

**Statement of
Mitch Butler
Assistant Secretary for Fish, Wildlife and Parks
U.S. Department of the Interior
House Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands
H.R. 3930, Lesser Prairie Chicken National Habitat Preservation Area Act of 2007
April 24, 2008**

Thank you for inviting me to testify on H.R. 3930, the Lesser Prairie Chicken National Habitat Preservation Area Act of 2007. This legislation reflects a broad-based effort in New Mexico to conserve the habitat of the lesser prairie chicken and other species of concern. Representative Pearce has worked to craft a balanced conservation approach that would protect crucial wildlife habitat and provide for vital economic development. We support the resulting legislation with some specific modifications as described below.

Background

Southeast New Mexico contains crucial habitat for the lesser prairie chicken and sand dune lizard, which are both Federal species of concern and candidates for listing under the Endangered Species Act (ESA). The sand dune lizard is found only here and adjacent areas of Texas. The lesser prairie chicken was once widespread and abundant in portions of Kansas, Colorado, Oklahoma, New Mexico and Texas, but its habitat and population have declined substantially since the settlement era. Today, the Sand Ranch, located in Chaves County in southeast New Mexico, is one of the best remaining strongholds for these birds. The Sand Ranch area is part of the largest continuous area of publicly-owned lesser prairie chicken habitat within the bird's historic range.

For over a decade the BLM has been working proactively with diverse public land users to develop conservation strategies for the lesser prairie chicken and sand dune lizard. Through this cooperative effort, the BLM developed a suite of management opportunities and proposals for conserving the crucial habitats for these species. A key proposal is the Santa Teresa Land Exchange initiated jointly by the BLM and New Mexico State Land Office. The land exchange would enhance Federal ownership of crucial habitat in the Sand Ranch area while at the same time enabling the State of New Mexico to acquire lands near Las Cruces that are vitally needed for economic development, including construction of a new rail yard facility by the Union Pacific Railroad. The BLM is currently pursuing administrative actions to facilitate the proposed exchange.

H.R. 3930

Section 4 of H.R. 3930 provides for a land exchange between the United States and the State of New Mexico. It is our understanding that the Secretary would convey approximately 7,262 acres of BLM-managed lands in Dona Ana County in exchange for approximately 14,048 acres of State lands in Dona Ana and Chaves Counties. The Department supports the acquisition of the State land because it would consolidate Federal ownership and management of crucial habitat for the lesser prairie chicken and sand dune lizard in Chaves County. It would also consolidate Federal ownership within and adjacent to environmentally important areas in Dona Ana County,

including the Organ/Franklin Mountains Area of Critical Environmental Concern (ACEC) and the Dona Ana Mountain ACEC. In addition, the exchange would transfer to the State lands that are appropriate and needed for commercial, industrial and residential development.

Not all of the Federal lands included in this exchange are currently identified for disposal. The BLM in New Mexico, as noted earlier, is preparing a plan amendment to facilitate the exchange.

While the legislation provides that the exchange is to be conducted in accordance with the Federal Land Policy and Management Act (FLPMA), as amended, we would like the opportunity to work with the Sponsor and the Committee to clarify this provision. Specifically, we wish to ensure that the exchange would be subject to appraisals completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Standards of Professional Appraisal Practice. We would also like to work with the Sponsor to ensure the acreages identified for exchange are up-to-date.

Section 5 of the bill establishes the Lesser Prairie Chicken National Habitat Preservation Area (NHPA) in Chaves County. Following completion of the land exchanges directed in Section 4, the Preservation Area would contain approximately 39,462 acres of BLM-managed public land. The Department strongly supports establishment of the NHPA because it will protect habitat essential for the conservation of the lesser prairie chicken and sand dune lizard, and it will benefit numerous other species that rely on the area's unique ecosystem. We would like to work with the Committee to provide for the possibility of including within the NHPA additional lesser prairie chicken habitat in nearby areas should future opportunities arise.

The bill directs that the NHPA be managed to protect, conserve and enhance the habitat for the lesser prairie chicken and withdraws the land, subject to valid existing rights, from the public land laws, mining laws and mineral leasing laws. In addition motorized vehicles are limited to roads and trails designated for their use.

Section 6(e) specifically provides that grazing within the NHPA is allowed solely for the purpose of vegetative management to enhance lesser prairie chicken habitat. There is currently not an authorized permit for grazing in the area.

The management direction provided in the legislation is consistent with conserving this critical habitat. Passage of this legislation will allow the BLM to manage these special status species in a manner that may preclude the need for future listing under the ESA.

We applaud the foresight and balance in H.R. 3930, and look forward to working with the Sponsor and Committee to address a few minor issues and technical amendments.

Thank you for the opportunity to testify. I will be happy to answer any questions.