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• Special to the Leader & Times

Recently, the U.S. Fish and Wildlife Service and the Western Association of Fish and Wildlife Agencies (WAFWA) signed the Range-wide Oil and Gas Industry Candidate Conservation Agreement with Assurances for the Lesser Prairie-Chicken.

The service also released an accompanying environmental assessment (EA). The agreement is the result of longstanding cooperation between the service and the five range states of the lesser prairie-chicken — Texas, Oklahoma, Kansas, Colorado and New Mexico — to undertake conservation action for the species, which is proposed for listing under the Endangered Species Act (ESA).

The LEPC CCAA incorporates measures to address impacts to the lesser prairie-chicken from oil and gas activities on non-federal enrolled lands. Landowners can voluntary enroll their lands into the CCAA.

On undertaking certain actions that impact the lesser prairie-chicken or its habitat, the participants will be required to pay mitigation fees. Funds generated through these fees will

enable implementation of conservation actions on enrolled lands elsewhere.

“This landmark agreement between the Fish and Wildlife Service and the Western Association of Fish and Wildlife Agencies shows how cooperation between federal and state government agencies and private landowners can help advance conservation objectives while considering the economic needs of the nation,” said Service Director Dan Ashe. “It is also another example of how flexibility in the Endangered Species Act helps us address the complex issues often associated with protecting our rarest wildlife and their habitats.”

The mitigation fee structure and conservation actions in the LEPC CCAA follow recommendations contained in the Lesser Prairie-Chicken Range-wide Conservation Plan, a conservation strategy developed by WAFWA and endorsed by the service in October 2013.

The range-wide plan provides for an incentive-based landowner program along with a mitigation framework to fully offset impacts and provide additional conservation for the lesser prairie-chicken.

Landowners enrolled in the LEPC CCAA will receive assurances that the service will not impose further commitments or restrictions on them in relation to the lesser prairie-chicken during the term of their enrollment, even if the species becomes listed under the ESA.

The anticipated term of the LEPC CCAA is 30 years, but landowners can enroll for shorter periods.

The service is also issuing an Enhancement of Survival Permit, which would authorize incidental take of lesser prairie-chickens that result from implementation of the LEPC CCAA if the prairie-chicken becomes listed under the ESA. The permit will be issued to WAFWA, which will administer the CCAA and enroll landowners through “certificates of inclusion.”

The lesser prairie-chicken is a species of prairie grouse known for its colorful spring mating displays. Once abundant across much of the five range states, its distribution has been reduced by an estimated 84 percent from historical levels, primarily as a result of loss and fragmentation

of the region's native grasslands and prairies due to development and conversion to other uses.

On Dec. 11, 2012, the service proposed to list the lesser prairie-chicken as threatened throughout its range. On May 6, 2013, the Service proposed a special rule, under the Endangered Species Act section 4(d), that would allow for take of the lesser prairie-chicken incidental to activities conducted under a service-approved comprehensive conservation program developed by or in coordination with a state agency.

On Dec. 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 submit its final listing determination to the Federal Register no later than March 31.

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