

AMENDMENT #2
to
AGRICULTURAL
CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES FOR
LESSER PRAIRIE CHICKENS
between
OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
and
U.S. FISH AND WILDLIFE SERVICE

The amendments apply to the Agricultural Candidate Conservation Agreement with Assurances (CCAA) for the lesser prairie-chicken (*Tympanuchus pallidicinctus*; 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 the number of acres targeted for enrollment. 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: J.D. Strong
Director, ODWC
P.O. Box 53465, Oklahoma City, Oklahoma 73152
Phone: 405-522-6279
Email: *jd.strong@odwc.ok.gov*

USFWS: The USFWS designates the following individual as the CCAA
Administrator: Ken Collins
Project Leader, Oklahoma Ecological Services Field Office
9014 East 21st Street, Tulsa, Oklahoma 74129
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Email: *ken_collins@fws.gov*

The ODWC has requested an amendment to their existing agricultural CCAA for the LEPC in Oklahoma. The proposed amendment would be to increase the net conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from the current maximum of 400,000 acres to a maximum of 1 million acres across 14 counties in Oklahoma. The USFWS has carefully considered the requested amendment. We concur that enrollment of 1 million acres under the CCAA is feasible and that increasing the number of acres eligible for enrollment would increase the net conservation benefit for the LEPC in Oklahoma and contribute to the species' conservation across the entirety of its range. The proposed amendments to the CCAA are as follows:

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

- Paragraph 1, Page 3
 - o Amendment #1 January 25, 2013: "ODWC's goal is to enroll a minimum of 400,000 acres under this CCAA during its 25-year duration."
 - o Amended to read as: "ODWC's goal is to enroll a maximum of 1 million acres under this CCAA during its 25-year duration."

Section IV. Background and Description of Existing Conditions

- Paragraph 16, Page 12-13
 - o Amendment #1 January 25, 2013: "The goal of this CCAA is to enroll 400,000 acres during its 25-year duration."
 - o Amended to read as: "The goal of this CCAA is to enroll a maximum of 1 million acres that meet the suitable habitat standard for lesser prairie-chickens during its 25-year duration."

Section VII. Type of Take/Level/Impacts

- Paragraph 4, Page 25
 - o Amendment #1 January 25, 2013: "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."
 - o Amended to read as: "The goal of this CCAA is to enroll a maximum of 1 million acres of suitable habitat for lesser prairie chickens during its 25-year duration. This CCAA would seek to influence the full extent of the estimated occupied range (EOR) in Oklahoma. If, on average, LEPC densities in the mixed grass ecoregion are approximately 5,202, there could be as many as 3,125 birds within the entire planning area. Maximum enrollment will increase the net conservation benefit to the LEPC population in Oklahoma and contribute to the species' conservation across the entirety of its range."

- Paragraph 5, Page 25

- o Amendment #1 January 25, 2013: "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."
- o Amended to read as: "Thus the total number of LEPC that might reasonably be expected to occur within the acres encompassed by this agreement would be about 3,125 birds."

- Paragraph 6, Page 26

- o Amendment #1 January 25, 2013: "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 of 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."
- o Amended to read as: "Under a worst case scenario, all 3,125 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 3,125 LEPCs might occur on the acres expected to be enrolled over the life of the program and that these 3,125 birds, under optimum conditions, would construct about 1,562 nests/year. Therefore, we anticipate that, on average, no more than 78 nests with eggs or broods/year would be taken in the form of mortality. We also anticipate that no more than an average of 156 LEPCs/year would be taken in the form of mortality."

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

Director
Oklahoma Department of Wildlife Conservation

Date

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

Date