



Questions and Answers: Proposed Industry Conservation Plan for the American Burying Beetle

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Q. What action is the U.S. Fish and Wildlife Service (Service) taking?

A. The Service is announcing the availability of the draft environmental assessment (dEA) and the proposed Industry Conservation Plan (ICP) for the American burying beetle (ABB). The proposed ICP covers activities in 45 Oklahoma counties. Once completed, oil and gas companies may be eligible to apply for an Endangered Species Act (ESA) section 10 permit through the ICP, which will provide incidental take authorization for the ABB for covered activities. The Service encourages the public, industry and scientific community to review and comment on the draft ICP and dEA during the 14-day public comment period.

Q. What is the Industry Conservation Plan?

A. The ICP is a conservation plan that is intended to meet the requirements for issuance of an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act. Participation in the ICP is voluntary. The Service may choose to develop an ICP in an effort to increase the efficiency of ESA compliance when a particular recurring activity may result in an impact to a federally listed species. It offers project proponents a streamlined permitting process that results in the same assurances and protections as a Habitat Conservation Plan (HCP).

Q. What is the length of the proposed ABB Industry Conservation Plan?

A. The proposed ABB Industry Conservation Plan would be in effect for a period of two years for project construction and a 20 year term for operations and maintenance if approved.

Q. What areas are covered in the draft ABB Industry Conservation Plan?

A. The proposed permit area includes 45 counties in Oklahoma including Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garvin, Haskell, Hughes, Johnston, Kay, Latimer, Le Flore, Lincoln, Love, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Tulsa, Wagoner and Washington.

Q. What activities are covered in the draft Industry Conservation Plan?

A. The proposed ICP would cover the take of the ABB that is incidental to activities associated with oil and gas exploration and the construction, operation, maintenance, repair, and decommissioning of oil and gas pipelines and well fields , and will include measures necessary to minimize and mitigate impacts to the ABB and its habitat.

Q. How can the public comment on the draft Industry Conservation Plan and draft Environmental Assessment?

A. The Service will accept comments received on or before, or postmarked by on or before April 30, 2014. Comments can be submitted electronically or as a hard copy.

- Electronically: Go to the ABB_ICP@fws.gov.
- By hard copy: Submit by U.S. mail or hand-deliver to: U.S. Fish and Wildlife Service, Tulsa Ecological Services Field Office, 9014 E. 21st Street, Tulsa, OK 74129.

The public can obtain copies of the draft EA and draft ICP online at:

www.fws.gov/southwest/es/oklahoma/ABBICP.

Q. How will industry address projects that might impact the American burying beetle after the Industry Conservation Plan expires?

A. The Service proposes to have a General Conservation Plan (GCP) completed within two years and recommends that industry representatives apply for incidental take permits for oil and gas development through the GCP.

Q. What is the status of the General Conservation Plan?

A. In May 2012, the Service began developing a GCP to provide an efficient mechanism for compliance with the ESA that would support individual incidental take permits for oil and gas development while promoting conservation of the endangered ABB. Once completed, a GCP would provide participants enrolled in the GCP the ability to receive incidental take coverage through a permit for the ABB under section 10 of the ESA.

Due to the science review and the statutory/regulatory requirements, the ABB GCP would not be completed prior to the 2014 ABB active season. To provide industry with a compliance option in the near term, a two year ICP is being proposed in order to cover the 2014 and 2015 ABB active seasons. The GCP and ICP would be options industry could use, but they may also choose to pursue their own Habitat Conservation Plans.