

PUBLIC SCOPING ANALYSIS REPORT

Lesser Prairie-Chicken Stakeholder Conservation Strategy

U.S. Fish and Wildlife Service

FWS-R2-ES-2013-0134

July 2014

PUBLIC SCOPING ANALYSIS REPORT

Lesser Prairie-Chicken Stakeholder Conservation Strategy



U.S. Fish and Wildlife Service

July 2014

TABLE OF CONTENTS

INTRODUCTION	3
PUBLIC SCOPING	3
RESULTS OF SCOPING	5
GUIDE TO THE PUBLIC SCOPING CONCERNS SUMMARY	5
ISSUES INCORPORATED INTO THE NEPA ANALYSIS	6
ISSUES NOTED	13

FIGURES

Figure 1: Project Area

LIST OF APPENDICES

Appendix A: Notice of Intent

Appendix B: Copies of Notices as Published in Newspapers

Appendix C: Press Release and List of Media Outlets

Appendix D: Letter mailed to Federal, State, and Local Agencies and Organizations

Appendix E: Sign-in Forms from Scoping Meetings

Appendix F: Handouts, Slides, and Posters Presented at Scoping Meetings

Appendix G: Communications Received in Response to Project Scoping

LIST OF ACRONYMS

AHC American Habitat Center

BMPs Best Management Practices

CCAA Candidate Conservation Agreement with Assurances

CHAT Crucial Habitat Assessment Tool

CRP Conservation Reserve Program

EIS Environmental Impact Statement

ESA Endangered Species Act

HEA Habitat Exchange Agreement

HQT Habitat Quantification Tool

HCP Habitat Conservation Plan

ITP Incidental Take Permit

LPC Lesser Prairie-Chicken

NEPA National Environmental Policy Act

NRCS Natural Resources Conservation Service

NOI Notice of Intent

SCS Stakeholder Conservation Strategy

Service U.S. Fish and Wildlife Service

INTRODUCTION

The U.S. Fish and Wildlife Service (Service) is evaluating an application submitted by a group of energy industry companies, agricultural organizations, and conservation organizations (stakeholders) seeking an Incidental Take Permit (ITP) under Section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), as amended. The potential ITP is directed to the lesser prairie-chicken (LPC; *Tympanuchus pallidicinctus*), a species listed as threatened pursuant to the ESA. Some likelihood exists that the LPC could be affected by the stakeholders' activities. The ITP would include regional construction, operation, and maintenance associated with multiple commercial energy facilities and agricultural activities (farming and ranching) and conservation management activities within the Project Area, which includes portions of six states (Colorado, Nebraska, Kansas, New Mexico, Oklahoma and Texas) (Figure 1). The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), requires that the Service prepare a detailed statement of potential effects before issuing a decision on the stakeholders' ITP application.

To obtain an ITP, an applicant must submit a Habitat Conservation Plan (HCP). The HCP must contain measures that would minimize and mitigate the effects of any incidental take, to the maximum extent practicable.

Together, the stakeholders developed a range-wide conservation plan for the LPC. This plan is known as The Stakeholder Conservation Strategy (SCS). The SCS is comprised of three primary components: Regional HCP for the LPC, Habitat Exchange Agreement (HEA) for the LPC, and Habitat Quantification Tool (HQT). The HCP references the HQT as a means for determining debits and identifies the HEA as the guidance for meeting mitigation obligations.

This report addresses two primary subjects. First, it summarizes the process conducted to define the scope of the Lesser Prairie-Chicken Stakeholder Conservation Plan Environmental Impact Statement (EIS or Project). Second, it describes issues identified during the scoping process and those specific issues that will be the focus of the NEPA analysis and subsequent EIS.

PUBLIC SCOPING

Scoping is defined in the NEPA regulations as "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." This is one major aspect of public involvement during the NEPA process. The overall goal of the scoping process is to define the scope of the environmental analysis included in an EIS. Specifically, the Service used the scoping process to:

- Identify people or organizations who are interested in the proposed action;
- Identify key issues to be analyzed in the EIS;

- Identify and eliminate from detailed review issues that are not significant or those that have been adequately covered in prior environmental review;
- Determine roles and responsibilities of lead and cooperating agencies;
- Identify any related environmental assessments (EAs) or EISs;
- Identify gaps in data and informational needs; and
- Identify other environmental review and consultation requirements to be integrated into the EIS.

The Service considers public participation a critical component in defining the scope of the environmental analysis presented in this EIS. As such, the public was informed about the stakeholders' application for an ITP and was provided with opportunities to participate in the NEPA process.

In February 2014, the Service informed the public of its intent to conduct an environmental impact analysis of the stakeholders' strategy and provided the dates, times, and locations of public meetings. The Service published a Notice of Intent (NOI) to prepare an EIS in the Federal Register on February 7, 2014 (Appendix A). Public notices of the scoping meetings were published on February 10, 11, and 12 in various newspapers within the project area; copies of these notices are included in Appendix B. In addition, the Service published meeting information on its web site (www.fws.gov/southwest/) and sent a press release to media outlets announcing its intent to prepare an EIS (Appendix C). The Service also prepared and mailed letters to 355 federal, state and local agencies and organizations announcing scoping meetings and soliciting comments to help identify specific issues and concerns that the Service should consider and document in the EIS. The letter and a complete mailing list are included in Appendix D. Finally, the stakeholders published the HCP, HEA, and HQT documents on their web site (lepcstakeholderstrategy.com) to facilitate distribution and the public's review of the SCS.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires federal agencies to consult with federally recognized tribal governments during the NEPA process. The Service identified nine tribal governments potentially affected by the Project. They were notified of the opportunity to consult by letter dated May 19, 2014. No requests for consultation were received.

Following these notifications, the Service held three public meetings to discuss the Project and receive comments from the public. Meetings were held in Garden City, Kansas; Woodward, Oklahoma; and Morton, Texas on February 25, 26 and 27, 2014, respectively. At each meeting, the NEPA process and the SCS were described, and meeting participants were invited to ask questions and submit comments. In total, 25 people attended the Garden City, Kansas meeting and 34 attended each of the public meetings in Woodward, Oklahoma and Morton, Texas (Appendix E). Meeting handouts, slides, and posters are included as Appendix F.

The Service reviewed and analyzed comments received during the scoping process from February 7 to March 10, 2014. Public response to the notices included 76 e-mails, letters and comments submitted via www.regulations.gov and 2 comment letters submitted at public meetings (Appendix G).

RESULTS OF SCOPING

The process the Service used to identify issues involved three main steps. First, specific comments contained in individual submittals were arranged into groups of common concerns. Next, a primary issue statement was prepared for each group of common concerns. Finally, issue statements were evaluated for applicability to this NEPA analysis.

A comment management database was established and used by the Service for comment management. The database stores the full text of all correspondence and allows each comment to be coded by topic and issue. Some outputs from the database include tallies of the total number of correspondence and comments received, sorting and reporting comments by a particular topic or issue, and demographic information on comment sources.

The comment analysis initially identified 35 issues. Of the 35, 26 issues were identified as significant or key. These issues were used to define the scope of this NEPA analysis and were also used to develop alternatives to the proposed action, analyze environmental effects, and prescribe mitigation measures. Issues are “significant or key” based on the extent of their geographic distribution, duration of their effects, or the intensity of interest or resource conflict. The decision on an issue’s significance is different than and separate from any determination of the significance of an environmental consequence. In total, three alternatives were developed in response to public comments during scoping.

Nine issues were not considered significant because they expressed general opinions, were addressed by stakeholders in revisions to the HCP, HEA, and HQT before the documents were posted to the website, or were related to the listing action for the LPC that was still pending during scoping.

GUIDE TO THE PUBLIC SCOPING CONCERNS SUMMARY

The concerns summary is organized by issue and includes the summarized issue statement (*in italics*) as well as a brief summary of the respondent(s) comments. The summaries of respondent(s) comments do not in any way represent a response from the Service or the Service’s opinion regarding the comment. The following organization is used:

Issue #

Concern Statement, developed from comments (expressed as a sentence).

Summary paraphrased from respondent’s comment. (Not a response from the Service.)

ISSUES INCORPORATED INTO THE NEPA ANALYSIS

These 26 issues will be considered in the NEPA analyses.

Issue 1

Given that the occupied range of the LPC is more than 90% privately owned and that species persistence is highly dependent on landowner willingness to voluntarily restore, establish, maintain, and manage land for the benefit of LPC and other wildlife, the Service should allow for acres enrolled in CRP to be considered and credited, as appropriate, through exchanges and other mitigation initiatives.

Respondents expressed concern that conservation reserve program (CRP) participation has dropped within the last five years and that exclusion of CRP lands from participation in the exchanges would lead to further declines. The respondents indicated that including CRP land in the exchanges will only improve the land's conservation value when compared to other competitive uses.

Issue 2

The Service should consider alternatives for mitigation that are modeled on one or both of the standard approaches for regional HCPs:

- 1. Establishment of a system of permanently protected preserves across the species' range, with limited take permitted outside the preserves.*
- 2. Establishment of mandatory BMPs designed to minimize take and restore habitat for the covered species. Such BMPs could be paired with permanent protection of habitat.*

This respondent felt that alternatives should be considered that create permanent protection within the LPC range, mandatory BMPs, and strategies more in line with the standard approach to HCPs.

Issue 3

The Service should consider an alternative in which the plan area is limited to the historic range of the LPC. The Service's HCP Handbook provides that 'HCP boundaries should encompass all areas within the applicant's project, land use area, or jurisdiction within which any permit or planned activities likely to result in incidental take are expected to occur.' LPCs have not been

documented in Nebraska and there is nothing in the published scientific literature to justify the HCP's suggestion that the LPC range is likely to extend to that state during the permit term.

Respondents expressed concerns that the Project Area includes areas outside the current LPC occupied range as well as outside the LPC historic range. Respondents felt including areas outside the LPC historic range may not be consistent with the Service's guidance for HCPs and is not supported by sound science.

Issue 4

The Service should consider an alternative that contains quantifiable biological goals, so that progress toward meeting the goals can be monitored and evaluated.

Respondents were concerned that the main biological goal of the SCS was not described in enough detail nor were specific habitat goals identified to allow the Service to adequately evaluate the HCP.

Issue 5

The Service should consider an alternative that does not include confidentiality provisions for the plan participants. These confidentiality provisions would make it difficult for the Service to monitor compliance and enforce against violators and impossible for the public to evaluate the success of the mitigation.

Respondents were concerned that confidentiality provisions would decrease transparency and make it difficult for the Service to monitor, enforce and provide information about the status of the mitigations to the public.

Issue 6

The Service should consider an alternative that includes a detailed analysis of the actual costs associated with funding a series of shifting term agreements with landowners with a description of how the program will be implemented in perpetuity.

Concerns were expressed by respondents that the costs for funding the HCP and managing the program were not clearly defined to ensure sustainability over the long term.

Issue 7

The Service should consider an HCP alternative that requires that plan participants obtain permanent habitat credits from conservation banks or establish credits on mitigation lands that meet the minimum standards applicable to conservation banks for management, long-term funding through an endowment, and monitoring. This alternative would be consistent with the

Service's recently promulgated mitigation standards for the golden-cheeked warbler, black-capped vireo, and American burying beetle.

Respondents expressed concerns that SCS did not meet the Service's established minimum standards to ensure long-term mitigation.

Issue 8

The Service should consider an HCP alternative that would require that mitigation be accomplished through conservation banks. The banks would be established in conformance with the Service's 2003 conservation banking guidance.

Respondents indicated that an alternative that requires mitigation be done through existing permanent mitigation properties (e.g., conservation banks) should be considered. Respondents stated that conservation banking has been endorsed and used by the Service successfully in the past.

Issue 9

Effects resulting from the interaction of various plans during execution should be addressed, including potential credit stacking, double dipping, and duplication.

Respondents noted that although the HCP/HEA/HQT specifically prevents double dipping or selling the same credits multiple times within the HCP/HEA/HQT, credits can be resold into other ecosystem markets (credit stacking). Double dipping, credit stacking, and duplication could also occur among various other conservation plans that exist for the Project Area or among the various LPC conservation plans approved by the Service. The EIS should evaluate the potential for double dipping, credit stacking, or duplication and identify measures to prevent those things from happening.

Issue 10

The SCS will not exist in a vacuum. The SCS and the impact analysis must consider the other conservations plans already approved and the impacts of these plans, including the amount of incidental take the Service has already approved.

Respondents indicated that a wide variety of plans already exist for LPC conservation including the Range-wide Conservation Plan for the Lesser Prairie-Chicken created by the Western Association of Fish and Wildlife Agencies, a variety of Candidate Conservation Agreement with Assurances (CCAA) plans, the Kansas Natural Resources Plan and the Natural Resources Conservation Science's (NRCS) Lesser Prairie Chicken Initiative. Many respondents indicated that these plans should be considered as alternatives. Respondents also indicated that any calculation of incidental take should also include what has already been approved by the Service.

Issue 11

Need to fully disclose what monitoring will be conducted and how. The discussion of monitoring in the HCP is vague.

Respondents requested greater clarity about the type of monitoring that will be conducted to quantify LPC habitat within the SCS and that more detail about monitoring methodologies should be provided within the EIS.

Issue 12

The Service should use the best scientific information on the LPC population that is available when evaluating the HCP/HEA/HQT.

Respondents suggested that the HCP is not based on the best scientific LPC population data. Estimates of incidental take for agricultural activities contained in the HCP are based on survey and population density information collected in 2012. They do not include estimates from 2013 surveys that showed a 50 percent drop in the LPC population range wide. The Service's analysis should factor this recent drop in population into estimates of population density for the bird, according to respondents. In addition respondents indicated that new pertinent literature is not included or cited in the HCP that would add substantially to the value and understanding of management of the LPC and its habitat. A great deal of information is available in journal articles, theses, and dissertations recently published in the Department of Natural Resources Management at Texas Tech University (Grisham 2012, Zavaleta 2012, and others) that would add to the recommendations provided in the HCP.

Issue 13

The Service needs to ensure that adequate funding for implementation of the SCS will exist. Adequate funding will be needed for both mitigation and biological and compliance monitoring.

Respondents were concerned as to whether the proposed funding system for the SCS would be comprehensive enough to ensure that all components, including mitigation and biological monitoring will be maintained over the long term.

Issue 14

The HCP/HEA/HQT needs to describe clearly and understandably how credits and mitigation ratios are defined, calculated, and applied; how they account for uncertainty and temporal delays associated with habitat restoration; and how they will be updated over time. In addition, use of the HQT and CHAT by different entities could lead to the determination of different habitat values for the same acreage of land depending on which tool is being used. Ensuring the tools arrive at similar values would better benefit the LPC.

Respondents had difficulty understanding what actually constitutes a credit, at what point assessment of credits will be done, and how and when credits will be applied to offset impacts. Respondents expressed difficulty understanding the basis on which mitigation ratios will be determined. As indicated by the respondents the only adjustments to ratios given are based on the Crucial Habitat Assessment Tool (CHAT) categories which, to the respondents, appear to be completely unscientific. The HCP/HEA/HQT should identify how the process will be updated over time to incorporate new information and respond to changing conditions.

Issue 15

The provisions for confidentiality contained in the HCP are not appropriate for a government-promoted environmental program.

Respondents expressed concerns that confidentiality provisions will keep key information from the public and other managers, such as participant management plans, that are needed to evaluate effectiveness of the HCP/HEA/HQT. How will regulators be able to determine that the habitat trading system is working well and no net habitat losses are occurring if they cannot see the details? Provisions described in the HCP are too vague and undefined regarding what specific information will be kept from regulators and auditors. These provisions also are a major departure from previous habitat trading schemes such as conservation banking instruments. In addition, confidentiality provisions will limit the public's access to information about critical species protection mechanisms and continue a trend towards secrecy in environmental protection programs.

Issue 16

The HCP/HEA/HQT needs to define and emphasize a mitigation hierarchy to avoid unnecessary impacts with avoidance and minimization and measureable criteria to evaluate the success of these efforts.

Respondents felt that avoiding and minimizing unnecessary impacts to LPC habitats must have top priority. Although the HCP/HEA/HQT requires avoidance, minimization, and mitigation of impacts on enrolled properties respondents indicated that the plans do not define any metrics to evaluate the success of efforts to meet these requirements. Measureable criteria need to be defined and evaluated to ensure habitat impacts are avoided or minimized, according to respondents.

Issue 17

The Service needs to evaluate the potential risks and effects of relying on the relatively new concept of dynamic permanent mitigation instead of the more common permanent mitigation or "static permanent mitigation".

Under the year-old concept of dynamic permanent mitigation, mitigation is achieved by using credits produced in a series of term agreements such that the duration of the mitigation is permanent (permanent defined as a duration of 100 years or more). This type of mitigation is not supported by ecological literature and is almost entirely untested in habitat markets. Use of dynamic permanent mitigation can result in temporary serial offsets rather than permanent mitigation. This may not be a concern with heavily migratory species, but for a species with fidelity to specific areas, such as leks and nest sites, the result could be ecological bottlenecks (reduction in the gene pool do to a rapid population decrease), which would put the LPC at risk for further declines. With respect to permanent mitigation, the HEA should specify that stand-alone easements, created without endowments, management plans, and other requirements that apply to permanent mitigation properties, will not be included in the exchange. All mitigation options in the HCP should comply with the same minimum standards that permanent mitigation properties must meet for monitoring, funding, etc.

Issue 18

Provisions of the HCP/HEA/HQT must be legally enforceable to ensure compliance; otherwise the HCP/HEA/HQT will not be successful over the long term.

Respondents expressed concerns that provisions of the HCP/HEA/HQT depend on voluntary actions that are not legally enforceable. It appears that property owners can terminate their contractual relationship with the Habitat Exchange Administrator (Administrator) at any time and only be subject to partial loss of credits and a small early termination fee. If property owners can immediately and without extensive penalty cancel credits with little notice to the Administrator, how can the HCP/HEA/HQT be successful over the long term? Also, how will the Administrator specify and enforce remedial action plans when participants fail to meet performance standards?

Issue 19

The HCP should estimate the number of birds that will be taken in connection with oil and gas activities instead of relying on an estimate of acres of LPC habitat that will be taken.

The HCP contains an estimate of the number of LPC that agricultural activities will incidentally take. A similar estimate should be included for oil and gas activities.

Issue 20

The proposed HCP/HEA/HQT lacks species count and stability goals and specific, benchmarked, and measureable objectives, without which the success of the HCP/HEA/HQT cannot be evaluated and determined. The goals and objectives should be realistic goals; that the HCP will conserve 90 percent of LPC habitat and more than 20 percent of landowners will participate are unrealistic and unsubstantiated.

Respondents expressed concern that the HCP does not focus on appropriate goals and that objectives are unclear and not measurable. The HCP should focus goals more on species count and stability rather than habitat as a proxy for species count and stability. The HCP needs to address the recent rapid LPC population decline directly; otherwise species counts will continue to shrink. Unless specific, benchmarked, and measurable objectives are defined, it will not be possible to determine if or when goals and objectives are being met. In addition, efforts to implement appropriate adaptive management strategies could be hindered by the inability to determine if goals and objectives are being met.

Issue 21

Administration of the Habitat Exchange is key to the success of the HCP/HEA/HQT; therefore, the Administrator or Permit Holder must be qualified, competent, independent, and able to oversee and operate the exchange.

Respondents expressed concerns about the qualifications and ability of the American Habitat Center (AHC) to oversee and operate the exchange. AHC appears to be a relatively new organization with no public track record of involvement in any environmental market. It also looks like AHC was created by oil and gas lobbying groups, which suggests a lack of independence and potential conflict of interest. Credentials and qualifications of the Administrator need to be disclosed so the public can be sure it will be able to meet its responsibilities as the Administrator.

Issue 22

The incentives need to be sufficiently strong to get landowners to agree to enter the program.

Getting landowners to participate in conservation under the HCP/HEA/HQT is likely to be a difficult part of the program. Will the HCP/HEA/HQT create a sufficient incentive to get landowners to enroll their properties into the program to establish the credits needed to offset impacts? Of particular interest are property owners with unified interest property (property where the surface and mineral estates belong to the same owner).

Issue 23

The HCP/HEA/HQT fails to promote the level of interagency coordination among federal, state, and local agencies needed for this effort to conserve LPC habitat successfully.

The proposed HCP/HEA/HQT does not bring various federal, state, and local agencies, such as the major state fish and wildlife agencies, to the table. Without the involvement of these agencies, the large-scale planning and inter-institutional coordination that will be needed to protect the LPC will not occur. Large-scale planning with various agencies is needed to overcome 'thin markets' and to resolve tension between keeping offsets near impacts and providing the greatest conservation benefits. Conserving the LPC will not happen without the

involvement of federal, state, and local agencies to help prioritize areas for conservation, which the HCT/HEA/HQT currently lacks.

Issue 24

The role and involvement of the science panel in the HCP/HEA/HQT need to be clear and transparent.

Respondents expressed concern that the role and involvement of the science panel are not clear. The process for appointing members to the panel needs to be open and transparent. Reasons for some members being non-voting, such as the Service, need to be disclosed. Although the panel has significant biological expertise, it does not appear to include experts in habitat markets or economics. This expertise is needed to design markets and create appropriate incentive schemes for property owners to develop credits.

Issue 25

Mitigation must match the life history, biological, or ecological characteristics of the LPC.

The HCP/HEA/HQT explicitly considers some types of impacts to be ‘temporary’. Respondents are not aware of any evidence that oil, gas, or infrastructure impacts can be considered anything other than permanent. Rather, evidence suggests that physical habitat impacts drive away LPC more or less permanently. The HQT needs to account for the length of time required for rehabilitation of physical impacts from oil, gas, and infrastructure after decades of intensive use.

Issue 26

The NEPA analysis needs to analyze the effects on the local economies within the project area rigorously.

The direct, indirect, and cumulative effects on local economies need to be analyzed when the targeted land is devalued by the actions. It is reasonable to presume that landowners will be targeted and pressured into selling key properties. Sales of key properties will affect the local economy and the culture of local communities.

ISSUES NOTED

These nine issues were not incorporated into the NEPA analyses. Reasons, as determined by the Service, for excluding these issues from further analysis are presented below.

Issue 27

The existing programs which have been put into place for the conservation of the LPC should be implemented prior to listing.

Respondents felt that existing approved programs were sufficient for LPC conservation. Respondents indicated that no further programs are necessary and existing conservation efforts should be given the opportunity to work.

Service's Response: Existing programs will be addressed in the impact analysis for the no action alternative and the cumulative effects assessment, which will be duly considered within the EIS process.

Issue 28

The following materials should be considered as supporting documentation of the level of compliance with NEPA in regards to the listing of the LPC.

Many documents were provided by commenters for the Service's consideration. These materials included reports documenting the lack of evidence to support the LPC listing. These materials included documentation of involvement by various respondents in the listing decision making process.

Service's Response: The LPC listing process is not within the scope of this analysis. The Service listed the LPC as a threatened species on March 27, 2014.

Issue 29

The listing of the LPC infringes upon the rights of US citizens.

Respondents felt that listing the LPC may infringe upon their property rights and potentially lead to federal management of private lands.

Service's Response: The LPC listing process is not within the scope of this analysis. In addition, the Service listed the LPC as a threatened species on March 27, 2014.

Issue 30

There is insufficient data/scientific evidence to support the listing of the LPC.

Respondents felt that scientific evidence does not support listing the LPC as threatened under the ESA.

Service's Response: The LPC listing process is not within the scope of this analysis. In addition, the Service listed the LPC as a threatened species on March 27, 2014.

Issue 31

We request cooperating agency status with the U.S. Fish and Wildlife Service for this project.

A number of respondents requested cooperating agency status with the Service.

Service's Response: Requests for cooperating agency status will be considered by the Service as appropriate.

Issue 32

We request that the U.S. Fish and Wildlife Service place us on the mailing list, coordinate with us and/or keep us informed for this project.

A number of respondents requested they be kept informed of the NEPA process for the Project.

Service's Response: The Service will continue to follow NEPA guidelines for public involvement. We will add the requestor to the list of interested parties for the notification of the draft and final EIS and ROD.

Issue 33

The scoping process was inadequate and the Service needs to extend the scoping period and conduct additional scoping meetings with adequate public notice. In addition all reasonable alternatives to the proposed action and recent relevant data should be included in scoping.

Concerns were expressed that scoping meetings were not held in all affected areas, such as Nebraska, and that insufficient notification was provided to the general public. Respondents felt that there were substantial deficiencies in the SCS that need to be addressed and that the revised SCS should be released to the public again for scoping. Additional data should be included in scoping, such as the 2014 LPC aerial survey. Finally, some scoping concerns focused on the fact that scoping materials did not discuss the no action alternative or other reasonable alternatives to the Proposed Action, including the Range-wide Conservation Plan for the Lesser Prairie-Chicken.

Service's Response: The Service followed its NEPA guidelines and the Council on Environmental Quality's regulations for implementing NEPA while conducting public scoping. Additional opportunities for public involvement in the EIS process will include: a 90-day public comment period to occur after the publication of the Draft EIS, anticipated in July 2014; three

public meetings to be held during the 90-day Draft EIS comment period; and a 30-day public review period to occur after the publication of the Final EIS.

Issue 34

AHC and the Stakeholders are too inexperienced. In order to support landscape scale coordination, the SCS should incorporate a broader range of experienced stakeholders.

Respondents expressed concerns that AHC also includes stakeholders whose ability and experience in developing a conservation plan is unproven. It was suggested that the SCS should incorporate a broader range of experienced stakeholders.

Service's Response: The Stakeholders that submitted the application for an ITP are the applicants of record. Consequently, the Service will consider the merits of the SCS as it has been proposed and the qualifications of the AHC in our decision process.

Issue 35

The Stakeholder Plan has the potential to be detrimental to LPC if implemented as written and should not be endorsed without major revision.

Respondents expressed concern that development activities associated with the SCS have the potential to further shrink available LPC habitat.

Service's Response: As a part of the EIS process, the potential effects to LPC and LPC habitat from the proposed action and alternatives will be assessed.