



NATIVE ENDANGERED SP. HABITAT
CONSERVATION PLAN

Permit Number: ES89394D

Version Number: 1

Effective: 2025-03-14 **Expires:** 2051-12-10

Issuing Office:

Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

ES Albuquerque Permit Office
500 Gold Avenue S.W., P.O.Box 1306
Albuquerque, New Mexico 87103-1306

Digitally signed by

Deputy Regional Director

Permittee:

Mr Wayne Walker
LPC Conservation LLC
1530 PB Lane #W5280
Wichita Falls, Texas 76302-2612
405/596-9139
wayne@commongroundcapital.com

Authority: Statutes and Regulations: 16 U.S.C. 1539 (a) 50 CFR 17.22, 50 CFR 17.32, 50 CFR 13

Location where authorized activity may be conducted:

Privately owned lands across portions of Colorado, Kansas, Oklahoma, Texas, and New Mexico which support lesser prairie-chicken (LEPC) habitat (see Figure 3 of the HCP).

Reporting requirements:

Annual REPORT DUE: March 15. See permit terms and conditions for specific reporting requirements.

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- A. General conditions set out in subpart D of 50 CFR 13, and specific conditions contained in Federal regulations cited above in Authority, are hereby made a part of this Permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal, of this Permit is subject to complete and timely compliance with all applicable conditions, including filing all required information and reports.
- B. Valid for use by Permittees named above. The validity of this Permit is also conditioned upon strict observance of all applicable foreign, state, local, or other federal law.
- C. Acceptance of the Permit serves as evidence that the Permittee understands and agrees to abide by the terms and conditions of this Permit and all applicable sections of 50 CFR Parts 13, 17, and 21 pertinent to issued permits. Terms and conditions of the Permit are inclusive. Any activity not specifically permitted is prohibited. Violations of Permit terms and conditions could result in the Permit being suspended or revoked. Violations of the Permit terms and conditions that contribute to a violation of the Endangered Species Act (ESA) could also subject you to criminal or civil penalties.
- D. The person listed above must counter-sign the Permit to acknowledge receipt and signify agreement to fully abide by and implement this permit. You must return an original signature copy to the Regional Office listed below in condition M.

Permittee Signature: _____

Date: _____

E. Compliance

The authorization granted by this permit will be subject to full and complete compliance with, and implementation of, the HCP and all specific conditions contained in this Permit. The Permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the HCP or other program documents.

F. Definitions

Terms used in this Permit and specifically defined in the ESA or in regulations adopted by the Service under the ESA have the same meaning as in the ESA and those implementing regulations unless this Permit expressly provides otherwise.

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G. Covered Species

The following is a list of the species covered under this Permit:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Listing Status</u>
Northern DPS of Lesser Prairie-Chicken	<i>Tympanuchus pallidicinctus</i>	Threatened
Southern DPS of Lesser Prairie-Chicken	<i>Tympanuchus pallidicinctus</i>	Endangered

H. Incidental Take Authorized

Incidental take, as described below, is authorized for the Covered Species, for Covered Activities as described in Section 2 of the HCP.

The Service authorizes incidental take of LEPC in the form of harm through development of renewable energy (wind and solar), power lines, communication towers, and grassland management mitigation sites. We authorize the following incidental take as a result of the proposed action:

- Impacts to suitable LEPC habitat resulting from covered activities of the HCP not to exceed 300,000 acres within the Northern DPS of the LEPC and 200,000 acres within the Southern DPS of the LEPC.

I. Covered Activities

Covered Activities, as described in detail in Section 2 of the HCP, include:

- Site preparation, construction, repairs, repowering, decommissioning, and post construction restoration of temporarily disturbed areas associated with wind energy, solar energy, power lines, and communications towers.
- Activities such as fire management, erosion control, mechanical brush control, herbicide treatment, grazing management, range planting, forest harvest management, and fence installation associated with grassland improvement and management on mitigation properties.

J. Conservation Program

The Permittee agrees to implement all the measures as described in Section 5 of the HCP to avoid or minimize and mitigate impacts from covered activities.

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K. Changed Circumstances

The Permittee is obligated to implement the measures specified Section 6.2 of the HCP.

L. Monitoring

The Permittee will conduct monitoring as described in Section 5.4 of the HCP. Monitoring will include all aspects of the enrollment process, compliance with the Certificates of Inclusion, HCP, and this Permit, and monitoring of overall effectiveness of the HCP.

M. Reporting

The Permittee will monitor and report compliance and effectiveness annually both on a per-project basis and aggregated across all enrolled projects. Section 5.4 of the HCP describes the details of what will be included in annual reports. The annual reports must be written to provide clarity and transparency that the HCP is being implemented as written, is in compliance, and is being effective. The Permittee will work with the Service prior to report submission to ensure the report and material contained within are transparent and complete.

The Permittee will provide the annual report, due on March 15 of each year the permit is in effect, to:

U.S. Fish and Wildlife Service, Region 2
Environmental Review – Section 10 Permits
P.O. Box 1306, Room 6034
Albuquerque, New Mexico 87103
FW2_HCP_Permits@fws.gov

Electronic submission to the appropriate e-mail address is preferred.

GENERAL TERMS AND CONDITIONS**N. No Surprises Assurances**

The covered species listed above is considered adequately addressed under the HCP, and are therefore, covered by “No Surprises” assurances. If the Service demonstrates that unforeseen circumstances exist during the life of the permit and additional measures are deemed necessary to respond to those circumstances, the Service may require additional measures of the Permittees where the HCP is being properly implemented, but only through coordination with Permittee(s) and only if such measures are limited

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to modifications to the HCP's operating conservation program for the covered species, and maintain the original terms of the HCP to the maximum extent practicable. Notwithstanding the foregoing, the Service will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for covered species without the consent of the Permittee(s).

O. Transferring

The terms and conditions of this Permit shall be binding on and inure to the benefit of the Permittee(s), including their successors and assigns, as provided in 50 CFR 13.24 and 13.25. If this Permit needs to be transferred due to a change in ownership the transfer will be accomplished in accordance with 50 CFR 13.25. Any change in the names, addresses or other administrative correction or alteration of the Permit will be in accordance with 50 CFR 13.23. Full or partial transfers will require notification to the Service no less than 30 days prior to the proposed transfer and the submittal of an Assumption Agreement between the current Permittee and the Transferee. The covered activities proposed or in progress under the original Permit may not be interrupted provided the conditions of the Permit are being followed.

P. Amendments

This Permit may be amended in accordance with the provisions of 50 CFR 13.23. The Permittee(s) must provide a written statement of the reasons for the proposed amendment and an analysis of its environmental effects, including its effects on covered species. The activities proposed or in progress under this Permit may not be interrupted, provided the required conditions of this Permit are being followed. The Service may amend the Permit at any time for just cause, and upon written finding of necessity.

If the covered activities and/or the extent of the impacts described in the HCP are altered during the life of the Permit, such that there may be an increase in the anticipated take of covered species, Permittee(s) are required to contact the Service and amendment of this Permit before commencing any activities that might result in take beyond that described in the HCP.

Q. Suspension and Revocation

Suspension: The Service may suspend this Permit if the Permittee(s) is/are not in compliance with the conditions of this Permit, the HCP, or any applicable Federal laws and regulations. The procedures applicable to any suspension shall be in accordance with the Federal regulations in effect at the time of the suspension; provided however, that, at a minimum, the Permittee shall be afforded the procedural rights set forth in 50 CFR 13.27 in existence on the effective date. The suspension shall remain in effect until the Service determines that the Permittee(s) have corrected the deficiencies, or the Permit is revoked.

Revocation: The Service shall not revoke this Permit for any reason except those listed in 50 CFR 13.28(a)(1)-(4), or unless the covered activities would be inconsistent with the criteria set forth in 16 U.S.C.

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§ 1539(a)(2)(B)(iv) and this inconsistency has not been remedied. Notwithstanding the foregoing, this Permit will only be revoked if the Service, the Permittees, and other interested parties have not been successful in remedying any such inconsistency through other means.

R. Renewals

The Permittee(s) may apply for the renewal of the Permit prior to its expiration date in accordance with the provisions of 50 CFR § 13.22.

S. Disposition

Upon locating a dead, injured, or sick individual of the covered species, or any other endangered or threatened species, the Permittee is required to contact the Service's Law Enforcement Office (P.O. Box 1306, Albuquerque, NM 87103-1306, 505-248-7889) for care and disposition instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological materials in the best possible state for analysis of cause of death. In conjunction with the care of sick or injured endangered/threatened species, or preservation of biological materials from a dead specimen, the Permittee and any contractor/subcontractor has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

*** End of Permit Terms and Conditions for Permit # ES89394D-1