



Issuing Office:

Department of the Interior
U.S. Fish & Wildlife Service
Endangered Species Permit Office
500 Gold Avenue S.W.
P.O. Box 1306, Room 6034
Albuquerque, NM 87103-1306

Deputy Regional Director Signature:



DRD - Southwest Region

Date 1-20-2021

Permittee:

Christopher Jensen
Canyon Environmental, LLC
2562 N 320 E
Provo, UT 84604
801-602-6883
chris@canyonenvironmental.com

Authority: Statutes and Regulations: 16 USC 1539(a); 50 CFR 17.22, 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

The Texas Counties of Andrews, Crane, Ector, Gaines, Ward, and Winkler.

Reporting requirements:

Annual REPORT DUE: March 1

See permit terms and conditions for specific reporting requirements.

Conditions and Authorizations:

- 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 Q.

Permittee Signature: _____

Date: 1/20/2021



Issuing Office:

Department of the Interior
U.S. Fish & Wildlife Service
Endangered Species Permit Office
500 Gold Avenue S.W.
P.O. Box 1306, Room 6034
Albuquerque, NM 87103-1306

Deputy Regional Director Signature:

DRD - Southwest Region

Date 1-20-2021

Permittee:

Christopher Jensen
Canyon Environmental, LLC
2562 N 320 E
Provo, UT 84604
801-602-6883
chris@canyonenvironmental.com

Authority: Statutes and Regulations: 16 USC 1539(a); 50 CFR 17.22, 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

The Texas Counties of Andrews, Crane, Ector, Gaines, Ward, and Winkler.

Reporting requirements:

Annual REPORT DUE: March 1

See permit terms and conditions for specific reporting requirements.

Conditions and Authorizations:

- 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 Q.

Permittee Signature:

Date: 1/20/2021



E. Compliance

The authorization granted by this permit will be subject to full and complete compliance with, and implementation of, the 2020 Candidate Conservation Agreement with Assurances for the Dunes Sagebrush Lizard (*Sceloporus arenicolus*) (dated 1/15/21, CCAA or Plan), except as modified by this permit, and all specific conditions contained in this permit. The permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the Plan and related environmental assessment (EA), or other associated documents, including but not limited to, Certificates of Inclusion (CI).

F. Definitions

The capitalized terms used in this Permit shall have the meaning ascribed to them in this Condition. To the extent that the definitions incorporate covenants and agreements, such covenants and agreements shall bind the Permittees. 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.

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>
Dunes Sagebrush Lizard	<i>Sceloporus arenicolus</i>	

H. Incidental Take Authorized

Incidental Take of dunes sagebrush lizard (*Sceloporus arenicolus*)(DSL) is authorized, in the form of harm, harassment, injury and mortality, and up to a maximum of 34,940 acres of DSL habitat classified by the Hardy Map and Table 3 of the 2020 Candidate Conservation Agreement with Assurances for the Dunes Sagebrush Lizard as a proxy for Incidental Take.¹

1. Incidental take under this permit shall not exceed the following maximums by sector as follows:
 - a. Oil and Gas: 15,424 acres
 - b. Linear Infrastructure: 1,355 acres
 - c. Local Government, Agriculture, and Ranching: 834 acres
 - d. Sand Mining: 16,560 acres
 - e. Renewable Energy: 767 acresTotal: 34,940 acres

¹ NB: As described in the approved 2020 DSL CCAA, 34,940 acres represents the maximum potential take that may be authorized under this permit. For purposes of monitoring new disturbance of DSL Habitat in the Covered Area and evaluating potential adaptive management triggers, changed circumstances, and unforeseen circumstances, this total maximum take figure is a ceiling that is inclusive of all disturbance of DSL Habitat within the Covered Area by Participants and non-participants. For example, the 1,749.54 acres of take currently allocated to the participants in the TCP is included in this overall maximum take figure and shall not be allocated to Participants in the 2020 DSL CCAA, including the oil and gas sector.



2. The Permittee is required to track the cumulative enrolled acreage in all CIs entered into under the CCAA and this Permit. This Incidental Take coverage is provided for the Participants identified in the Term and Condition K, below. The actual incidental take authorized for an individual Participant and its enrolled property will be described in the Participant's CI, such that overall authorized take by Participants can be managed over time based on the performance of the plan, including for purposes of evaluating adaptive management triggers, changed circumstances, and unforeseen circumstances. The cumulative enrolled acreages and amount of take must be accounted for and reported semi-annually, and must be included by the Permittee in all annual reports. The total maximum take figure is a ceiling that is inclusive of all disturbance of DSL Habitat within the Covered Area by Participants and non-participants, including those allocated in other conservation plans.
3. The following conditions apply to this incidental take authorization provided through this Enhancement of Survival Permit:
 - a. Semi-Annual Reports: The Permittee, or its designated Representative, will monitor and track surface disturbing activities, reporting those that actually occur in DSL Habitat as set forth in Appendix D of the CCAA separately from the overall disturbance acreage on a semi-annual basis for the first 2 years. Impacts will be reported by location, DSL Habitat classifications and vegetative cover, where such information is available. The cumulative enrolled acreages in all CIs entered into under the CCAA and this Permit also must be included by the Permittee in all semi-annual and annual reports. Within 60 days of permit acceptance or as soon as practicable, Permittee will meet with the Service to discuss reporting processes, formats, and other items to fulfill all required reporting requirements.
 - b. Should the total Participant and non-Participant impact to DSL habitat reach 60% of the maximum authorized take in this Permit, it will trigger a review between the Permittee and the Service through the Adaptive Management process in Section 15 of the CCAA.
 - c. Incidental take authorization will become effective, if and at such a time that the DSL becomes listed as either threatened or endangered, at the level consistent with activities documented in the CIs for enrolled Participants. Incidental take of the DSL will be exceeded when: the level of authorized Take (Impacted Acres) is exceeded by industry sector, if Participants are not implementing their conservation commitments, or the land use has changed such that the level of effects on the enrolled lands is not consistent with the level of effects under the CCAA and this permit.
 - d. This incidental take is authorized based upon the full implementation of the CCAA and is based upon all habitat affected or impacted by Participants.
 - e. Incidental take related to short-term adverse effects from recovery or conservation actions that provide long-term benefit to the DSL are authorized if implemented by the Permittee or designated representative, including Participants with valid CI.
 - f. If, during the tenure of this permit, the project design and/or the extent of the habitat impact is altered, such that there may be an increase in the anticipated take of the DSL commensurate with the Permit, Permittee is required to contact the Service and begin working on an amendment of the Permit before commencing any activities that might result in incidental take or habitat loss beyond that described in this Permit.



If actions associated with implementation of the CCAA are shown to result in incidental take of listed species not covered by this permit, those activities that are shown to cause take must cease immediately and any take that has occurred must be reported to the Austin ESFO at 512-490-0057 within 48 hours.

I. Plan Duration

The Plan and Permit will have a duration of 23 years from the date of the last signature accepting the Permit. This Permit becomes effective upon the date the Dunes Sagebrush Lizard (*Sceloporus arenicolus*) may be listed as Threatened or Endangered under the Federal Endangered Species Act, and will be valid until the date the expiration date on the Plan/Permit.

J. Participation

Participation is limited to non-Federal Participants in the CCAA that are not otherwise Participants in the Texas Conservation Plan for the Dune Sagebrush Lizard. The following conditions apply:

1. The Service will review each CI to confirm the CI is consistent with the CCAA for the applicable industry sector.
2. Permittee will process and monitor all CIs to document that the conservation measures implemented on the enrolled properties will provide a net conservation benefit to the DSL.
3. Participant is defined as: A person with a fee simple, leasehold, or other property interest (including owners of water or other natural resources), or any other entity that may have a property interest, sufficient to carry out the proposed management activities, subject to applicable State law, on nonfederal land, that enrolls into the Plan under a CI (under the CCAA).
4. The CCAA will cover Participants from the date their Property is enrolled until the end of their participation in the CCAA under this Permit, either through expiration or termination.
5. Certificates of Inclusion for a Participant that is fully implementing their CI and consistent with this permit and CCAA, may be renewed for the duration of the CCAA and this permit.
6. The duration of participation may be up to the expiration date of this permit.

K. Covered Activities

Covered Activities are described in detail with in Section 6 of the CCAA. The Covered Activities include the following:

1. Oil and Gas Activities
2. Linear Infrastructure
3. Local Government, Agriculture, and Ranching
4. Sand Mining
5. Renewable Energy

L. Conservation Program

The CCAA is intended to remove or reduce threats to the DSL in Texas. Those threats that cannot be avoided and result in incidental take of DSL as measured through impacts and loss of habitat, as described in the CCAA, shall be reduced, eliminated, and offset as described in Section 8 of the CCAA.



M. Annual Meeting

Permittee will annually lead a meeting with the Service and Participants enrolled under the CCAA to review progress from the previous year, discuss factors influencing DSL conservation and management, draft of the annual report, and discuss actions that could benefit DSL to be initiated in the upcoming year.

N. Technical Assistance

Permittee, their Third Party Contractor, and as requested, representatives from the U.S. Fish and Wildlife Service (Service) and/or Texas Parks and Wildlife Department, will meet with participating landowners at their request to provide technical assistance for conservation measures to be applied to their enrolled property.

O. Changed Circumstances

Changed circumstances are described in detail in Section 16 of the CCAA. The changed circumstances cover the following:

1. Stratification;
2. Efficacy of Conservation Measures and Actions;
3. The habitat suitability map in CCAA Appendix A does not accurately identify areas of potential DSL habitat;
4. Impacts of groundwater pumping;
5. Funding becomes inadequate;
6. Habitat is lost due to catastrophic events;
7. Dunes sagebrush lizard becomes delisted;
8. New Surface Disturbance is concentrated in particular geographic locations and substantially contributing to DSL habitat fragmentation; and
9. Permit becomes detrimental to survival or recovery of the dunes sagebrush lizard.

P. Monitoring

The following conditions apply to monitoring:

1. Professional qualifications and competencies for individuals who may be considered for implementing compliance and effectiveness monitoring on behalf of permittee, specifically for reviews relevant to potential impacts to dunes sagebrush lizards or dunes sagebrush lizard habitat, must be submitted to the Service for approval.
2. Monitoring of the biological effectiveness of the Plan shall occur in accordance with Sections 8.2 and 15.0 of the Plan. The Administrator shall engage a qualified third-party auditor for the financial health and implementation of the CCAA every five years.
3. Compliance Monitoring includes all Participant Take/impacts, avoidance, minimization and mitigation activities. Take/impacts can be monitored through annual reporting and Aerial Change Detection Analysis.

Q. Reporting

An annual report will be submitted by March 1 of each year of the CCAA to the Austin Field Office and the Regional Office at the addresses below and will describe the previous calendar year's activities, Take/impacts



by sector, minimization measures, other compliance with this Permit and the CCAA (as described in the CCAA). The cumulative enrolled acreages in all CIs entered into under the CCAA and this Permit must be included by the Permittee in all annual reports. The five year audit, required in Condition P.b, will be submitted by March 1 every five years. Upon completion of CCAA, the Permittee(s) must submit a final annual report summarizing full compliance with the permit and CCAA.

Field Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200,
Austin, Texas 78758

The Service's Regional Office, Ecological Services, preferably by email to FW2_HCP_Permits@fws.gov, or to the following address:

U.S. Fish and Wildlife Service, Region 2
Branch of Environmental Review
P.O. Box 1306, Room 6034
Albuquerque, New Mexico 87103

R. Confidentiality

The parties acknowledge that information in the possession of the Service is subject to applicable provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552. FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged and confidential. The Service acknowledges that FOIA Exemption 4, along with other potentially applicable exemptions, may protect the public disclosure of maps or other information revealing a participant's identity and location of operations or acreage position.

GENERAL TERMS AND CONDITIONS

S. Assurances

The covered species listed above is considered adequately addressed under the 2020 CCAA for the Dunes Sagebrush Lizard (*Sceloporus arenicolus*), and are therefore, covered by assurances provided in 50 C.F.R. 17.22(d)(5) and 50 C.F.R. 17.32(d)(5).

T. 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. The covered activities proposed or in progress under the original permit may not be interrupted provided the conditions of the permit are being followed.



U. Amendments

Future Amendments to the permit or associated documents will be processed consistent with 50 CFR 13 and 17 and the CCAA policy, as applicable:

1. **Minor Amendment:** Any amendment to the permit or Plan that is administrative in nature, such as name changes, correction of typographic, etc.
2. **Major Amendment:** Any amendment that is related to terms and conditions of this permit, the level of incidental take authorization, or the commitment of the Permittee or participants.
3. **Assurances:** The assurances provided for in the CCAA portion of the Plan through this permit are those in 50 CFR 17.22(d)(5) or 17.32(d)(5), as applicable. These assurances apply to the permittee and all participants that are fully implementing their commitments fully under the Plan and CIs, respectively.

V. Suspension and Revocation

1. **Suspension:** The Administrator may request assistance from the Service in resolving issues related to Participant compliance. The Administrator will notify the Service of any unresolved non-compliance issue consistent with the requirements of Section 11.0. The Administrator, in coordination with the Service, may suspend a CI as it relates to some or all of the Enrolled Property of any Participant that is not in compliance with the CCAA and the Participant's CI, including conservation measure implementation and fees applicable to the Participant. This permit does not authorize incidental take of Covered Species resulting from any activities occurring on Enrolled Property for which the CI is suspended for the period of the suspension.

The Service may suspend this permit if the permittee(s) is/are not in compliance with the conditions of this permit, the CCAA, 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 non-compliance.

2. **Revocation:** The Service shall not revoke this permit for any reason except those listed in 50 CFR 13.28(a)(1)-(4), 50 C.F.R. 17.22(d)(7), 50 C.F.R. 17.32(d)(7) and Section 16.1.3 of the CCAA.

W. Renewals

This Permit may be renewed in accordance with the provisions of 50 CFR 13.22. Renewal determinations are new federal decisions, and require consideration of issuance criteria and include required associated determinations.

X. 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, Albuquerque, New Mexico, (505) 346-7828 or El Paso, Texas (915) 872-4765, for care and disposition instructions.



1. A Participant with a valid CI may fulfill their reporting requirement by notifying the Permittee or their representative.
2. 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.
3. 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 # TE89208D-0 *****