

A MEMORIAL

REQUESTING THE COMMISSIONER OF PUBLIC LANDS TO TAKE ACTION TO PROTECT THE STATE LAND TRUST FROM HARM AND DIMINISHMENT RESULTING FROM THE LISTING OF THE LESSER PRAIRIE CHICKEN AS THREATENED BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

WHEREAS, the United States fish and wildlife service listed the lesser prairie chicken as threatened under the federal Endangered Species Act of 1973 in 2014 and included nine New Mexico counties, Chaves, Curry, De Baca, Eddy, Harding, Lea, Quay, Roosevelt and Union, in the listing area; and

WHEREAS, the area in the listing includes three million six hundred forty-two thousand eight hundred fifty-three acres of state trust land surface and four million eight hundred forty thousand six hundred ninety acres of state trust land subsurface estate; and

WHEREAS, the Endangered Species Act listing will have direct and indirect adverse impacts and reduce current and future revenues to the public schools, universities and other beneficiary institutions; and

WHEREAS, exceptional efforts were made by landowners, oil and gas producers and local and state governments to protect and conserve the lesser prairie chicken to avoid the listing; and

WHEREAS, the department of game and fish and the wildlife agencies in the other four states included in the listing area developed large-scale efforts that demonstrated that the listing was not warranted and asserted the states' sovereign authority to manage the lesser prairie chicken; and

WHEREAS, a number of the affected New Mexico counties, affected interests, individuals and the department of game and fish submitted substantive comments to the United States fish and wildlife service demonstrating that the listing was not warranted and the lesser prairie chicken population is cyclical and was only temporarily affected by the severe drought that was experienced in the region; and

WHEREAS, the western association of fish and wildlife agencies, including the department of game and fish, developed a range wide conservation plan that the United States fish and wildlife service endorsed, which plan is capable of protecting and conserving the species through habitat enhancement and protection; and

WHEREAS, the nine affected counties convened a coordination meeting in Portales, New Mexico, with Benjamin Tuggle, southwest regional director, United States fish and wildlife service, and provided scientific evidence and biological comments demonstrating that the listing was not warranted; and

WHEREAS, with disregard for existing state and private

conservation efforts and scientific evidence that the lesser prairie chicken is not threatened or endangered, the United States fish and wildlife service listed the lesser prairie chicken as threatened; and

WHEREAS, state trust lands are leased or rented to produce millions of dollars of rental and royalty revenues; and

WHEREAS, the state land office generated over eight hundred million dollars (\$800,000,000) in revenues in 2014; and

WHEREAS, as a result of the listing decision, many normal and necessary activities associated with farming, ranching, oil and gas operations and production, pipelines, water lines, renewable energy projects, transmission and distribution lines and public roads will now require costly permits and experience costly delays or be canceled; and

WHEREAS, the unnecessary resulting loss of revenue to the state land trust, the state of New Mexico, the counties, landowners and lessees and the regional economy will be substantial and harmful; and

WHEREAS, New Mexico's public school system is dependent on the state land office responsibly managing state trust lands to generate funds through energy development and other business and natural resource uses;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF

REPRESENTATIVES OF THE STATE OF NEW MEXICO that the commissioner of public lands be requested to take all measures necessary to protect the state trust lands and the revenue generated on and from state trust lands from unlawful and unnecessary restrictions imposed through the unwarranted listing of the lesser prairie chicken under the Endangered Species Act; and

BE IT FURTHER RESOLVED that the commissioner of public lands be requested to work with the necessary state and local agencies to conserve and delist lesser prairie chickens and other listed species to the benefit of the public school system of New Mexico; and

BE IT FURTHER RESOLVED that the commissioner of public lands be requested to work with the appropriate officials in the other states included in the listing, Kansas, Oklahoma, Texas and Colorado, in their efforts opposing the erroneous listing decision; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the commissioner of public lands, the governor of New Mexico, the United States fish and wildlife service, the New Mexico congressional delegation, the United States secretary of the interior and the county managers of the nine New Mexico counties included in the listing area.