

# STATE OF KANSAS

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GOVERNOR LAURA KELLY

September 14, 2021

Secretary Deb Haaland  
U.S. Secretary of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Secretary Haaland,

Kansas Department of Wildlife and Parks (KDWP) recently submitted comments to USFWS opposing the listing of the Lesser Prairie Chicken (LPC) and this letter is sent to underline my support of those comments. We believe the LPC does not warrant any federal protections under the Endangered Species Act (ESA). We have made this determination based on available information, which indicates the species is not "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." We acknowledge long-term population declines have occurred throughout the species' range—however, populations have stabilized, management efforts have been implemented to specifically conserve and enhance LPC habitat, and there is little threat of extinction in the "foreseeable future"—especially in the Northern distinct population segment (DPS). Additionally, populations have expanded in Kansas to the extent that an entire ecoregion was recently defined to describe the habitats being utilized that were not historically inhabited by the species.

Whether a listing is determined to be warranted or not, the state wildlife management agencies remain the best entities to provide management authority and enact conservation measures for the LPC. KDWP has surveyed and monitored LPC leks and occurrences in Kansas since 1964, creating one of the most extensive and robust datasets available for examining LPC population trends, habitat use, and distribution. Additionally, KDWP has funded and implemented the most extensive series of LPC research studies in the recent past, earning it the 2019 Wildlife Restoration Award from The Wildlife Society. More recently (August 2021), these have been completed for two state-funded projects that have greatly furthered our collective understanding of LPC ecology and responses to wildfire (becoming more common with climate change) and translocation. States have much more flexibility than the Service for funding and implementing research projects that are both timely and relevant to the management and conservation of the species.

If the species is listed, state wildlife management goals are more difficult to accomplish. In the proposed rule, the Service acknowledges the vital role private landowners will continue to play in providing habitat for LPC in the future, especially important in Kansas where 98% of land is in private ownership. However, the Service does not have the staffing in Kansas (or elsewhere in the LPC range) to do the amount of work they deem necessary to counteract habitat loss. State wildlife management agencies have the technical expertise and long-standing relationships with landowners that are necessary to accomplish the task of increasing habitat quality and reversing habitat loss trends. By listing the LPC, the Service will make these tasks more difficult due to mistrust and a lack of developed relationships with the landowners that are critical to the success of the species.

KDWP has played a major role in the development and implementation of the Lesser Prairie Chicken Range-Wide Conservation Plan (RWP)—a first-of-its-kind conservation plan that not only outlined the needs of the species, threats to populations, and population and habitat goals but also provided a funding mechanism for directly providing conservation for the species through a mitigation framework. The RWP serves as a standard for all conservation organizations—including the Service—when discussing and recommending areas to target conservation efforts, as well as areas to avoid

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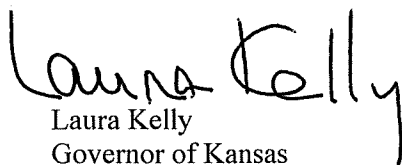
when siting industry developments and infrastructure. The RWP identifies a process and committee structure for discussing, recommending, and changing aspects of the RWP, and these committees have been actively filled with a variety of stakeholders and interests.

One example of the states' role in furthering the goals of the RWP is the development and engagement of LPC State Implementation Teams. In Kansas, the LPC State Implementation Team has met quarterly since 2019 and includes members from the state and local offices of NRCS, FSA, USFWS (Ecological Services and Partners for Fish and Wildlife), NGOs (Playa Lakes Joint Venture, Pheasants Forever/Quail Forever, The Nature Conservancy), Kansas Cooperative Fish and Wildlife Research Unit, Kansas State University, and KDWP. The Kansas team has discussed important research findings and how recommended management activities can be implemented, provided recommendations to the FSA Kansas State Technical Committee, reviewed priority area designations, and provided a venue for the continued discussion of LPC issues and challenges throughout the state. This is one of many examples of states taking a proactive role in LPC management in a manner that the Service has not begun to develop.

Please understand, I'm opposed to the federal listing of this species, but if such a listing were to occur, I strongly suggest *a blanket exemption for grazing should be provided* in a 4(d) rule. While the Service has noted that granting a blanket 4(d) exemption for grazing is not the best tool to encourage and/or regulate grazing in the LPC range, they have not offered any alternative methods for addressing grazing and providing assurances to landowners. The failure to exempt grazing activities is likely to exacerbate landowner hesitancy to work with the Service and their partners on conservation activities and may make it more difficult to implement conservation plans to restore habitat. Alternative methods are costly and do not lend themselves to proactive, meaningful conservation with regulatory assurances.

Kansas has more than 75% of all the Lesser Prairie Chickens that exist. I do not support listing for the Lesser Prairie Chicken under the Endangered Species Act. Doing so is not warranted as populations have stabilized under Kansas's management and additional habitats for the species have been identified. A federal ESA listing would harm our state's ability to continue to conserve and manage this important species through a robust collaborative approach with our agriculture community, on which successful management of the species depends.

Respectfully,

  
Laura Kelly  
Governor of Kansas