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HOUSE MEMORIAL 74

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Dennis J. Roch

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

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1 subsurface estate; and

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

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

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

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

22 WHEREAS, the western association of fish and wildlife
23 agencies, including the department of game and fish, developed
24 a range wide conservation plan that the United States fish and
25 wildlife service endorsed, which plan is capable of protecting

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1 and conserving the species through habitat enhancement and
2 protection; and

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

9 WHEREAS, with disregard for existing state and private
10 conservation efforts and scientific evidence that the lesser
11 prairie chicken is not threatened or endangered, the United
12 States fish and wildlife service listed the lesser prairie
13 chicken as threatened; and

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

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

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

24 WHEREAS, the unnecessary resulting loss of revenue to the
25 state land trust, the state of New Mexico, the counties,

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1 landowners and lessees and the regional economy will be
2 substantial and harmful; and

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

7 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
8 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the
9 commissioner of public lands be requested to take all measures
10 necessary to protect the state trust lands and the revenue
11 generated on and from state trust lands from unlawful and
12 unnecessary restrictions imposed through the unwarranted
13 listing of the lesser prairie chicken under the Endangered
14 Species Act; and

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

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

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the commissioner of public lands, the governor
2 of New Mexico, the United States fish and wildlife service, the
3 New Mexico congressional delegation, the United States
4 secretary of the interior and the county managers of the nine
5 New Mexico counties included in the listing area.

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