

**RESOLUTION 2014-32**  
**NOTICE OF INTENT TO SUE REGARDING THE LESSER**  
**PRAIRIE-CHICKEN LISTING DECISION**

**WHEREAS, on June 6, 2014,** the United States Department of Interior, Fish and Wildlife Service (FWS), listed the lesser prairie-chicken (*Tympanuchus pallidicinctus*), a species in the grouse family, as threatened under the Endangered Species Act of 1973 (as amended) (ESA); and

**WHEREAS,** the listing of the lesser prairie-chicken as a threatened species will adversely affect communities, industries, and citizens who are located within, reside, ranch, farm, and use the millions of acres of mixed ownership lands identified as lesser prairie-chicken habitat in the states of Colorado, Kansas, New Mexico, Oklahoma and Texas; and

**WHEREAS,** tens of thousands of employees in the energy, utility, and agriculture industries depend on reasonable access to their job sites within the areas impacted by this adverse listing decision to financially support their families and the communities in which they reside; and

**WHEREAS,** the impacts of the listing decision to the robust energy, agriculture and utility employment sectors in the region, will also adversely impact thousands of support jobs necessary to sustain the economic health, vitality, and development within the region; and

**WHEREAS,** local industrial and employment sectors are actively engaged in actions to conserve and mitigate impacts to native wildlife species, including the lesser prairie-chicken; and

**WHEREAS,** the scope of protection offered by FWS in listing the Lesser Prairie Chicken as a threatened species under the ESA is unnecessary and excessive and will result in harm to working families, local industries and communities, and will adversely affect economic development progress as well as the continued economic growth of the State of New Mexico; and

**WHEREAS,** the five states of Colorado, Kansas, Oklahoma, Texas, and New Mexico (States), in unprecedented collaboration with cooperating stakeholders, developed and are actively implementing a historic range-wide conservation plan as formally endorsed in October 2013 by the FWS which addresses all known threats to the future existence of the lesser prairie-chicken; and

**WHEREAS,** the States are fully implementing the aforementioned range-wide plan in continued voluntary collaboration with industry and landowners and are poised to conserve and manage lesser prairie-chickens now and into the foreseeable future with no apparent conservation or regulatory need for federal ESA overreach; and



WHEREAS, ROOSEVELT COUNTY submitted substantive comments regarding the above harm to the United States Department of Interior FWS, thus attaining legal standing in the matter of the listing decision and resultant harm to our businesses, communities, and citizens.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF ROOSEVELT COUNTY THAT:

1. We endorse being a signatory party to a Notice of Intent to sue the United States regarding several substantive issues related to the ESA listing decision as described above.
2. We encourage the Governor of the State of New Mexico, Susana Martinez, to formally oppose the listing of the lesser prairie-chicken by joining the parties in the Notice of Intent to sue the United States regarding the listing decision as it will have an adverse effect on citizens and continued economic development and growth within the State of New Mexico.

This Resolution was approved and adopted this 6<sup>th</sup> day of June, 2014, by the ROOSEVELT COUNTY COMMISSIONERS.

  
KENDELL BUZARD, CHAIRMAN

ATTEST:

  
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