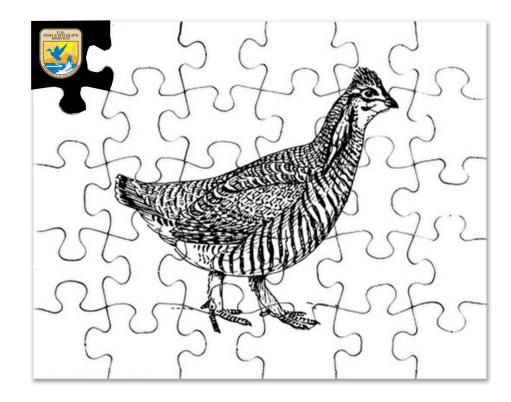


Lesser Prairie-Chicken: U.S. Fish and Wildlife Service's Actions Past, Present, and Future

33rd Prairie Grouse Technical Council Biennial Meeting: 2019 November 4-7, 2019 Bartlesville, Oklahoma

Chris O'Meilia - U.S. Fish and Wildlife Service chris_omeilia@fws.gov







Mission of the U.S. Fish and Wildlife Service:

Work with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people



U.S. Fish and Wildlife Service Programs with some connection to LEPC*:

- Ecological Services
- Wildlife and Sport Fish Restoration
- Partners for Fish and Wildlife
- National Wildlife Refuge System
- Science Applications

* Lesser Prairie-Chicken abbreviated LEPC per Peter Pyle, Institute for Bird Populations (https://www.birdpop.org/pages/birdSpeciesCodes.php)



Some General Processes under the Endangered Species Act:

- Regulatory Compliance Options
 - Federal (Section 7 Conferencing and Consultations, and
 - Non-Federal (Section 10 Habitat Conservation Plans, Research and Recovery Permits)
- Recovery Planning
- Grants
- Pre-listing Conservation

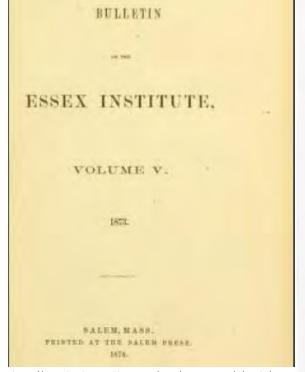


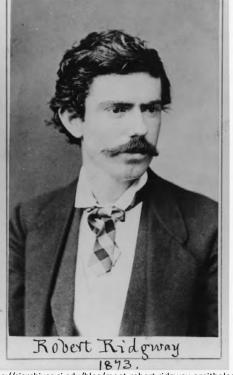
Outcomes / Opportunities of General ESA Processes:

- Funding to support research (as funding is available)
- Regulatory Predictability and Assurances for:
 - Landowner, land manager, industry, agency actions
 - Voluntary conservation programs
- Avoidance, or minimization and mitigation for adverse effects



The Past





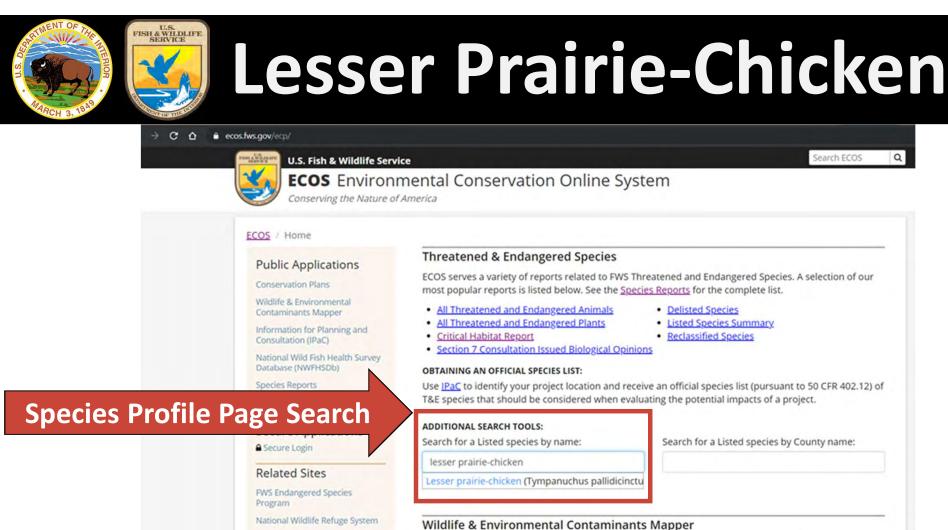
Ridgway, Robert. 1873. A new variety of prairie chicken. Bulletin Essex Institute 5(12):199

Plains?

same locality); wing, 8-20. Hab. Southwestern prairies - Staked

https://www.biodiversitylibrary.org/item/35566#page/5/mode/1up

https://siarchives.si.edu/blog/meet-robert-ridgway-ornithologist



The Wildlife & Environmental Contaminants Mapper displays the locations of over 100,000 samples from the "Environmental Contaminants Database Management System" (ECDMS). Click on sample collection locations to view the details about the samples, and download available results from laboratory tests performed.

Q

Use the Wildlife & Environmental Contaminants Mapper

https://ecos.fws.gov



4

Lesser Prairie-Chicken

Search ECOS

Search for images on

digitalmedia.fws.gov

Q



U.S. Fish & Wildlife Service

ECOS Environmental Conservation Online System

Conserving the Nature of Ame

ECOS / Species Profile

Lesser prairie-chicken (Tympanuchus pallidicinctus)

Range Information |Candidate Info |Federal Register |Recovery |Critical Habitat |SSA |Conservation Plans |Petitions |Biological Opinions |Life History

Taxonomy: View taxonomy in ITIS

Listing Status: Under Review

General Information

Medium-sized, grayish brown grouse. Total length 38-41 cm (Johnsgard 1983, Olawsky 1987). Sexes similar, and plumages similar throughout year. In adults, most of body is barred with alternating dark (brown) and light (buffy white) bands. Dark bands on upperparts are complex, including black and cinnamon tones; light bands on upperparts range from buff to white. Upperparts are therefore darker and more richly colored than underparts. Chin and throat largely unmarked. Tail short, rounded, and brownish black. Male displays bright yellow eye-comb above eye and dull red esophageal "air sacs" on side of neck during courtship (Copelin 1963, Sutton 1977, Johnsgard 1983). Male also has a tuft of elongated feathers (pinnae) on each side of neck; these are held erect during courtship display. Females have shorter pinnae. Immatures similar to adults, but more richly colored, especially on throat.

The species historical range included Colorado, Kansas, New Mexico, Oklahoma, Texas. See below for information about where the species is known or believed to occur.

Current Listing Status Summary

Status	Date Listed	Lead Region	Where Listed	
Under Review	05-12-2014	Southwest Region (Region 2)	Wherever found	

TURENT OF THE WILDLIFE SERVICE

Lesser Prairie-Chicken

ecos.fws.gov/ecp0/profile/speciesProfile?sld=1924

Example

» Federal Register Documents

Federal Register Documents

• Date	Citation Page	Title	Suppo Docum	
10/30/2001	66 FR 54808 54832	ETWP; Review of Plant and Animal Species That Are Candidates or Proposed for Listing as Endangered or Threatened, Annual Notice of Findings on Recycled Petitions, and Annual Description of Progress on Listing Actions; Proposed Rule		
01/08/2001	66 FR 1295 1300	Endangered and Threatened Wildlife and Plants; Annual Notice of Findings on Recycled Petitions		
10/25/1999	64 FR 57535 57547	Review of Plant and Animal Taxa That Are Candidates or Proposed for Listing as Endangered or Threatened; Annual Notice of Findings on Recycled Petitions; Annual Description of Progress on Listing Actions		
06/09/1998	63 FR 31400 31406	<u>12-Month Finding for a Petition To List the Lesser Prairie-Chicken as Threatened and Designate Critical Habitat</u>		
07/08/1997	62 FR 36482 36484	90-Day Finding for a Petition To List the Lesser Prairie-Chicken as Threatened		



						Le	esser Prairie-Chicke	en Time	line of Maj	or Event	s						
·								11	T I	11							
	14		-	List of Major Events				11-		11							
	#	Month	Year	Action		1995	1996		1997		1998	1999	2000	2001	2002	2003	2004
	1	October	1995	Received petition to list the LEPC		Jan Feb Mar	Jan Feb Mar	Jar	Feb Ma	ir Jan	Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar
	2	July	1997	1st 90-day finding; Positive		Apr May Jun	Apr May Jun		r May Ju		May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun
	3	June	1998	1st 12-month finding; Warranted but precluded		Jul Aug Sep	Jul Aug Sep	Ju				Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep
	4	January	2001	Annual recycled petition finding		Oct Nov Dec	Oct Nov Dec	Oc	Nov De	c Oct	t Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec
	5	October		Annual recycled petition finding				11	1	1.1							
	6	June	2002	Annual recycled petition finding		2005	2006		2007		2008	2009	2010	2011	2012	2013	2014
	7	May	2004	Annual recycled petition finding		Jan Feb Mar	Jan Feb Mar	Jar			Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar
	8	May	2005	Annual recycled petition finding		Apr May Jun	Apr May Jun		r May Ju		May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Iun
	9	September		Annual recycled petition finding	111	Jul Aug Sep	Jul Aug Sep	Ju				Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep
	10	December	2007	Annual recycled petition finding		Oct Nov Dec	Oct Nov Dec	Oc	Nov De	c Oct	Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec
	11	April	2008	New Mexico CEHMM DSL LEPC CCAA and CCA			I I I		1.1	11	1						
	12	December	2008	Listing priority number 8 to 2; Due to increased magnitude of threats		2015	2016		2017		2018	2019	2020	2021	2022	2023	2024
	13	December	2008	BLM Special Status Species RMPA		Jan Feb Mai	Jan Feb Mar	Jar			Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar
	14	November		Annual recycled petition finding		Apr May Jun	Apr May Jun		r May Ju		r May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun
	15	November		Annual recycled petition finding		Jul Aug Sep	Jul Aug Sep					Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep
P	16	September	_	Proposed listing rule settlement agreement		Oct Nov Dec	Oct Nov Dec	Oc	t Nov De	c Oct	Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec
S	17	October	_	Annual recycled petition finding				_		-	1 1						
-	18	June	-	Individual Kansas landowner CCAA expires		2025	2026		2027		2028	2029	2030	2031	2032	2033	2034
	19	December		Proposed listing rule published		Jan Feb Mar	Jan Feb Mar	Jar	Feb Ma	ir Jan	Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar
	20	January		ODWC Agriculture LEPC CCAA		Apr May Jun	Apr May Jun	Ap	r May Ju	а Ар	May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun
	21	May	_	Proposed 4(d) rule published		Jul Aug Sep	Jul Aug Sep	Ju	Aug Se	p Jul	Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep
	22	October		Service endorsed WAFWA RWP		Oct Nov Dec	Oct Dec	Qc	Nov De	c Oct	Nov Det	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec
	23	February		WAFWA LEPC CCAA for oil and gas activities		2025	2020		2077	-	2020	2020	2040	2047	2042	2042	2044
	24	April		Final listing rule published in Federal Register - Threatened with 4(d)		2035	2036		2037		2038	2039	2040	2041	2042	2043	2044
	25	May		ODWC LEPC CCAA		Jan Feb Mar	Jan Mar	Jar	Feb Ma	ir Jan	Feb Mar	Jan Feb Will	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Feb Mar	Jan Mar
	26	June	_	Multiple LEPC lawsuit filed		Apr May Jun	Apr May Jun	Ap	r May Ju	n Ap	May Jun	Apr May Jun	Apr. May Jun	Apr May Jun	Apr May Jun	Apr May Jun	Apr May Jun
	27	June		Texas Parks and Wildlife Department LEPC CCAA		Jul Aug Sep	Jul Aug Sep	Ju	Aug Se	D JUI	Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep	Jul Aug Sep
	28	March	2015	Programmatic Conservation Banking Agreement	11	Oct Nov Dec	Oct Nov Dec	0c	Nov De	c Oct	Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec	Oct Nov Dec
	29	April	2015	Service initiates LEPC Species Status Assessment				1		11-							
	30	September	2015	Court orders vacature of LEPC final listing rule	-	a											
	31	July		Service removes LEPC from ESA list following court order		Petitions a											
		September		Received petition to list the LEPC		and the second sec	ings are in green							1			
	33	November		90-day finding on petition; substantial			ns are in red			11							
	34	February	2019	NOI for lawsuit on LEPC 12-month finding 12-Month finding settlement agreement		SSA work i	, or other Conserva	ation A	ction are in	purple							
	26	September May		12-Month Indug settlement agreement 12-month finding due to Federal Register				++-	-	-							
E	30		_	12-month finding due to Federal Register TPWD LEPC CCAA expires		Permits ex	pire			++-							
5	20	November		New Mexico CEHMM DSL LEPC CCAA and CCA expires			- 2010										
	30	December February	_	New Mexico CEHMM DSL LEPC CCAA and CCA expires ODWC LEPC CCAA expires		Updated: 03 Novembe	and the state	L. L.	tabl office								
R	40					U.S. Fish and Wildlife S	ervice - Kansas Ecological	I Services	Heid Office								
m	40	March February	_	ODWC Agriculture LEPC CCAA exprires WAFWA LEPC CCAA for oil and gas activities expires				-									
	41	rebruary	2044	WARWALEPE COAA for oil and gas activities expires						11							



The Present





Search ECOS

Search for images on

digitalmedia.fws.gov

Q

← → C ☆ 🔒 ecos.fws.gov/ecp0/profile/speciesProfile?sld=1924



U.S. Fish & Wildlife Service

ECOS Environmental Conservation Online System

ECOS / Species Profile

Lesser prairie-chicken (Tympanuchus pallidicinctus)

Range Information |Candidate Info |Federal Register |Recovery |Critical Habitat |SSA |Conservation Plans |Petitions |Biological Opinions |Life History

Taxonomy: View taxonomy in ITIS

Present

Listing Status: Under Review

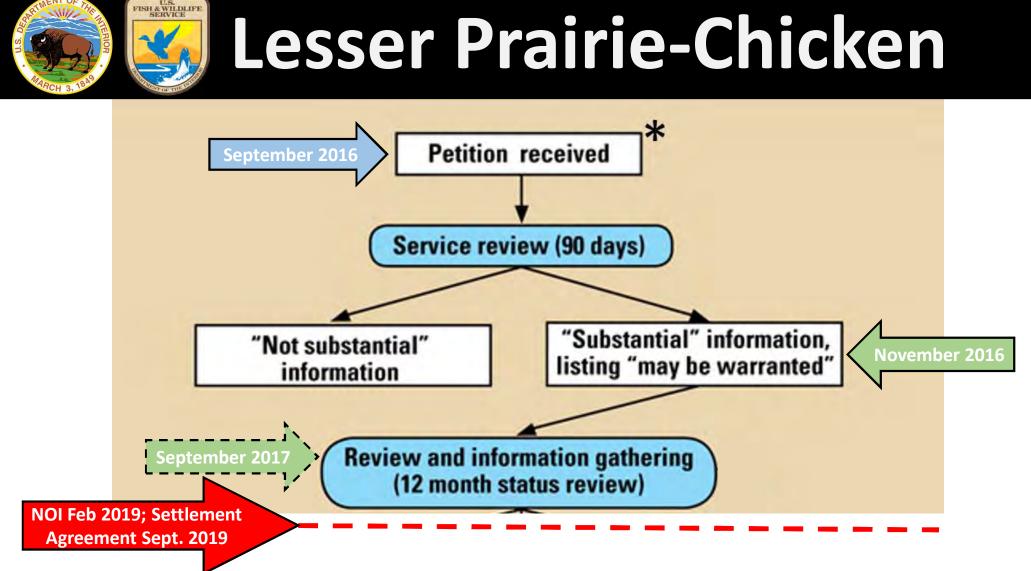
General Information

Medium-sized, grayish brown grouse. Total length 38-41 cm (Johnsgard 1983, Olawsky 1987). Sexes similar, and plumages similar throughout year. In adults, most of body is barred with alternating dark (brown) and light (buffy white) bands. Dark bands on upperparts are complex, including black and cinnamon tones; light bands on upperparts range from buff to white. Upperparts are therefore darker and more richly colored than underparts. Chin and throat largely unmarked. Tail short, rounded, and brownish black. Male displays bright yellow eye-comb above eye and dull red esophageal "air sacs" on side of neck during courtship (Copelin 1963, Sutton 1977, Johnsgard 1983). Male also has a tuft of elongated feathers (pinnae) on each side of neck; these are held erect during courtship display. Females have shorter pinnae. Immatures similar to adults, but more richly colored, especially on throat.

The species historical range included Colorado, Kansas, New Mexico, Oklahoma, Texas. See below for information about where the species is known or believed to occur.

Current Listing Status Summary

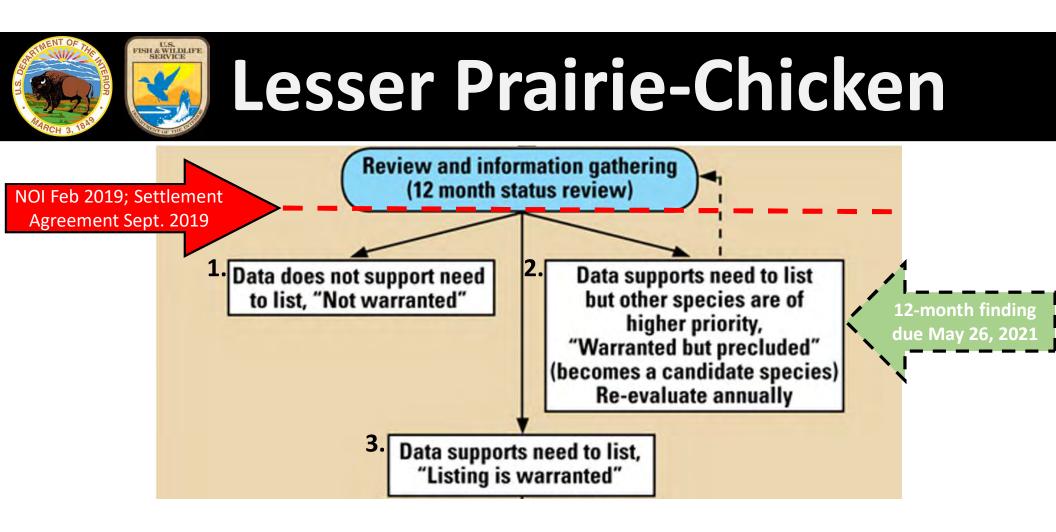
Status	Date Listed	Lead Region	Where Listed	
Under Review	05-12-2014	Southwest Region (Region 2)	Wherever found	



https://www.fws.gov/endangered/esa-library/pdf/2016_09_27_Revised%20Petition%20Regulations_Final.pdf

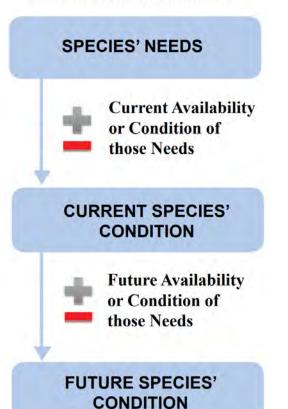








Species Status Assessement Framework



Species Status Assessment (SSA)

"...foundational science for informing all ESA decisions..."

- Viability
- 3 R's:
 - o Resiliency
 - \circ Redundancy
 - \circ Representation
- Regulatory decision context

Service's LEPC Core Team is developing a project plan for management approval on path forward for continuing LEPC SSA in support of 12-month finding.

https://www.fws.gov/endangered/improving_esa/ssa.html



U.S. Fish & Wildlife Service

January 2017



Examples of Landowner Tools for At-Risk Species Conservation

https://www.fws.gov/southeast/endangered-species-act/at-risk-species/

	Best Management Practices	Partners for Fish and Wildlife and Coastal Program	Candidate Conservation Agreement (CCA)	Candidate Conservation Agreement with Assurances (CCAA)	Safe Harbor Agreement (SHA)	Habitat Conservation Plan (HCP)	Conservation Banks
Purpose of the Tool	Voluntary guidelines to identify resource management options that benefit at-risk species when implemented.	Restore fish and wildlife habitats through voluntary agreements between the landowner and FWS.	Conserve species by removing enough threats to preclude the need to list under the Endangered Species Act (ESA).	Use regulatory assurances to provide incentives to landowners to conserve species by removing enough threats to preclude the need to list under the ESA.	Use regulatory assurances to provide incentives to conserve Federally listed species and contribute to their recovery.	Conserve species while providing a mechanism that allows development and other economic activities to continue.	Conserve Federally listed species by using a mitigation credit market to permanently protect land that is managed as mitigation for habitat loss elsewhere.
Participants			Any landowner/land manager.	Non-federal entities (public and/or private sector)	Non-federal entities (public and/or private sector).	Non-federal entities (public and/or private sector).	Any landowner/land manager can set up a bank, but Federal entities may require special consideration.
Species Covered	All species	All species, but the focus is on Federally listed, candidate and imperiled species, and their habitats.	Species that are candidates, or likely to become candidates for listing under the ESA.	Species that are candidates, or likely to become candidates for listing under the ESA.	Federally listed species.	Must include a Federally listed species; can also include non-listed species.	Candidate species and imperiled species may be included as part of an effort for listed species.
Regulatory Standard	BMPs have voluntary standards, and may be used in formal conservation agreements that provide regulatory certainty, such as CCAA, SHA, HCP.	Cooperative agreements. Partners: with a minimum duration of 10 years. Coastal: no minimum duration, although long-term conservation is preferred.	The Policy for Evaluation of Conservation Efforts (PECE) may apply. PECE assesses whether proposed conservation measures are likely to be implemented and are sufficient to reduce or eliminate threats to the species.	FWS must determine that the benefits of the conservation measures to be implemented by the property owner under a CCAA are reasonably expected to improve the status of and result in a net conservation benefit to the covered species. FWS may also consider the PECE standard.	Landowner must provide a net conservation benefit that contributes to species recovery.	Landowner must minimize and mitigate expected incidental "take" to the maximum extent practicable.	FWS has guidance under the ESA for conservation banks. Banked land is protected in perpetuity by a conservation easement, with a management plan and a management endowment.

1 of 2

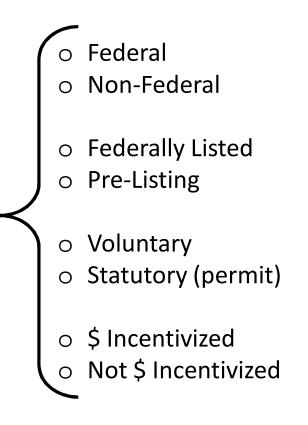


	Certified Best Management Practices	Partners for Fish and Wildlife and Coastal Programs	Candidate Conservation Agreement (CCA)	Candidate Conservation Agreement with Assurances (CCAA)	Safe Harbor Agreement (SHA)	Habitat Conservation Plan (HCP)	Conservation Banks
Assurances to Signatories	None. There is no formal conservation agreement required. However, Certified BMPs can be a basis for any other formal conservation agreement, which can provide regulatory certainty.	Partners: Agreements may potentially be converted to a CCAA. Coastal: Agreements may be converted to a CCA or CCAA.	None	Would not be asked to do more than agreed to in the CCAA, even if the covered species is listed under the ESA in the future.	Will not be required to carry out additional land management/conservatino actions beyond the terms of the SHA. May return to the species' original baseline condition at the end of the SHA term.	Landowners will not be required to carry out additional land management/ conservation actions beyond the terms of a properly functioning HCP.	The mitigation credit buyer can receive documented credit for their conservation investment and continue with development activities elsewhere.
Benefits for Species	Reduction of threats and conservation of important habitats.	Reduction of threats and conservation of important habitats.	Removal of threats, which should improve species' status.	Provides a net conservation benefit for the species by removing or minimizing threats so that populations are stabilized, the number of individuals is increased, or habitat is improved.	Provides a net conservation benefit that contributes to the recovery of enrolled species.	Impacts to the species are minimized and mitigated.	Permanently preserved habitat managed specifically for the species.
Benefits for Landowners	Fulfills habitat conservation goals through independent stewardship actions.	Fulfilling habitat conservation goals on the land by working one-on-one in partnership with local FWS biologist, who provides expert technical and financial assistance.	Intrinsic benefits and satisfaction of conserving species. Potential funding platform for cost share in conservation actions.	Flexibility in management and conservation actions. If the species is listed: (1) regulatory certainty that they will not have to do anything more because they have already done their part, and (2) an incidental "take" permit for prescribed management activities. Programmatic agreements with States issuing certificates of inclusion to landowners can facilitate the process and buffer landowners from "red tape."	Regulatory certainty that they have flexibility to return to baseline conditions for the species. Will not be penalized for land management that improves listed species habitat. Programmatic agreements with States or municipalities issuing certificates of inclusion to landowners can facilitate the process and buffer landowners from "red tape."	Local solutions for species conservation. Can proceed with economic enterprises. Regulatory certainty that landowners will not be asked for more commitment of resources and/or mitigation. Programmatic agreements with local governments can facilitate the process and buffer landowners from "red tape."	The landowner retains title to land while making money by selling mitigation credits to other landowners who need to mitigate for development impacts on listed species.
Potential FWS Funding Sources	Certified BMPs are the basis for formal conservation agreements, other funding identified here may be available.	Program- specific financial assistance; State Wildlife Grants.	States can provide grants to landowners via Sec. 6 funds.	States can provide grants to landowners via Sec. 6 funds.	States can provide grants to landowners via Sec. 6 funds.	Section 6, HCP Planning Assistance Grants to States (competitive grants).	This is a market- based system, public funding is not available.

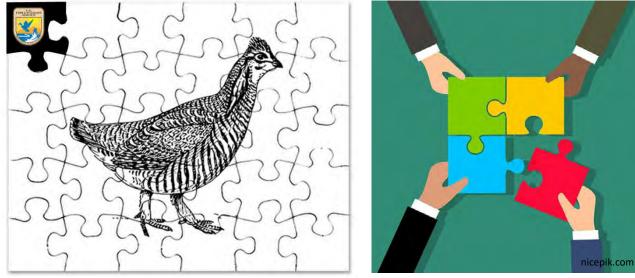
2 of 2



- Habitat Conservation Plan
- Candidate Conservation Agreement
- Candidate Conservation Agreement with Assurances
 - Safe Harbor Agreements
 - Conservation Bank
 - Cooperative Agreements (PFW)
 - Avoidance Measures
 - General Conservation Plan
 - Voluntary Prelisting Conservation Policy
 - Recovery Credit System
 - Endangered Species Tax Deduction
 - Pending ESA Reforms?







U.S. Fish and Wildlife Service LEPC Contacts:

Texas – Clay Nichols, clay_nichols@fws.gov; New Mexico – Jenny Davis, jennifer_l_davis@fws.gov; Oklahoma – Patricia Echo-Hawk, patricia_echo-hawk@fws.gov Colorado – Leslie Elwood, leslie_ellwood@fws.gov; or Kevin Burgess, kevin_burgess@fws.gov Kansas – Chris O'Meilia, chris_omeilia@fws.gov







LESSER PRAIRIE-CHICKEN: UNITED STATES FISH AND WILDLIFE SERVICE'S ACTIONS PAST, PRESENT, AND FUTURE

CHRIS O'MEILIA*, U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office, Manhattan, KS 66502 USA, CLAY NICHOLS, U.S. Fish and Wildlife Service, Arlington Ecological Services Field Office, Arlington, TX 76006 USA, PATRICIA ECHO-HAWK, U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office, Tulsa, OK 74129 USA, JENNIFER DAVIS, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, Albuquerque, NM 87113 USA, KEVIN BURGESS, U.S. Fish and Wildlife Service, Region Six Regional Office, Lakewood, CO 80228 USA.

The objective of this talk is to provide a general overview of past, present, and possible future actions by the U.S. Fish and Wildlife Service (Service) using its authorities to support conservation of the lesser prairie-chicken, *Tympanuchus pallidicinctus*, and meet statutory obligations of the agency. Service actions are only a portion of significant past and on-going work on the species. This presentation will only discuss actions that are connected to a specific statutory obligation of the Service to administer. Much of the information on past and present actions was gathered from the Service's Environmental Conservation Online System (ECOS; ecos.fws.gov), communication with Service staff, and the statutory and policy framework of Service authorities, as derived from the Service's Mission and the Endangered Species Act. Service work on the species began in 1995, with receipt of a petition to list, and includes a range of regulatory processes and determinations, as well as conservation tools designed to provide benefits to lesser prairie-chickens through partnerships and permits with public and private landowners, land managers, industry and state wildlife agencies. To date there have been many statutory actions completed under Service authority, as well as potential opportunities for tools not yet utilized (e.g., Habitat Conservation Plans, mitigation credit transactions through Conservation Banking).

chris_omeilia@fws.gov

U.S. Fish and Wildlife Service Kansas Ecological Services Field Office 2609 Anderson Avenue Manhattan, Kansas 66502-2801 785-539-3474 x104 PAPER Microsoft PowerPoint