

Frequently Asked Questions (FAQs) for the Lesser Prairie Chicken Oil and Gas Range-wide CCAA

Q: What is a CCAA?

A: Candidate Conservation Agreements with Assurances (CCAA) are a voluntary conservation agreement between non-Federal landowners or developers and the U.S. Fish and Wildlife Service (Service) to conserve species that are candidates for listing under the Endangered Species Act (ESA) or other unlisted species. In return for implementing the conservation measures in a CCAA, the Service provides assurances to participants that, if the species is listed, they can manage their land as agreed to in the CCAA with no additional requirements of land, water, or financial compensation or restrictions on the use of land, water, or other natural resources for the species covered by the CCAA. The Service also issues a permit under the ESA that authorizes take of the covered species associated with implementation of the CCAA. Before approving a CCAA, the Service must determine that the benefits of the conservation measures, when combined with those benefits that would be achieved if it is assumed that such conservation measures were also to be implemented on other necessary properties, would preclude or remove any need to list the covered species. More information on CCAAs can be found at www.fws.gov/endangered/what-we-do/html.

Q: What is the 2013 Lesser Prairie-Chicken Range-wide Conservation Plan?

A: The 2013 Lesser Prairie-Chicken Range-wide Conservation Plan (RWP) is a comprehensive conservation plan developed by the Lesser Prairie-Chicken Interstate Working Group of the Western Association of Fish and Wildlife Agencies (WAFWA). WAFWA developed the RWP with the goal of conserving the lesser prairie-chicken while facilitating continued and uninterrupted economic activity, including oil and gas, wind energy, transmission lines, land management, livestock management and road construction, throughout the entire range of the species. The species range occurs in parts of Colorado, Kansas, Oklahoma, Texas, and New Mexico. The RWP emphasizes tools and incentives to encourage landowners and others to voluntarily partner with agencies to implement conservation efforts in lesser prairie-chicken habitat. The RWP also has a mitigation framework that incentivizes a reduction in threats and provides resources for off-site conservation.

Q: What is the draft lesser prairie-chicken range-wide CCAA for oil and gas activities (LEPC CCAA)?

A: The draft LEPC CCAA is designed to help implement the RWP by including the RWP's avoidance, minimization, and mitigation conservation measures for oil and gas activities. Enrollment of lands for oil and gas activities into the LEPC CCAA would generate mitigation fees which would provide significant funds for the implementation of conservation actions under the RWP. WAFWA proposes to hold the ESA take permit and enroll lands for oil and gas operators that commit to implement the LEPC CCAA's conservation measures through certificates of inclusion. The permit's take authority would then be conveyed to participating operators for activities on their enrolled lands. They also receive the Service's assurances that we would not impose on them additional commitments or restrictions regarding the lesser prairie-chicken. The proposed term of the permit is 30 years.

Q: What is the Service announcing?

A: The Service is announcing the availability of the WAFWA's application for the permit for public review. The application package consists of the application form, draft LEPC CCAA, and a draft

environmental assessment (EA). The Service prepared the draft EA, pursuant to the National Environmental Policy Act, to evaluate the potential effects of implementation of the LEPC CCAA and issuance of the permit on the human environment.

Q: How do I view the documents and provide comments?

A: You may view the application documents at the Service's Mountain-Prairie Region Ecological Services website at: <http://www.fws.gov/coloradoes/>. If you do not have access to the website or cannot visit our office, you may request copies by telephone at (303) 236-4773 or by letter to the Colorado ESFO.

You also may review copies of these documents by appointment during regular business hours at the following offices: (a) Colorado Ecological Services Field Office (ESFO) (see address above), (303) 236-4773; (b) Kansas ESFO, 2609 Anderson Ave., Manhattan, KS 66502, (785) 539-3474; (c) Oklahoma ESFO, 9014 East 21 St., Tulsa OK 74129, (918) 382-4501; (d) Austin, Texas ESFO, 10711 Burnet Rd., Suite 200, Austin, TX 78758, (512) 490-0057; (e) Arlington, Texas ESFO, 2005 NE Green Oaks Blvd., Suite 140, Arlington, TX 76006, (817) 277-1100; and (f) New Mexico ESFO, 2105 Osuna NE, Albuquerque, NM 87113, (505) 346-2525. Send written comments to Field Supervisor, Colorado Ecological Services Field Office, 134 Union Blvd., Ste. 670, Lakewood, CO 80228; or via email to lesserprairiechicken@fws.gov.

Q: How long do I have to provide comments?

A: The comment period will be open for 30 days, from December 18, 2013, through January 17, 2014.

Q: What are the next steps?

A: After the comment period closes, the Service will review all the submitted comments. The Service will then coordinate with WAFWA and representatives of oil and gas industry to determine if any changes to the LEPC CCAA are needed based on public comments. The Service will also adjust the EA, as appropriate, based on comments, and prepare responses. If, through the EA analyses, the Service finds that implementation of the LEPC CCAA would not significantly affect the environment, the Service will issue a finding to that effect and finalize the EA. If not, the Service would prepare an environmental impact statement, which requires more detailed analyses and further public review. The Service will also conduct an intra-Service consultation, pursuant to section 7 of the ESA, to analyze effects of the LEPC CCAA to any candidate, proposed, or listed species and determine if their continued existence may be jeopardized. The Service will also prepare a Set of Findings that analyzes whether all the criteria for issuing a permit under a CCAA have been met. If they have, the Service will then issue the permit to WAFWA. At that point, oil and gas operators may apply to WAFWA to enroll in the LEPC CCAA via certificates of inclusion.

Q: What are other major actions has the Service taken and is considering for the lesser prairie-chicken?

A: On June 9, 1998, the Service determined that listing of the lesser prairie-chicken under the ESA was warranted but precluded by other higher priority actions (63 FR 31400). In the December 10, 2008, Candidate Notice of Review (73 FR 75176), the Service elevated the listing priority of the lesser prairie-chicken from 8 to 2, because the overall magnitude of threats to the lesser prairie-chicken were increasing and occurring throughout almost all of its occupied range.

On December 11, 2012, the Service proposed to list the lesser prairie-chicken as threatened throughout its range (77 FR 73828). On May 6, 2013, the Service proposed a special rule (78 FR 26302), under section 4(d) of the ESA, which would allow for take of the lesser prairie-chicken incidental to activities conducted pursuant to a Service-approved comprehensive conservation program developed by or in coordination with a State agency. The rule also proposed authorizing take incidental to agricultural activities included in a conservation plan developed by the Natural Resources Conservation Service (NRCS) for private agricultural lands in connection with the NRCS's Lesser Prairie-Chicken Initiative. On December 11, 2013, the Service published a revised proposed 4(d) special rule and reopened the public comment period for the 4(d) special rule and the listing proposal. The Service will issue its final listing determination no later than March 30, 2014.

Q: Has the Service approved other CCAAs that address the lesser prairie-chicken?

A: Yes, approved CCAAs for the lesser prairie-chicken exist in New Mexico, Texas, and Oklahoma. The New Mexico agreement addresses oil and gas activities and grazing activities. The agreement is a combined CCA (which is for Federal lands) and CCAA (for non-Federal lands). In 2008, the Service, Bureau of Land Management (BLM) and Center of Excellence in Hazardous Materials Management (CEHMM) partnered to develop this CCA/CCAA. On March 1, 2012, the New Mexico State Land Office enrolled all conserved lesser prairie-chicken habitat on State Trust lands into these agreements. That action, as well as the removal of prime lesser prairie-chicken habitat from gas and oil leasing by the BLM and the enrollment of ranching and oil and gas interests on private and BLM lands, has resulted in conservation benefits to lesser prairie-chicken habitat in the State. The Texas Parks and Wildlife Department holds a permit under an agricultural CCAA and enrolls landowners who volunteer to implement management plans for the lesser prairie-chickens in Texas. The Oklahoma Department of Wildlife Conservation's CCAA for the lesser prairie-chicken covers agricultural activities on non-Federal lands in 14 Oklahoma counties.

