



Richard Gebhart
President

Michael Kelsey
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January 9, 2014

Public Comments Processing
Attn: FWS-R2-ES-2012-0071
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

Re: Comments on USFWS Proposed Rule; Revision and Reopening of Comment Period, Pertaining to the Proposed Listing of the Lesser Prairie Chicken as a Threatened Species With a Special Rule; Federal Register Notice Vol. 78, No. 87, Page 26302, Issued May 6, 2013

To whom it may concern:

The following comments are provided on behalf of the membership of the Oklahoma Cattlemen's Association (OCA) in response to the proposed rule regarding the listing of the Lesser Prairie Chicken (*Tympanuchus pallidicinctus*) as a threatened species under the Endangered Species Act (ESA) (Docket No. FWS-R2-ES-2012-0071).

OCA opposes the proposed listing of the Lesser Prairie Chicken (LEPC) as a threatened species under the ESA and encourages the U.S. Fish and Wildlife Service (USFWS) to submit a final determination that a listing of the LEPC is not warranted. The work and conservation efforts being done by ranchers, private landowners and industry prevent the need to provide federal protection to the LEPC. The Lesser Prairie Chicken Range-Wide Habitat Conservation Plan (RWP) currently being utilized by the five states allows for threats and impacts to the LEPC to be minimized and or eliminated.

The best tactic for the USFWS and other agencies to use is one that works for ranchers, private landowners and the LEPC. It is the OCA's belief that local citizens working together to resolve local issues offers the best chance for success. Oklahoma has over 95% of its total land held by private landowners. Ranchers and private landowners have continued to play a vital role in forming strategies for protecting the LEPC and its habitat. Taking this into consideration, it is extremely crucial that any conservation plan contain voluntary participation for the conservation of the LEPC, from both an industry and landowner standpoint. The OCA truly believes that this is the best mechanism to support the LEPC and promote increased populations inside the currently occupied

range. Without participation being voluntary, involvement from ranchers and private landowners will not be easy to come by and, consequently, the conservation of the LEPC will suffer.

We would also caution against reducing livestock grazing, which is not an effective mitigation strategy, and would, in fact, be detrimental to the LEPC habitat and its populations. Sound scientific research indicates that grazing is beneficial to wild flora and fauna in multiple ways. Grazing reduces the instances and severity of wildfires (Launchbaugh et al. 2007), it also improves wildlife habitat by increasing the quality and accessibility of grasses and forbs (Neel 1980, Derner et al. 1994, Evans 1996). According to the Natural Resources Conservation Service (NRCS), grazing can "stimulate growth of grasses and forbs, and thus livestock can be used to manipulate the plant community toward a desired condition". Grazing can also be used to control invasive weeds (Olson and Lacey 1994, Walker et al. 1994) and with appropriate range improvements, grazing can be utilized in some areas to improve the LEPC habitat to mitigate for the disturbance caused by other multiple use activities, such as mineral development.

To be clear, OCA continues to oppose the proposed listing of the LEPC under the ESA; however, we are supportive of the proposed special rule under section 4(d) of the Act for the LEPC, which was published in the *Federal Register* on December 11, 2013. This proposed special rule will allow for ranchers, private landowners and industry signed up under the RWP to receive take protection. This is an extremely important tool which will allow for responsible development of Oklahoma's natural resources while allowing state management of the LEPC to continue. The OCA believes this proposed special 4(d) rule will allow for the LEPC to thrive and meet and or exceed the population goals laid out in the RWP.

On behalf of the membership of the OCA, we would like to thank you for the opportunity to provide these comments. Based on the scientific data now available, and the voluntary efforts currently underway to preserve the LEPC, we encourage the USFWS to make a final determination that listing of the Lesser Prairie Chicken (LEPC) as a threatened species is not warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Gebhart", with a long horizontal flourish extending to the right.

Richard Gebhart, President
Oklahoma Cattlemen's Association

Literature Cited:

- Derner, J. D., R. L. Gillen, F. T. McCollum, and K. W. Tate, 1994. Little bluestem tiller defoliation patterns under continuous and rotational grazing. *Journal Range Management* 47:220-225.
- Evans, C. C., 1986. The relationship of cattle grazing to sage-grouse use of meadow habitat on the Sheldon National Wildlife Refuge. MS Thesis, University of Nevada, Reno, NV.
- Launchbaugh, K. et al, 2007. Interactions Among Livestock Grazing Vegetation Type, and Fire Behavior in the Murphy Wildland Fire Complex in Idaho and Nevada. U.S. Geological Survey.
- Neel, L. A., 1980. Sage grouse response to grazing management in Nevada. MS Thesis, University of Nevada, Reno, NV.
- Olson, B.E. and J.R. Lacey, 1994. Sheep: A method for controlling rangeland weeds. *Sheep & Goat Res. J.* 10:105-112.
- Walker, J.W., S.L. Kronberg, S.L. Al-Rawaily, and N.E. West, 1994. Managing noxious weeds with livestock: Studies on leafy spurge. *Sheep Research Progress Rep. No. 3*, USDA-ARS 1994-4 pgs 125-135.