



DEPARTMENT OF WILDLIFE AND PARKS

Mark Parkinson, Governor
J. Michael Hayden, Secretary

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MEMORANDUM

TO: Keith Sexson and Murray Laubhan
FROM: J. Michael Hayden 
DATE: 1 September 2010
RE: Lesser Prairie-Chicken Listing Petition

Pursuant to the general powers of the Secretary as well as those enumerated in the Nongame and Endangered Species Conservation Act, I am accepting the recommendations of the Threatened and Endangered Species Task Committee and denying the petition submitted by the Kansas Ornithological Society for listing of the Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*) as threatened within the State of Kansas.

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Kansas Lesser Prairie-Chicken Status Recommendation: Remain Unlisted

The Threatened and Endangered Task Committee is appointed by the Kansas Department of Wildlife and Parks (KDWP) Secretary to review issues and provide recommendations to the Secretary related to the listing of a wildlife species whose continued existence as a viable component of the state's fauna is or appears likely in the foreseeable future to be in jeopardy. In this case, the Task Committee was asked to review a petition submitted by the Kansas Ornithological Society and six Audubon chapters to list the Lesser Prairie-Chicken (LEPC) as a Threatened species in Kansas. The first part of this process involved a determination of whether the initial petition warranted a full review.

In 2009, the petition to list the LEPC as a Kansas Threatened Species was preliminarily reviewed by the Task Committee and found to warrant further review due to the following factors: (1) threats from reversion of Conservation Reserve Program (CRP) acres to cropland, (2) fragmentation of habitat from energy development, and (3) declining trend in lek survey data.

The full review process of the Task Committee included investigating scientific literature, reanalyzing the lek data, conducting four informational meetings, and questioning an ad hoc committee of nine prairie grouse experts. This year-long process led to a decision from the Task Committee to recommend that the LEPC remain unlisted in Kansas. This recommendation is provided to the KDWP Secretary.

The majority decision (5-2 vote) of the T&E Task Committee that the LEPC remain unlisted was based on the following reasons:

1. Kansas has a relatively robust population of Lesser Prairie-Chickens when compared to other states within its present range. The documentation of over 200 lek sites north of the Arkansas River since 1990 in an area where the population was sparse or nonexistent in recent decades is significant. This might be attributed to the past NRCS policy decision to use native prairie grasses to establish CRP cover and the proximity of those CRP acres to existing rangeland habitat.
2. The threat of habitat loss due to expiring CRP contracts has lessened due to federal agricultural policies that target renewal of CRP contracts to focus on LEPC habitat. One of the Conservation Priority Areas in Kansas is specifically designated for the LEPC.
3. The threat of habitat fragmentation from energy development remains an uncertainty, but recent efforts to protect LEPC habitat are recognized. These include voluntary avoidance of habitat, pending recommendations from the Wind Turbine Advisory Committee, and federal grants under the Multi-State Whooping Crane and Lesser Prairie-Chicken Wind Energy Habitat Conservation Plan (HCP).
4. There is currently not enough known about the effects of energy development on LEPC habitat to assume developed areas will preclude LEPC use.

5. Several ongoing and pending conservation actions directly or indirectly target habitat used by the LEPC. These efforts beneficially affect a significant area within the LEPC range and represent a commitment of finances and manpower towards protecting the species. These include the efforts of the Playa Lakes Joint Ventures, the Interstate LEPC Working Group, USFWS Partners for Wildlife Program, federal Environmental Quality Incentive Program (EQUIP), Wildlife Habitat Incentives Program (WHIP), and the Landowner Incentives Program (LIP). These efforts may be less effective or less extensive if the species was listed as Threatened or Endangered.
 6. The majority of the ad hoc committee of prairie grouse experts recommended that the LEPC remain unlisted in Kansas.
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The recommendation that the LEPC should remain unlisted in Kansas was not a consensus of the committee. Remaining areas of concern are:

- a. As a species, current LEPC range has declined ~88% from its historical range and eight of the nine ad hoc committee members indicated the species' population has declined between 30-90% both within Kansas and across the entire range of the species. Seven of the ad hoc committee reviewers thought the lek count data KDWP has collected is appropriate for estimating LEPC populations, and that data also show a decline in recent years and over the extent of the sampling.
- b. According to KDWP lek count data, this species experienced large variations in population density since the 1980s, even in areas with minimal loss of habitat. The cause of this variation has not been documented, but it seems clear LEPC can experience rapid declines in population. Although the overall trend seems to indicate a declining population, it is not clear that the overall population in Kansas is stable.
- c. Many of the threats facing the LEPC in Kansas are widespread and pervasive. In particular, tree invasion and overgrazing of rangeland are threats that continue to be a problem across the range of the LEPC. The degree and magnitude of these threats on LEPC have not been quantified, but many experts are concerned that these might cause significant negative effects to the overall species viability.
- d. Although the majority of the ad hoc committee indicated that the LEPC probably fit the definition of threatened, there was reluctance to recommend that listing because of the possible offsetting and negative effects to conservation efforts on private land from curtailment of hunting or perceived intervention in land management options.
- e. The majority of the published literature refers to the LEPC as a vulnerable species, an opinion reflected in the U.S. Fish and Wildlife Service's decision that the species warranted listing at the federal level. However, the federal listing process has been precluded due to higher priorities since that 1998 decision.
- f. Lastly, the ad hoc committee of experts was concerned that sufficient avoidance of LEPC habitat by energy development interests probably would not occur by voluntary actions alone. Although many energy companies are voluntarily collaborating with state and federal agencies to minimize effects to LEPC habitat, in Kansas this has been mediated by the local energy buyers. Development of

new markets, incentives, and energy transportation networks might dramatically and rapidly alter this relationship.

The T&E Task Committee offers the following management recommendations for inclusion or refinement into existing plans:

- KDWP should explore other techniques of surveying LEPC (i.e., adding random survey routes or using limited aerial surveys) as well as more rigorous methods of population estimation and quantification of habitat gain or loss.
- KDWP should continue to actively promote LEPC conservation, including collaboration with other agencies and organizations to address Farm Bill-related effects on habitat, energy development threats, and woody invasion.
- If continued decline of habitat and population is noted in the next few years, a subsequent review of the LEPC should be conducted at the upcoming 5-year review of the Kansas T&E lists scheduled to begin in 2013.

In summary, after considering the petition, investigating scientific literature, holding informational meetings, reanalyzing the lek survey data set, and consulting nine experts who have research or management experience regarding prairie grouse biology, the Task Committee recommends that the LEPC should remain unlisted.

T&E Task Committee:

Bill Busby, Kansas Biological Survey
Mark Eberle, Fort Hays State University
Elmer Finck, Fort Hays State University
James Larson, KDWP
Edwin Miller, KDWP (Chair)
Tom Mosher, KDWP
Dan Mulhern, U.S. Fish and Wildlife Service