

# Effort to list lesser prairie chicken as threatened is dropped

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The Obama administration has abandoned its effort to list the lesser prairie chicken as a threatened species, drawing cheers Wednesday from lawmakers who had fought the designation but skepticism about whether the fight is really over.

The Justice Department on Tuesday dropped its appeal of a Texas federal court's ruling that vacated the listing because the U.S. Fish and Wildlife Service had not followed its own rules in making the designation.

Sen. Jerry Moran, R-Kan., said increased rainfall and voluntary conservation efforts had contributed to a 50 percent increase in the birds' population.

"The decision today to drop the appeal highlights this administration's flawed approach to listing the lesser prairie chicken as a threatened species in the first place," Moran said in a statement.

In a March 2014 final rule, the Fish and Wildlife Service said the bird was threatened - one step short of endangered - meaning it's likely to face the danger of extinction in the future. The action was vacated by the U.S. District Court for the Western District of Texas.

Moran, Sen. Pat Roberts and Reps. Mike Pompeo, Lynn Jenkins and Kevin Yoder, all Kansas Republicans, had fought the listing of the bird because of the impact on farmers, ranchers, and oil and gas drilling and

even wind-energy projects.

About half the lesser prairie chicken population resides in Kansas.

Yoder, who added an amendment to delist the bird to the 2016 Interior and Environment Appropriations Act, said he was glad the Obama administration had dropped its appeal. But he said he feared the fight was not over. "I'm skeptical this is the end of the road," he said.

In a statement Wednesday, the Fish and Wildlife Service seemed to leave the door open to a re-listing of the bird.

"The U.S. Fish and Wildlife Service intends to reassess the status of the species based on the court's ruling and the best available scientific data," said Brian Hires, an agency spokesman. "The USFWS will continue working with states, other federal agencies and partners on efforts to conserve the lesser prairie chicken across its range."

Moran said he would continue to oppose any efforts to re-list the bird.

"I have asked for answers from USFWS," he said, "and will continue to advocate for policies that prevent the service from pursuing future efforts to re-list the species."

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