



Written by [Alex Newman](#) on March 31, 2014

Feds Exploit “Threatened” Bird for Massive Land Grab

The Obama administration is under fire from critics, state governments, and lawmakers for yet another federal “overreach” and abuse of power after it unveiled plans for a massive land grab across five states under the guise of protecting the “lesser prairie chicken.” Analysts and opponents of the scheme say the controversial decision to declare the bird “threatened” could unleash major damage against property rights, oil exploration, energy, farming, ranching, jobs, development, industry, states’ rights, the U.S. Constitution, and more. Affected state officials and lawmakers, though, are already considering their options to fight back.



The Obama Fish and Wildlife Service ruling, announced late last week following a court ruling, adds to the escalating pattern of lawlessness in the federal government’s accelerating war on private property and state sovereignty. If growing efforts at the state and federal level to rein in the administration are unsuccessful, the decision, allegedly justified by the unconstitutional and [much-abused “Endangered Species Act,”](#) will go into effect on May 1. It affects about 40 million square acres — more than 62,500 square miles, or about 25 times the size of Delaware for perspective — across five states: Oklahoma, Texas, New Mexico, Colorado, and Kansas. Much of the land is privately owned.

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State officials, though, are attacking the scheme from all angles — particularly the administration’s latest abuse of the increasingly well-known [“sue and settle” scam](#). Under the controversial tactic, employed primarily to defraud taxpayers and expand government power, federal agencies such as the EPA, the Fish and Wildlife Service, and countless other rogue outfits collude with radical special-interest groups.

In a essence, the fraud works like this: A group sues the agency in question to demand some particular power grab that both the agency and the group want to foist on America unilaterally; then the agency agrees to “settle” by adopting the desired scheme while paying massive sums of taxpayer funds to the group that sued to set up future scams. The EPA has [become particularly adept at defrauding taxpayers and skirting the Constitution](#) using the plot, yet Congress continues to allow it despite occasional expressions of outrage.

In response to the latest exploitation of the scam in the “threatened” lesser prairie chicken designation, where the Obama Interior Department “settled” with radical pseudo-environmentalists in a “sue and settle” case over the bird, Oklahoma Attorney General Scott Pruitt filed his own lawsuit this month. In court filings, the top law-enforcement official for Oklahoma, one of the five affected states, explains that federal agencies are colluding with various special-interest outfits to bypass constitutional policymaking procedures — and the people.

“Increasingly, federal agencies are colluding with like-minded special interest groups by using ...



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‘friendly settlements’ of lawsuits filed by the interest groups,” said Pruitt, the latest high-ranking official to go on offense against the lawless scheming. “These settlements, which often impose tougher regulations and shorter time lines than those imposed by Congress, are having a crippling effect on the U.S. economy. Furthermore, because these settlements are taking place without public input, attorneys general are unable to represent the respective interests of their states, businesses, and citizens.” The U.S. Chamber of Commerce has also [highlighted](#) the “sue and settle” scheme as something that must be reined in.

Acknowledging that the most recent massive power grab would be “unpopular” with governors in the five states — not to mention the public — Obama Fish and Wildlife Service Director Dan Ashe claimed he was simply following the best supposed “science” available. He claimed, too, that the allegedly “threatened” type of grouse — one step below “endangered,” a status that would trigger even more radical federal interventions — had lost much of its habitat because of humans. The ongoing drought has also harmed the small, colorful bird, which apparently “fears” tall structures that may harbor predators. Indeed, even conservationists say the lack of rain and resulting effects on local vegetation have almost certainly been the most important factors driving the recent decline in numbers.

Incredibly, the administration tried to spin its latest power grabs as a move that somehow respected state jurisdiction and private property. “Our determination that it warrants listing as a threatened species with a special rule acknowledges the unprecedented partnership efforts and leadership of the five range states for management of the species,” Ashe said in a statement. “Working through the [Western Association of Fish and Wildlife Agencies] range-wide conservation plan, the states remain in the driver’s seat for managing the species — more than has ever been done before — and participating landowners and developers are not impacted with additional regulatory requirements.”

Elected state and federal officials, however, took a different view than Obama’s unelected and unaccountable bureaucracies. Liberty-minded Sen. Ted Cruz (R-Texas), for example, released a statement blasting the power grab. “Including the lesser prairie chicken on the endangered species list will diminish private land owners’ control over their own property and threaten agriculture and energy jobs,” he explained. “Conservation does not have to come at the expense of property rights, growth, and opportunity,” Sen. John Cornyn, the other U.S. senator for Texas, also lashed out, saying he would “fight to reform this process so job creators and local officials have a say.”

Separately, U.S. Rep. Randy Neugebauer (R-Texas) introduced a bill just last week aimed at reining in the abuse of the Endangered Species Act by returning some usurped federal powers to state and local authorities. “Local experts are our best resource when it comes to the complex relationship between a species and its habitat,” he explained. “They know the habitat like only a local can, and they know which actions are more likely to work and which may need adjusting. My bill ensures that the Fish and Wildlife Service is working with experts on the ground.” His legislation is dubbed the Endangered Species Improvement Act of 2014.

Texas Railroad Commissioner David Porter had some of the harshest remarks about the scheme thus far, calling it the latest example of Obama’s “war on fossil fuels.” Indeed, analysts cited in media reports say the ruling could cost energy producers hundreds of millions of dollars. “It appears the federal agency has been influenced heavily by the environmentalist agenda, which has very little to do with preservation of this species and more with the eradication of the oil and gas industry,” Porter said in a statement.

In Kansas, where Republican Governor Sam Brownback and state lawmakers are developing a



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reputation for standing up to unconstitutional federal power grabs, officials were outraged, too. “This is an overreach on the part of the federal government,” Brownback said in a statement after the administration’s controversial decision was announced. “We are looking at possible responses on this issue.” A spokesperson for the governor told Fox News that a lawsuit against the scheme was “certainly” possible, and Kansas Attorney General Derek Schmidt said his office was assessing its legal options in the case. Some media accounts said Kansas was going to join other states in a broad lawsuit against the chickens’ “threatened” listing.

Oil and energy interests, which have already devoted massive efforts to preserving the chicken and its habitat under voluntary initiatives, are also hoping to restore sanity. “Adding another layer of regulation on the oil and gas industry in a region that is key to America’s energy future and for which there is no clear environmental benefit runs counter to this administration’s stated approach to energy and regulation,” a coalition of oil and gas industry groups was quoted as saying.

Senior state officials in energy, agriculture, and wildlife from New Mexico, meanwhile, added that the latest “misguided” federal decision will “without question decimate economic development and job creation in southeastern New Mexico.” Other state leaders from affected jurisdictions made similar statements, saying the ruling would result in dramatic damage to their economies. More than a few critics suspect that is, in fact, among the actual purposes of the scheme.

Even before deciding to exploit the Endangered Species Act to attack private property and expand its powers, the Obama administration had been plotting the creation of a “Lesser Prairie Chicken Preserve” “National Monument” under the “Antiquities Act.” Both of those unconstitutional statutes have been routinely abused by Republican and Democrat administrations to put more and more land under federal control or eviscerate individual rights with severe federally imposed restrictions. In fact, Obama Interior Secretary Sally Jewell, currently [waging an anti-science witch hunt against federal employees who question discredited United Nations global-warming theories, threatened that the president “will not hesitate” to grab more land](#) unilaterally if Congress refuses to do it.

Of course, the federal government already claims to “own” about half of all land west of the Mississippi River — but that is apparently not enough. “Hungry for more, the Obama administration is poised to make the largest land grab in modern history, and to do so covertly,” observed an editorial in the free market-oriented Daily Bell by liberty-minded columnist Wendy McElroy the day before the formal announcement about the chicken was made public. “The land grab is being engineered in a manner that has become a signature of the Obama administration: quietly, autocratically and by sidestepping established restraints.”

As *The New American* has been documenting for decades, the war on private-property rights under any and all conceivable pretexts is monumental — and it has been accelerating at record pace under the Obama administration. It is also a global phenomenon, with the UN and various international outfits [working around the world](#) to place as much land as possible as quickly as possible off limits to citizens. On the bright side, though, as the war intensifies, Americans and their elected officials are slowly waking up and fighting back.

Alex Newman is a correspondent for The New American, covering economics, education, politics, and more. He can be reached at anewman@thenewamerican.com. Follow him on Twitter [@ALEXNEWMAN_JOU](#).



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