

**AMENDMENT #1
TO
AGRICULTURAL
CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES
FOR LESSER PRAIRIE CHICKENS**

between

OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION

and

U. S. FISH AND WILDLIFE SERVICE

These Amendments apply to the Agricultural Candidate Conservation Agreement with Assurances (CCAA) for the lesser prairie chicken (LEPC) between the Oklahoma Department of Wildlife Conservation (ODWC) and the U. S. Fish and Wildlife Service (USFWS) approved on January 25, 2013. The Amendments pertain to 1) *the number of acres targeted for enrollment*, 2) *the number of days the USFWS will need to review completed Certificates of Inclusion (CI)*, and 3) *the number of days of written notification a participating landowner must provide ODWC prior to withdrawal from the CI*. The amendments become effective and binding on the date of the last signature below. Administrators of this CCAA are:

ODWC: The ODWC designates the following individual as the
 CCAA Administrator: Richard Hatcher
 Director
 P.O. BOX 53465, OKC, OK 73152
 Phone: 405-522-6279
 Email: *rhatcher@odwc.state.ok.us*

USFWS: The USFWS designates the following individual as the
 CCAA Administrator: Dixie Porter, Ph. D.
 Field Supervisor, Tulsa Ecological Services Field Office
 9014 E. 21st St. Tulsa, OK, 74129
 Phone: 918-382-4504
 Email: *dixie_porter@fws.gov*

Tracking Number: TE72923A-1

The ODWC has requested an amendment to their existing agricultural CCAA for the LEPC in Oklahoma. The proposed amendment would be to double the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 200,000 to 400,000 acres. The USFWS has carefully considered the requested amendment. We concur that enrollment of 400,000 acres under the CCAA is feasible and that increasing the number of acres eligible for enrollment would increase the conservation benefit for the LEPC. The USFWS also desires to change the number of days within which they will review completed Certificates of Inclusion and notify ODWC regarding whether the proposed land should be enrolled; and modify Appendix A of the CCAA (Certificate of Inclusion template) so that it is consistent with Section XVI (Withdrawal from CI) of the CCAA in regards to the number of days of written notification a participating landowner must provide ODWC prior to withdrawal from the CI. Therefore, the CCAA hereby is amended as follows:

Section I. Responsibilities of the Parties

- Paragraph 2, Lines 15 – 18
 - Original “USFWS will, within 450 days of receipt of a completed CI from ODWC, notify ODWC in writing (through signature on the CI) of the USFWS’ determination of whether the proposed land(s) should be enrolled.”
 - Amended to read as: “USFWS will, within 45 days of receipt of a completed CI from ODWC, notify ODWC in writing (through signature on the CI) of the USFWS’ determination of whether the proposed land(s) should be enrolled.”

Section II. Planning Area, Covered Area, and Enrolled Lands

- Paragraph 1, Page 3, Lines 13 – 14
 - Original: “ODWC’s goal is to enroll a minimum of 100,000 acres under this CCAA by 01 January 2020.”
 - Amended to read as: “ODWC’s goal is to enroll a minimum of 400,000 acres under this CCAA during its 25 year duration.”

Section IV. Background and Description of Existing Conditions

- Paragraph 16, Page 13, Lines 3 – 5
 - Original: “The goal of this CCAA is to enroll a minimum of 100,000 acres under this CCAA by 2020, and allows for the enrollment of an additional 100,000 acres between 2020 and 2037.”

- Amended to read as: “The goal of this CCAA is to enroll 400,000 acres during its 25 duration.”

Section VII. Type of Take/Level/Impacts

- Paragraph 4, Page 25, Lines 20 - 29
 - Original: “Additionally, the stated goal of this CCAA is to enroll a minimum of 100,000 acres by 2020. Assuming the minimum objective is reached, the CCAA would influence about 10% percent of the occupied portion of the EOR in Oklahoma. If, on average, LEPC densities are about two birds per square mile in good quality habitat, there could be as many as 312 LEPCs within the targeted enrollment/implementation area of this CCAA and an overall population of about 3,125 birds within the entire planning area. Over the remaining 17 years of the life of the CCAA, it is feasible to assume that another 100,000 acres may be enrolled. If an additional 100,000 acres are enrolled, the CCAA would influence about 20% percent of the occupied portion of the EOR in Oklahoma, and there could be as many as 625 LEPCs within the enrolled area.”
 - Amended to read as: “The goal of this CCAA is to enroll a minimum of 400,000 acres. Over the 25 year life of the CCAA, it is feasible to assume that the goal of 400,000 acres may be enrolled. Assuming the objective is reached, the CCAA would influence about 40% percent of the occupied portion of the EOR in Oklahoma. If, on average, LEPC densities are about two birds per square mile in good quality habitat, there could be as many as 1,250 LEPCs within the targeted enrollment/implementation area of this CCAA and an overall population of about 3,125 birds within the entire planning area.”
- Paragraph 5, Page 25, lines 13 - 17
 - Original: “Thus the total number of LEPC that might reasonably be expected to occur within the targeted 100,000 acres encompassed by this agreement would be 201 birds. If an additional 100,000 acres are enrolled between 2020 and 2037, then a total of 402 birds would be reasonably expected to occur within the 200,000 acres.”
 - Amended to read as: “Thus the total number of LEPC that might reasonably be expected to occur within the targeted 400,000 acres encompassed by this agreement would be about 804 birds.”
- Paragraph 6, Page 26
 - Original: “Under a worst case scenario, all 402 birds might be taken in the form of harm, harassment, or direct mortality. However, because the CCAA is a conservation program developed for the benefit of the LEPC, the worst case scenario is not anticipated to occur. Lacking a more precise estimate of incidental

take, we anticipate that no more than 5% of nests with eggs or broods/year and no more than 5% of LEPCs/year would be taken on enrolled lands due to the implementation of conservation measures and from ongoing otherwise lawful agricultural, recreational, and limited-development activities. Based on current conditions, we assume that 402 LEPCs might occur on the 200,000 acres expected to be enrolled over the life of the program and that these 402 birds, under optimum conditions, would construct about 201 nests/year. Therefore, we anticipate that, on average, no more than 10 nests with eggs or broods/year would be taken in the form of mortality. We also anticipate that no more than an average of 20 LEPCs/year would be taken in the form or mortality. As the number of LEPCs increase in Oklahoma due to the CCAA and other similar conservation programs, as is expected, an increase in the amount of authorized incidental take will be considered by the Service if formally requested by the ODWC.”

- Amended to read as: “Under a worst case scenario, all 804 birds might be taken in the form of harm, harassment, or direct mortality. However, because the CCAA is a conservation program developed for the benefit of the LEPC, the worst case scenario is not anticipated to occur. Lacking a more precise estimate of incidental take, we anticipate that no more than 5% of nests with eggs or broods/year and no more than 5% of LEPCs/year would be taken on enrolled lands due to the implementation of conservation measures and from ongoing otherwise lawful agricultural, recreational, and limited-development activities. Based on current conditions, we assume that 804 LEPCs might occur on the 400,000 acres expected to be enrolled over the life of the program and that these 804 birds, under optimum conditions, would construct about 402 nests/year. Therefore, we anticipate that, on average, no more than 20 nests with eggs or broods/year would be taken in the form of mortality. We also anticipate that no more than an average of 40 LEPCs/year would be taken in the form or mortality. As the number of LEPCs increase in Oklahoma due to the CCAA and other similar conservation programs, as is expected, an increase in the amount of authorized incidental take will be considered by the USFWS if requested by the ODWC through a formal amendment.”

Appendix A (Certificate of Inclusion)

- Lines 18 -20
 - Original: “Due to the voluntary nature of this agreement, the participating landowner may withdraw from this agreement at any time without penalty, with 30 days written notification to the ODWC and the USFWS.”
 - Amended to read as: “Due to the voluntary nature of this agreement, the participating landowner may withdraw from this agreement at any time without penalty, with 10 days written notification to the ODWC.”

IN WITNESS WHEREOF, THE PARTIES HERETO have, as of the last signature date below, amended this Candidate Conservation Agreement with Assurances.

Richard J. Hatch
Director
Oklahoma Department of Wildlife Conservation

11/26/13
Date

Adus Just Bain
Field Supervisor
Oklahoma Ecological Services Field Office
U.S. Fish and Wildlife Service

12/18/13
Date