



Questions and Answers: 6 Month Extension of the Lesser Prairie- Chicken Listing Determination

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) www.fws.gov/southwest/

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Q. What action is the U.S. Fish and Wildlife Service (Service) taking?

A. The Service is publishing in the *Federal Register* a 6-month extension on the final listing determination for the lesser prairie-chicken and a reopening of the comment period on the proposed listing for 30 days. The Service is taking this action in order to solicit additional scientific information and public comment before making any final listing determination regarding the lesser prairie-chicken's listing proposal. The comment period will close on August 8, 2013.

Q. Why is the Service extending the final listing determination for the lesser prairie-chicken?

A. The Service is taking this action in order to solicit additional scientific information and public comment before making any final listing determination regarding the proposed listing of the lesser prairie-chicken. Since publication of the proposed rule, there has been substantial disagreement regarding the sufficiency and accuracy of the available data relevant to our determination regarding the proposed listing rule for the lesser prairie-chicken. Section 4(b)(6) of the Act and its implementing regulation, 50 C.F.R. 424.17(a), requires that the Service take one of three actions within one year of a proposed listing: (1) finalize the proposed listing; (2) withdraw the proposed listing; or (3) extend the final determination by not more than 6 months, if there is substantial disagreement among scientists knowledgeable about the species regarding the sufficiency or accuracy of the available data relevant to the determination, for the purposes of soliciting additional data. In consideration of the disagreements surrounding the sufficiency or accuracy of data that will be used to determine the lesser prairie-chicken's status, we are extending the final listing determination for 6 months. The Service will make a final listing determination no later than March 30, 2014.

During the public comment period, we received multiple comments on the proposed listing and the sufficiency or accuracy of the available data used to support these proposed rulemakings. In particular, commenters raised questions regarding:

(1) The interpretation of scientific literature in the proposed rulemakings, and scientific literature that we may have overlooked in our analysis. Specifically, commenters were concerned with the appropriateness of our interpretation of habitat fragmentation, grassland conversion, and collision mortality.

(2) Whether the Service considered the effectiveness of conservation practices of the oil and gas industry, and of agricultural practices, including grazing management, brush management, and water development, in relation to reducing threats. In particular, the U.S. Department of Agriculture provided a letter that questioned the adequacy of our evaluation of conservation measures associated with agricultural practices.

(3) The accuracy of short-term and long-term population trends of the lesser prairie-chicken, particularly as it relates to climate change. Specifically, commenters recommended a more thorough analysis of the U.S. Geological Survey's Great Plains modeling effort.

Q. What information is the Service requesting?

A. We are particularly interested in new information and comments regarding:

(1) The historical and current status and distribution of the lesser prairie-chicken, its biology and ecology, specific threats (or lack thereof) and regulations that may be addressing those threats and ongoing conservation measures for the species and its habitat.

(2) Information relevant to the factors that are the basis for making a listing determination for a species under section 4(a) of the Act, which are:

(a) The present or threatened destruction, modification, or curtailment of the species' habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence and threats to the species or its habitat.

(3) Application of the Lesser Prairie-Chicken Interstate Working Group's draft rangewide conservation plan to our determination of status under section 4(a)(1) of the Act, particularly comments or information to help us assess the certainty that the rangewide conservation plan will be effective in conserving the lesser prairie-chicken and will be implemented.

(4) Which areas would be appropriate as critical habitat for the species and why areas should or should not be proposed for designation as critical habitat, including whether any threats to the species from human activity would be expected to increase due to the designation and whether that increase in threat would outweigh the benefit of designation such that the designation of critical habitat may not be prudent.

(5) Specific information on:

- (a) The amount and distribution of habitat for the lesser prairie-chicken;
- (b) What may constitute “physical or biological features essential to the conservation of the species,” within the geographical range currently occupied by the species;
- (c) Where these features are currently found;
- (d) Whether any of these features may require special management considerations or protection;
- (e) What areas, that were occupied at the time of listing (or are currently occupied) and that contain features essential to the conservation of the species, should be included in the designation and why; and
- (f) What areas not occupied at the time of listing are essential for the conservation of the species and why.

(6) Information on the projected and reasonably likely impacts of climate change on the lesser prairie-chicken and its habitat.

(7) Whether measures outlined in the proposed 4(d) special rule are necessary and advisable for the conservation and management of the lesser prairie-chicken.

(8) Additional provisions the Service may wish to consider for the proposed 4(d) special rule in order to conserve, recover, and manage the lesser prairie-chicken.

Previously submitted comments or information on the proposed rule do not need to be resubmitted. We have incorporated them into the public record, and we will fully consider them in the preparation of our final determination. Our final determination concerning the proposed listing will take into consideration all written comments and any additional information we received.

Q. How can the public submit information on the lesser prairie-chicken proposal?

A. The Service will accept comments received or postmarked on or before August 8, 2013. You may submit written comments by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the appropriate Docket No.: FWS–R2–ES–2012–0071, which is the docket number for the proposed threatened status for lesser prairie-chicken. Then, in the Search panel on the left side of the screen, under the Document Type heading, check on the Proposed Rules link to locate the proposed rule. You may submit a comment by clicking on “Comment Now!”

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2012–0071; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

Additional information on the lesser prairie-chicken can be found at: www.fws.gov/southwest/es/LPC.html.