservation acres, like sewing patches together on a quilt. New Mexico Game and Fish, the Bureau of Land Management, the Nature Conservancy, the Conservation Fund and the Department of Defense have secured a combined 100,000 acres of prairie chicken land with adapted ranching practices or oil and gas restrictions in New Mexico.

Prairie chicken populations have fluctuated for years. There were about 38,000 birds rangewide at the end of 2018, and the program has a goal of 67,000 birds.

*Theresa Davis is a Report for America corps member covering water and the environment for the Albuquerque Journal.*