

Seward joins block of counties opposing federal listing of Lesser Prairie Chicken

By ROBERT PIERCE • Leader & Times The U.S. Fish and Wildlife Service is evaluating whether to list the Lesser Prairie Chicken as a threatened species or, as an alternative, whether to encourage regional programs to protect the LPC.

A decision is expected in the fall of 2013, and experts say that choice will have a profound effect on counties and rural electric cooperatives across the country.

For counties, an LPC listing would impose additional federal considerations for agriculture, ranching and industrial activities within their jurisdictions.

“It eliminates land for ag use everywhere in the country,” said Seward County

Commissioner Jim Rice.

Immediate impacts from the listing would be additional rules, and some long-term results include declining land valuations and associated tax reductions.

For cooperatives, the range of impacts include higher land acquisition costs to meet mitigation requirements, a lengthening of the new facility permitting process and additional engineering, materials and construction costs resulting from regulatory uncertainty.

Additional effects from the listing include behind-the-scene impacts, which can include lower land valuations and eventual land losses from a demographic shift away from an agrarian culture. Now, an official with Garden City’s Stillwater Technical Solutions is proposing a three-month strategy to build a coalition of counties, establish a conduit to proactively contribute to the Range Wide Conversation Plan currently in development by a multi-state group working through the Western Association of Fish and Wildlife Agencies and prepare a comprehensive Land Use Coordination Plan to be adopted by the participating counties. James R. Carlson, an environmental engineer with Stillwater Technical Solutions, said there are three possible pathways for the listing process, the first of which is for USFWS to issue the threatened determination as proposed.

“As most are aware, this decision will bring formal regulatory protection, permit requirements and a geographical set aside of crucial habitat within our region,” he said.

A second choice would be for USFW to accept, in lieu of the threatened designation, the elements of a RWCP, and a third plan by industry and nature conservancy is also in progress, although it reportedly does not have as much promise on the landscape of alternatives available to USFW.

“We also understand a revised RWCP has been submitted to USFW, and they will be requesting public comment on that document perhaps as early as (this month),” Colson said.

The engineer added that whether Fish and Wildlife opts for the formal threatened designation or elects to implement the voluntary RWCP, he believes the majority, if not all, of the elements contained in the WAFWA plan will eventually be required by Fish and Wildlife.

During the public comment period, a coalition of Kansas counties went on record opposing the threatened designation but as supporting of the RWCP.

“This block of counties, along with others located in the Lesser Prairie Chicken area, are in an excellent position to influence the listing process toward the voluntary RWCP,” Carlson said.

Carlson added by invoking statutory provisions requiring federal agencies to coordinate major actions with local governments, the block of counties located in the range of the Lesser Prairie chicken can require USFW to:

- Submit work plans and schedules for approval prior to beginning activities;
- Study adverse impacts of the listing to each discreet local economy;
- Define and assess social and cultural impacts;
- Provide data and information consistent with data quality objectives that support their conclusions; and
- Demonstrate its activities to be consistent with local and regional environmental land use plans.

Carlson said an LUCP will define environmental land use and planning requirements, require adverse economic and social impact studies and will require USFW to reach consistency with federal data objectives as part of the listing process.

At last Monday’s Seward County Commission meeting, Carlson presented the board with a monthly proposal which would not exceed the county’s budget for a three-month duration. The employment relationship could be renewed or terminated after three months, and the budget is based upon a 120-hour work/month with travel costs.

Carlson said at present, there is a shortfall in committed funding.

“The 120-hour/month budget is proposed to be allocated with minimum participation between

cooperatives and counties,” he said. “If greater than 15 contributing counties are added, additional resources will be procured to levelize the workload.”

Rice said 12 counties in Kansas have signed or passed a resolution against listing the Lesser Prairie Chicken as a threatened species. Seward’s resolution was designed based on a similar one from New Mexico.

Rice said Carlson will later present the numerous oppositions to the listing to USFW, and he said Fish and Wildlife must consider them before the Lesser Prairie Chicken is placed on the list.

The county allocation for the project includes the following costs:

- Environmental engineer: 80 hours/month at \$96/hour – \$7,680/month
- Research analyst: 80 hours/month at \$40 hour – \$3,200/month
- Travel and lodging – \$900/month
- Fixed monthly cost estimate – \$11,780
- Cost allocation, counties – \$785/month/county for the months of April, May and June.

County administrator April Warden said a monthly total of \$17,660 for the three-month project would be split amongst the counties participating. Seward’s portion would be paid for from the county’s commission professional services fund.

Rice said putting the LPC on the threatened list puts a hardship on both Seward County and its surrounding counties. He said the process is long involved, but the investment was a good one for Seward.

“They have plenty to look at before they do it, so it is worth the effort to help (Carlson) go ahead with the project,” he said.

The commission voted 4-1, with chairman Ada Linenbroker voting against, to accept the proposal.