



**RESOLUTION NO. 2023-27**

**Notice of Intent to Sue Regarding the Lesser Prairie Chicken Listing Decision**

**WHEREAS**, on March 27, 2023 the United States Department of Interior, Fish and Wildlife Service (FWS), listed the southern distinct population segment (DPS) of the lesser prairie-chicken (LPC) (*Tympanuchus pallidicinctus*), a species in the grouse family, as endangered under rule 4(D) of the Endangered Species Act of 1973 (as amended); and

**WHEREAS**, the FWS simultaneously, listed the northern distinct population segment (DPS) of the lesser prairie-chicken (*Tympanuchus pallidicinctus*), a species in the grouse family, as threatened under rule 4(D) of the Endangered Species Act of 1973 (as amended); and

**WHEREAS**, the listing of the lesser prairie-chicken as either a threatened or endangered species, depending on the DPS, 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

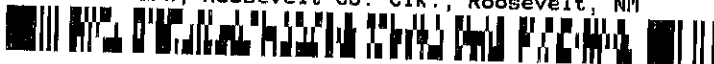
**WHEREAS**, tens of thousands of employees in the oil and gas, energy, renewable energy, utility, ranching, dairy and agriculture industries, depend on reasonable access to their job sites within the areas impacted by this adverse listing decision to financially support their families and the communities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

**WHEREAS**, the impacts of the listing decision to the robust oil and gas, energy, renewable energy, agriculture, ranching, dairy 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 the State of New Mexico; 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 FWS dismissed comments by the Kansas Natural Resource Coalition, and the Pacific Legal Foundation, that there exist statutory requirements that the FWS prepare an economic impact analysis on small entities and jurisdictions that are regulated under the 4(D) Rule; and

**WHEREAS**, the five states of Colorado, Kansas, Oklahoma, Texas, and New Mexico joined in an unprecedented collaboration with cooperating stakeholders to develop and implement 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 have fully implemented the range-wide plan with the full support and voluntary collaboration with industry and landowners and evaluations of these voluntary conservation efforts show improvements across the range, exposing no apparent conservation or regulatory need for federal conservation plans; and

**WHEREAS**, the estimated 30-year costs for FWS LPC conservation programs which include, conservation easements, land acquisition, and administration costs in the energy sector alone are \$7,253,511,184 with an additional \$742,103,511 for permits issued under the Range Wide Conservation Plan, clearly indicate an economic advantage to allow industry, agriculturalists, and nature to continue their success; and

**WHEREAS**, the theory of two Distinct Population Segments was not made by considering of all information available and the FWS failed to properly determine the validity of all surveys, studies, and other information, to arrive at a conclusion; and

**WHEREAS**, the scope of protection offered by FWS in listing the Lesser Prairie Chicken as a threatened or endangered species under rule 4(D) of the Endangered Species Act is unsupported by scientific evidence, unnecessary, and will result in harm to working families, local industries and communities, and will retard economic development and continued economic growth of the State of New Mexico;

**WHEREAS**, Roosevelt County submitted substantive comments to FWS regarding the harm the listing will have to the County and the entire region, thus attaining legal standing in the matter of the listing decision.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Roosevelt County Commissioners that:

1. Resources of Roosevelt County be committed to, and the County Manager and/or the Commission Chairman are specifically authorized to file, a lawsuit against the United States Department of the Interior, Fish and Wildlife Service by and on behalf of the Citizens of Roosevelt County; and
2. The County Manager and/or Commission Chairman are authorized to include Roosevelt County as a signatory party to any Notice of Intent to sue the United States regarding the substantive and procedural issues related to the ESA listing decision; and
3. The County Manager and/or Commission Chairman are authorized to join Roosevelt County, New Mexico as a party plaintiff in any suit that has or may be filed against FWS as described above, including joining any state action or an action by an industry group or citizen group whose interest is to rescind or modify the FWS listing decision; and
4. The County Manager and/or Commission Chairman are authorized to enter into any agreement or to extend any current agreement with the American Stewards of Liberty to continue its consulting services and oversee the litigation against the FWS.



**PASSED, APPROVED, AND ADOPTED** this 20th of June, 2023 by the Roosevelt County Board of Commissioners in an open meeting in Portales, New Mexico.

**BODY OF COUNTY COMMISSIONERS  
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST:

Mandi M. Park  
Mandi Park, Roosevelt County Clerk



Paul Grider  
Paul Grider, *Chair* – District V  
Voted:  Yes  No  Abstained

Rodney Savage  
Rodney Savage, *Vice Chair* – District II  
Voted:  Yes  No  Abstained

Dennis Lopez  
Dennis Lopez – District I  
Voted:  Yes  No  Abstained

absent  
Roy Lee Criswell – District III  
Voted:  Yes  No  Abstained

Tina Dixon  
Tina Dixon – District IV  
Voted:  Yes  No  Abstained



*mp*