

CEHMM Candidate Conservation Agreements for the  
Lesser Prairie-Chicken and Dunes Sagebrush Lizard  
2014 Annual Report







# CEHMM

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# **Candidate Conservation Agreements for the Lesser Prairie-Chicken and Dunes Sagebrush Lizard 2014 Annual Report**

## **INTRODUCTION**

The lesser prairie-chicken (*Tympanuchus pallidicinctus*) (LPC) is a prairie grouse species native to the southern Great Plains, including parts of Colorado, Kansas, New Mexico, Oklahoma, and Texas. The dunes sagebrush lizard (*Sceloporus arenicolus*) (DSL), also known as the sand dune lizard, is a species native to a small area of southeastern New Mexico and west Texas. Both the LPC and DSL have been ruled warranted for listing as threatened or endangered by the U.S. Fish and Wildlife Service (FWS) under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. § 1531, et seq.). The ESA provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend. A listing would initiate regulatory and conservation responsibilities for federal, state, and private landowners. These responsibilities stem from Section 9 of the ESA that prohibits “take” (i.e., harass, harm, pursue, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct) of listed species. In addition to the Section 9 prohibitions, federal agencies must ensure that their actions will not jeopardize the continued existence of the listed species.

For several years the FWS, the Bureau of Land Management (BLM), and the Center of Excellence for Hazardous Materials Management (CEHMM) worked together to develop a candidate conservation agreement to programmatically address the needs of the LPC and the DSL and the potential impacts a listing could have on land users. Landmark legal agreements were signed by federal and state authorities on December 8, 2008. The Candidate Conservation Agreement (CCA) and its companion Candidate Conservation Agreement with Assurances (CCAA) provide a mechanism to conserve LPC and DSL habitats. These agreements allow FWS, BLM, and CEHMM to work in cooperation and consultation with private land owners and industry in support of conservation measures.

In June 2012, the FWS ruled against listing the DSL as threatened or endangered under the ESA. This decision was based largely in part to the conservation efforts that the CCA/CCAA put into practice. On December 2012, the FWS posted the proposed listing of the LPC, under the ESA, in the national register which started the twelve month timeframe to make a determination to list as endangered, threatened, to not list the species or file a six-month extension. In July 2013, the FWS posted an extension on the listing decision for the LPC in the federal register until March 2014. The public comment period was reopened for 30 days in December 2013. On March 27, 2014, the FWS listed the LPC as threatened under the ESA, in response to the rapid and severe decline of the LPC. Under the law, a threatened listing means the species is likely to become in danger of extinction within the foreseeable future; it is a step below endangered under the ESA and allows for more flexibility in how the ESA protections are implemented.

## **CANDIDATE CONSERVATION AGREEMENTS**

The CCA/CCAA will:

- Develop, coordinate, and implement conservation actions which reduce and/or eliminate known threats to the LPC and DSL in New Mexico on federal, state and private surface and minerals;

- Support ongoing efforts to re-establish and maintain viable populations of both species in currently occupied and suitable habitats;
- Encourage development and protection of suitable LPC and DSL habitat by giving Participating Cooperators incentives to implement specific conservation measures.

Under the CCA, federal lessees, operators, or permittees that join by voluntarily signing a Certificate of Participation (CP) receive a high degree of certainty that additional restrictions would not be placed on their otherwise legal activities if either species is listed.

The companion CCAA provides incentives for voluntary conservation of species-at-risk on private and state lands. Under the CCAA, the lessee, owner or permittee voluntarily commits to implement specific conservation measures on non-federal lands for the species by signing a Certificate of Inclusion (CI). Under the CCAA, if either species is listed, private landowners receive assurances that additional restrictions would not be placed on their otherwise legal activities. Without regulatory assurances, landowners may be unwilling to initiate conservation measures for these species.

In both cases, signing up under the CCA is voluntary. Through enactment of a voluntary program, enrollees can elect to continue participation at their discretion. This translates into enrollees' prerogative to opt out if they so desire. Due to the fact that the LPC has been listed as threatened, leaving participation eliminates the programmatic safeguards that CCA/CCAA provide.

Each certificate (CP or CI) addresses additional mitigation measures a participating cooperator agrees to implement on lands described in their certificate. The certificate also places conditions on activities (i.e., drilling permits, rights-of-way, grazing, seismic activity, etc.) that will be required on the cooperator's lands or minerals.

For oil and gas companies, their certificate requires funds to be contributed to assist in restoration or protection of habitat for the LPC and/or DSL. Based on the amount of contributed funds available, a team of wildlife biologists from the BLM, FWS, CEHMM, State Land Office (SLO) and the New Mexico Department of Game and Fish (NMDGF) work cooperatively to determine which habitat improvement and research projects are of the highest priority to benefit one or both of the species. Using available funds, the team of biologists ranks the proposals and selects the highest priority projects that improve habitat and reduce risk to either species (regardless of land ownership). CEHMM then uses the approved list and contracts with appropriate parties to implement the projects.

As the CCA permit holder, CEHMM is responsible for implementing, monitoring, and reporting on projects completed with CCA/CCAA funds. CEHMM is a 501(c)(3) not-for-profit corporation based in Carlsbad, New Mexico. CEHMM participation allows for a federally approved, independently audited financial management system to provide for fund management and administration.

Government and private entities were vigilant in the structure of the candidate conservation programs by encouraging and accommodating public input by way of public forums convened in strategic locales. These were typically in geographic regions that allowed convenient attendance by participants either directly affected or with particular interest in the species of concern. Frequently asked questions (FAQs) from these forums provide an accurate indicator of public opinion and interest. The FAQs are provided in Appendix E.

The map in Figure 1 shows the enrollments covered under the CCA and CCAA. Lands within this region can be divided into three general surface ownership categories: federal, state, or private. Specifically, the BLM has surface ownership of approximately 3 million acres (19%), the state of New Mexico has 2.8 million acres (19%), and private landowners have 9 million acres (59%). The BLM also has management responsibilities for an additional 10 million acres of mineral estate where the surface is either private or state owned. The U.S. Forest Service, National Park Service, and FWS combined have less than 3% of the lands within the covered area.

## **PARTICIPATING COOPERATOR'S NEED FOR THE CCA/CCAA**

Agricultural interests are concerned about restrictions that may be imposed on them when a species becomes listed. Although the FWS has determined not to list the DSL at this time, the LPC was listed as threatened under the ESA. The ESA authorizes the FWS to prohibit activities on lands that may harm listed species. Activities that could be affected are duration or intensity of livestock grazing or stocking rates on rangeland, brush control to enhance livestock carrying capacity, and conversion of native rangeland.

Similarly, the oil and gas industry is concerned because they could experience increased regulatory burdens as well. For example, if a species is listed, it could add additional months to the process of approving development of a new well. Oil and gas development occurs throughout part of the range of the LPC/DSL in southeastern New Mexico.

## **RANCHING CONSERVATION MEASURES**

1. Improve or maintain conservation lands as suitable LPC and/or DSL habitat for the "Duration of Conservation" in the CP. Lands can be enrolled under the CCA and the permit whether or not the Participating Landowner receives funding from CEHMM or other sources. Technical assistance is available from the Natural Resources Conservation Service (NRCS) and FWS to develop plans to improve and maintain habitat for the LPC and/or DSL. Financial assistance for the implementation of these plans may be available through conservation programs of the U.S. Department of Agriculture's National Food Security Act of 1985, as amended (Farm Bill) and/or the FWS's Partners for Fish and Wildlife Program (PFW) depending on annual funding. The CP will identify, among other things, suitable LPC/DSL habitat to be maintained on the conservation lands and the duration that this habitat will be maintained.
2. Adhere to stipulations on surface activities required by the BLM Special Status Species Resource Management Plan Amendment (BLM 2008) on oil and gas lease developments on enrolled lands at a minimum.
3. Adhere to rangeland and grazing stipulations required by the BLM Special Status Species Resource Management Plan Amendment (BLM 2008) at a minimum for ranch operations.
4. Allow CEHMM, FWS, and/or NMDGF personnel, with prior notification, to survey enrolled lands for the presence of LPCs and/or DSLs and for habitat suitability for these species.
5. Allow CEHMM personnel or their designee access to the enrolled lands for purposes of monitoring LPC and/or DSL populations and habitat.

6. Allow CEHMM personnel or their designee access to the enrolled lands for purposes of compliance monitoring of conservation commitment.
7. Use herbicides for shinnery oak management only when habitat goals cannot be achieved by other means, including grazing system management.
  - a. No herbicide treatments will be applied in dune complexes (NRCS sand hills ecological sites) and corridors between dune complexes. Maintain an application buffer around dune complexes of 100 m to ensure dunal stability.
  - b. Prohibit tebuthiuron spraying within 500 m of DSL habitat. In addition, for DSL, prohibit spraying in dune complexes or within corridors, which connect dune complexes that are within 2,000 m of each other. All application of tebuthiuron will be by a licensed applicator and in accordance with the New Mexico supplemental label for wildlife habitat.
  - c. In conducting such treatments, the goal will be to temporarily reduce shinnery oak competition with grasses, allowing grass cover to increase naturally. Herbicides should be used at dosages that would set back (defoliate) shinnery oak, not kill it.
  - d. Large block and linear application of herbicides will be avoided. Application should follow the natural patterns on the landscape such that only patches needing treatment are treated.
  - e. For LPC, herbicide treatment should not be applied around large oak motts, and within 1.5 miles of active lek sites.
  - f. Post-treatment grazing management is essential to success. Grazing will be deferred through at least two consecutive growing seasons after treatment. If vegetation response to treatment has been hindered due to drought or other factors additional deferments to ensure success of the treatment may be required.
  - g. Experimental treatments outside these guidelines may occur with the approval by FWS. Experimental treatments must be part of a quantitative research design to study vegetation response, viability of shinnery oak, drift, sub-surface spread, the interaction of herbicide treatment and/or grazing management and the response of LPC and DSL to various treatments.
8. For livestock ranches, implement grazing management plans intended to move towards meeting specific habitat goals for the LPC and/or DSL as defined in the Collaborative Conservation Strategies for the Lesser Prairie-Chicken and Sand Dune Lizard in New Mexico (LPC/DSL Working Group 2005) on individual ranches. This may include adjustment of stocking rates, rest-rotation patterns, grazing intensity and duration, avoidance of nesting areas during nesting season, and contingency plans for varying prolonged weather patterns including drought.
9. No leasing of lands within the Participating Landowner's designated conservation lands to wind power development (including any appurtenant turbine towers, roads, fences, or power lines).
10. No leasing any lands within the conservation lands to oil and gas development (including roads, fences, or power lines), where the private land holder has discretion.
11. No conversion of conservation lands to crop production (sod busting) or development as part of maintaining existing LPC and/or DSL habitat.
12. Avoid construction of new roads. If unavoidable, route and construct new roads, pipelines and power lines outside of occupied and suitable, unoccupied shinnery dune complexes as delineated by the FWS, BLM, NMDGF, and/or designees.

13. Provide or allow provision for escape ramps in all open water sources.
14. Install fence makers along fences that cross through occupied habitat within 2 miles of an active lek.
15. Avoid well pad construction within 1.5 miles of an active lek, (as defined in BLM 2008 and/or NM LPC/DSL Working Group 2005) unless reviewed and approved by CEHMM and FWS.
16. Initiate control of shinnery oak only after coordinating with and gaining approval from CEHMM and FWS concerning control procedures so they will not be detrimental to LPC and/or DSL.
17. Any trenches dug on enrolled property will have escape ramps placed at the ends and approximately every 500 feet to allow for LPC/DSL escape. Trenches may alternatively be covered to avoid entrapment and should be inspected three times a day.
18. Provide information on annual basis to CEHMM on implementation of conservation commitment, observations of LPC/DSL on enrolled property, and any mortality of either species observed.

In addition to the conservation actions described above, the enrollee must also agree to the following conservation measures:

#### *Lesser Prairie-Chicken*

- Install escape ramps in all open water sources.
- Remove invasive brush (non-shinnery oak).
- Maintain current grazing practices to continue to benefit LPC and livestock operation.
- Remove legacy well markers.
- Reseed or inter-seed disturbed areas.
- Allow LPC surveys.
- Install fence markers within two miles of an active lek.

#### *Dunes Sagebrush Lizard*

- Allow DSL surveys.
- No herbicide treatments will be applied in dune complexes (NRCD sand hills ecological sites) and corridors between dune complexes. Maintain an application buffer around dune complexes of 100 m to ensure dunal stability.
- Prohibit tebuthiuron spraying within 500 m of DSL habitat. In addition, for DSL, prohibit spraying in dune complexes or within corridors, which connect dune complexes that are within 2,000 m of each other. All application of tebuthiuron will be by a licensed applicator and in accordance with the New Mexico supplemental label for wildlife habitat.
- Remove unnecessary development (non-functioning power lines, fences etc.) from dunes, as funding is available.

## **INDUSTRY**

Companies who sign up under the CCA/CCAA agree to a list of conservation measures detailed in their respective CP (for federal operations) and CI (for state and private operations). These measures include:

1. To the extent determined by the BLM representative at the plan of development stage, all infrastructures supporting the development of a well (including roads, power lines, and pipelines) will be constructed within the same corridor.
2. On enrolled parcels that contain inactive wells, roads and/or facilities that are not reclaimed to current standards, the Participating Cooperator shall remediate and reclaim their facilities within three years of executing the CP, unless the Cooperator can demonstrate they will put the facilities back to beneficial use for the enrolled parcel(s). If an extension is requested by the Cooperator, they shall submit a detailed plan (including dates) and receive BLM approval prior to the three year deadline. All remediation and reclamation shall be performed in accordance with BLM requirements and be approved in advance by the Authorized Officer.
3. Allow no new surface occupancy within 30 meters of areas designated as occupied or suitable, unoccupied DSL dune complexes or within delineated shinnery oak corridors. The avoidance distance is subject to change based on new information received from peer reviewed science.
4. Utilize alternative techniques to minimize new surface disturbance when required and as determined by the BLM representative at the plan of development stage.
5. Provide escape ramps in all open water sources under the Participating Cooperator's control.
6. Install fence markings along fences owned, controlled, or constructed by the Participating Cooperator that cross through occupied habitat within two miles of an active LPC lek.
7. Bury new power lines that are within two (2) miles of LPC lek sites active at least once within the past five years (measured from the lek). The avoidance distance is subject to change based on new information received from peer reviewed science.
8. Bury new power lines that are within one (1) mile of historic LPC lek sites where at least one LPC has been observed within the past three years (measured from the historic lek). The avoidance distance is subject to change based on new information received from peer reviewed science.
9. Allow no 24-hour drilling operations or 3-D geophysical exploration during the period from March 1st through June 15th, annually, on lands enrolled by the Participating Cooperator that are located within Zone 1. Other activities that produce noise or involve human activity, such as geophysical exploration (other than 3-D operations) and pipeline, road, and well pad construction will be allowed during these dates except between 3:00 am and 9:00 am. The 3:00 am to 9:00 am restriction will not apply to normal, around-the-clock operations, such as venting, flaring, or pumping, which do not require a human presence during this period. Normal vehicle use on existing roads will not be restricted. Exceptions to these requirements would be considered in emergency situations, such as mechanical failures, but would not be considered for routine planned events.
10. Noise abatement during the period from March 1st through June 15th, annually. Noise from facilities (e.g., pump jack, compressor) under the control of the Participating Cooperator that service enrolled lands located within Zone 1 will be muffled or otherwise controlled so as not to exceed 75 db measured at 30 ft. from the source of the noise.

11. Limit seismic exploration to area outside of occupied and suitable shinnery dune complexes to protect DSL habitat.
12. Submit a routine monitoring and schedule of inspection for oil, gas and produced water pipelined and facilities to ensure accidental pollution events are avoided in sensitive habitats for DSL.
13. Inside the DSL polygon as depicted in the BLM SSS-RMPA (BLM 2008), the following will apply:
  - a. Any trench left open for eight (8) hours or less is not required to have escape ramps; however, before the trench is backfilled, an agency/CEHMM approved monitor shall walk the entire length of open trench and remove all trapped wildlife and release them at least 100 yards from the trench.
  - b. For trenches left open for eight (8) hours or more, earthen escape ramps (built at no more than a 30 degree slope and spaced no more than 500 feet apart) shall be placed in the trench. The open trench shall be monitored each day by an agency/CEHMM approved monitor during the following three time periods: (1) 5:00 a.m. to 10:00 a.m., (2) 11:00 a.m. to 2:00 p.m., and (3) 3:00 p.m. to sunset. All trapped wildlife shall be released at least 100 yards from the trench.
  - c. One agency/CEHMM approved monitor shall be required for every mile of open trench. A daily report (consolidate if more than one monitor) on the wildlife found and removed from the trench shall be provided to CEHMM (email acceptable) the following morning.
  - d. This stipulation shall apply to the entire length of the project in the DSL habitat regardless of land ownership.
14. Management recommendations may be developed based on new information received from peer reviewed science to mitigate impacts from H<sub>2</sub>S and/or the accumulation of sulfates in the soil related to production of gas containing H<sub>2</sub>S on the DSL and LPC. Such management recommendations will be applied by the Participating Cooperator as Conservation Measures under this CI in suitable and occupied DSL/LPC habitat where peer-reviewed science has shown that H<sub>2</sub>S levels threaten the LPC/DSL.
15. Upon the plugging and subsequent abandonment of a well within Zone 1, the well marker will be installed at ground level on a plate containing the pertinent information for the plugged well unless otherwise precluded by law or private surface owner.

Through the implementation of these conservation measures, oil and gas wells are often relocated to limit the impacts to the habitat and species. Infrastructure, such as pipelines, roads, and power lines, are also assessed for their placement to limit further habitat fragmentation. As wells are drilled, they will be monitored to ensure that the conservation measures identified as terms and conditions of the pertinent certificate are followed.

When an oil and gas company becomes a participating cooperator, their certificate requires them to establish a habitat conservation account, which is based on an amount per acre enrolled for a minimum of three (3) years. Each time the oil and gas cooperator disturbs enrolled land, their habitat conservation account is debited based on the amount of area disturbed. CEHMM is responsible for maintaining each cooperator's habitat conservation fund account and for debiting it when appropriate. Habitat conservation fees generated from activity on enrolled parcels (and for off-parcel activities needed to develop the enrolled parcels) are then used by the team that prioritizes proposals to improve habitat.

## **CCA/CCAA RANCHERS**

In 2014, 19 new ranchers, 5 rancher amendments, COG and the New Mexico Department of Game and Fish enrolled 180,387.39 acres of diverse land ownership which include state, private, and federal allotments. The federal allotments (CCA) constitute 29,408.58 of these acres. The state and private lands (CCAA) comprise the remaining 150,978.81 acres. There have been 73 ranches enrolled in the CCA/CCAA to date. There have been a total of 886,280.58 acres of federal allotments (CCA) enrolled and 1,044,180.81 acres of state and private lands (CCAA) enrolled for a total of 1,930,461.39 acres in DSL and LPC habitat. Refer to Table 4 for an itemization of acres among enrolled ranches.

## **CCA/CCAA INDUSTRY**

Enrolled companies have leases that span the area of concern for both LPC and DSL habitat with operations in Lea, Eddy, Chaves, and Roosevelt Counties. There have been 23 oil and gas companies that enrolled 153,318.00 federal acres (CCA) in LPC and DSL habitat in 2014. There were 19 oil and gas companies that added 680,233.04 acres in amendments in 2014, bringing the total to date enrolled federal acres to 1,462,548.21. There were 22 companies that enrolled 157,259.85 state and private acres (CCAA) in LPC and DSL habitat in 2014. There were 16 oil and gas companies that added 988,516.21 acres in amendments in 2014, bringing the total CCAA acres including the New Mexico State Land Office to 1,679,829.90 acres. The total CCA/CCAA acres enrolled by oil and gas companies and the New Mexico State Land Office in LPC and DSL habitat total 3,142,378.11 acres. Refer to Table 4 for the breakdown of acres among the enrolled companies.

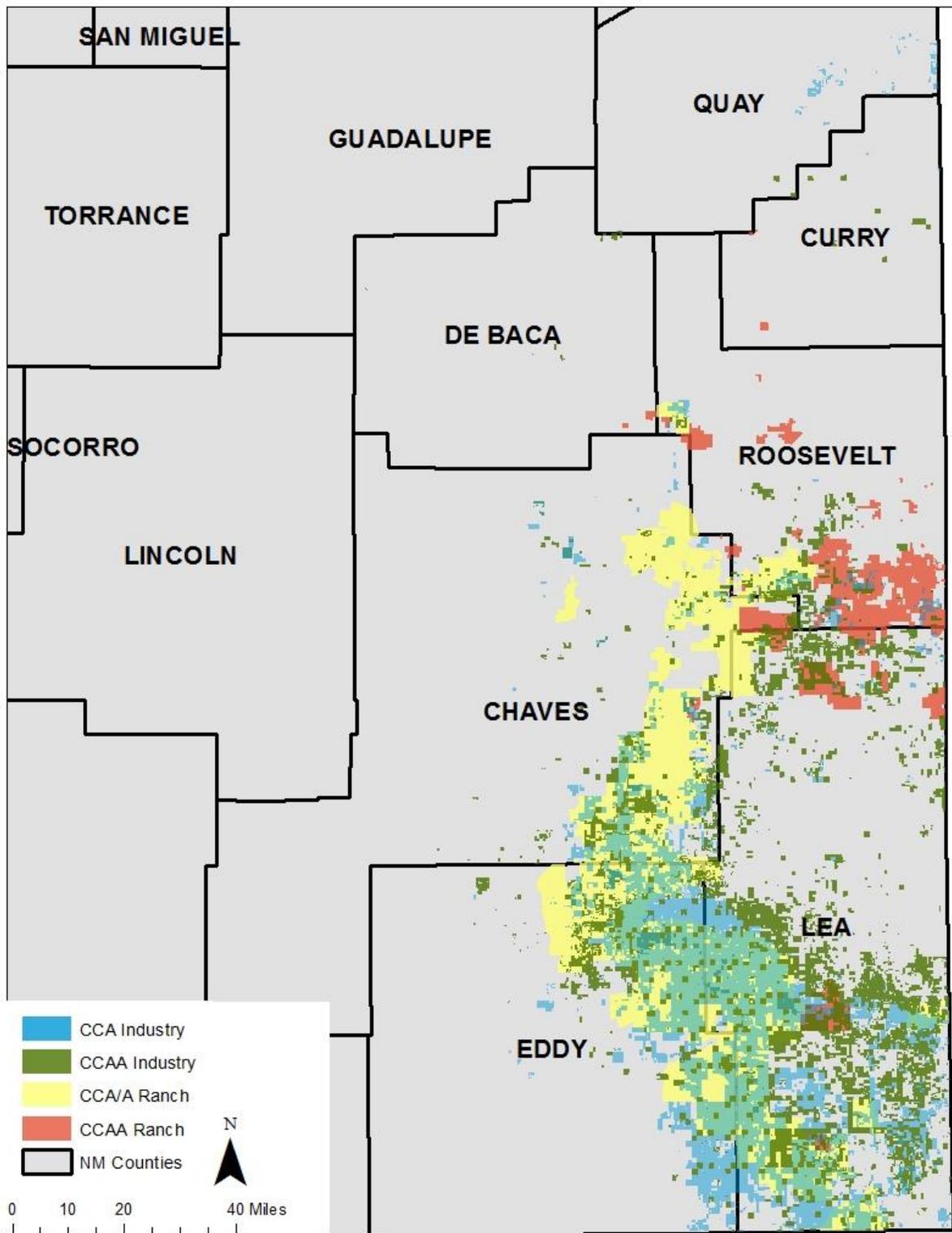


Figure 1. CCA/CCA A Enrollments

## PROJECTS

In February and August 2014, the CCA/CCAA project ranking committee met to determine which projects were to be funded. The committee funded 17 projects in February and 19 more in August for a total of 36 funded projects at the two meetings. Projects were separated into two groups, reclamation and research. Reclamation projects are those that improve habitat for the species, i.e., caliche removal and reseeding. Research projects are any projects that help improve the knowledge of the species and their habitats. Project proposals are submitted to the project ranking committee, which ranks each proposal using a system developed by the committee (see Appendices A, B, C, and D). Both types of proposals have a unique ranking system. After the proposals are evaluated and scored, the committee re-convenes to assess the benefits of each proposal regarding the two species of concern. This methodology provides an objective, non-biased system of evaluation by biologists from different agencies (CEHMM, FWS, BLM, SLO and NMDGF).

## MESQUITE CONTROL

Mesquite (*Prosopis spp.*) is universally accepted as an invasive and highly competitive species that readily invades and may eventually predominate landscapes that have sustained severe overgrazing or other significant disturbance. Due to its resilience and persistence, mesquite can easily outcompete more beneficial plants such as grasses, forbs, or other less invasive and more desirable brush species such as four-winged saltbush (*Atriplex canescence*). By removing mesquite, native grasses have the opportunity to become re-established. This will provide suitable habitat for nesting, forage, and cover for the LPC. CEHMM adopted two primary methods for addressing mesquite encroachment: hand spraying and aerial application. Although slightly more expensive and restrictive, some participants elect to request hand spray for the following reasons:

- Hand spraying can be performed year-round. This provides land managers the ability to respond to requests any time of year and is not constrained by seasonal leaf emergence as required with aerial applications.
- Hand spraying has no negative impacts on non-target plants within a defined area. This alleviates any inadvertent harmful effects on non-target species from direct application or spray drift. BLM has successfully used hand sprays in response to the re-emergence of salt cedars in previously treated areas along the Pecos River corridor.
- Hand sprays can be used effectively in near proximity to other sensitive areas such as occupied buildings, agricultural crops, or near resident livestock.
- Hand sprays are so precise that mesquites occupied by resident wildlife including occupied (protected) bird nests can be protected by way of avoidance. This also applies to any sensitive insects, reptiles, mammals, or protected plants in the near proximity.
- Hand sprays are effective. Initial observations indicate that hand sprays are >95% effective. This is evidenced by chlorosis (yellowing) in leaves and other visible signs of stress within only days of prescribed treatments.
- To date, hand spraying has been a method of choice for the first round of applicant (enrollee) requests.

Benefits of aerial applications include:

- Aerial applications are less expensive than hand treatments. Costs typically range from \$20-\$40/acre for electrostatic application in comparison to approximately \$80-100/acre for hand treatments. Contrary to the per acre cost for hand sprays to date, the costs for requisite

support personnel and administrative services in support of aerial application are not included in the per acre cost.

- Aerial applications, although constrained by seasonal status of the target plant species, encompass much larger expanses of landscape in less time, with highly effective results.
- Electrostatic technology charges the spray particles as they leave the spray boom on the airplane. This charge causes the spray particles to be attracted to the plants and allows for more of the chemical to contact the target species.

CEHMM, along with its collaborators, funded 14,809.30 acres in 2014 in support of invasive brush removal in LPC habitat. To date through the CCA/CCAA program there have been 81,644 acres funded, 64,255 acres treated and 2,580 acres waiting for suitable spraying conditions. Mesquite control of this nature improves habitat for LPC and mitigates mesquite encroachment into dunal areas that may be suitable for DSLs.

## ESCAPE RAMPS

In 2007, the National Wildlife Federation (Di Sylvestro 2007) published concerns regarding the serious threat of livestock watering tanks, on indigenous wildlife, throughout the arid southwest. Additionally, the National Audubon Society, North American Grouse Partnership, and the U.S. Fish and Wildlife Service have expressed similar concerns regarding wildlife mortalities associated with livestock tanks. This threat is not exclusive to birds, but also to insects and small mammals such as bats. Once an animal falls into a livestock tank while attempting to access water, they inherently struggle to the sides of the tank in an attempt to escape. Once a ramp is installed, it provides an available mechanism to facilitate the entrapped animals' escape. CEHMM escape ramps are modeled after proven BLM standard ramp design. In order to increase traction for an entrapped animal, and extend the ramp longevity, they are coated with a stable, non-toxic polymer textured material (similar to that sprayed on truck beds as liners) prior to installation. To date, 387 escape ramps have been installed in water troughs on ranches that have signed CIs (CCAA) and CPs (CCA). CEHMM changed the design of the escape ramps in 2014, the design change adds a rubber hose around the perimeter of the ramp to keep the metal ramp from rubbing on the side and bottom of the tanks. Thirty-nine of the previously installed ramps have been retro-fitted with the new design. All previously installed ramps will receive the retro-fit. CEHMM will continue to install escape ramps on the ranches with LPC and DSL habitat.



Figure 2. Tank with Prefabricated Escape Ramp



Figure 3. Improved Escape Ramp Installed



Figure 4. Improved Escape Ramp

## CALICHE REMOVAL AND RESEEDING

Oil and gas well pads and roads are constructed of caliche that is excavated from caliche pits in near proximity to the area where the pad and roads are to be built. These pads and roads fragment LPC and DSL habitat. By removing the caliche pads and roads the fragmentation in LPC and DSL habitat is removed and the habitat will have a chance to return to the continuous landscape that it was prior to the disturbance. Reseeding with native vegetation in the area where the caliche has been removed helps speed up the process of rehabilitating the disturbed areas. In 2014 CEHMM has defragmented by reclaiming 51 roads and pads directly impacting 48 acres with positive peripheral/indirect impacts to 4,758 acres. To date, CEHMM has reclaimed 132 roads and pads and reclaimed and reseeded 177.4 acres under the CCA. Figure 5 depicts a road after the caliche has been removed and native grass seed has been drilled. Figure 6 depicts grass emerging on the same road six months after the seed was drilled.



Figure 5. After Caliche Removal and Reseeding



Figure 6. Six Months Post-Seeding

## MITIGATION OF IMPACTS TO HABITAT

In accordance with the CCA and the BLM RMPA (BLM 2008), BLM, CEHMM and CCA enrolled companies worked together to move 77 federal wells out of suitable DSL habitat. In accordance with the CCAA, CEHMM and enrolled companies moved 6 state wells pads out of suitable DSL habitat in 2014. Biologists perform on-site inspections in areas where surface disturbances have been proposed to determine the best location for these disturbances. Through these relocations and re-routes the impacts that oil and gas activities have on DSL and LPC have been minimized.

There were 24 companies that drilled 327 federal wells and 184 state wells in fiscal year 2014 (October 2012 – September 30, 2013) on land enrolled in the CCA/A. Of these wells, 83 were relocated out of DSL habitat so companies stayed in compliance with their agreements. There were 11 rights-of-ways installed on land enrolled in the CCA/A, and of these, one was relocated out of DSL habitat. There were 12 companies who completed reclamation of wells on land enrolled in the CCA/A, totaling 116.355 acres of habitat restored for the LPC and DSL.

**Table 1. Company Involvement FY2014**

<i>Company</i>	<i>Number of Federal Wells Drilled/Permitted</i>	<i>Number of State/Fee Wells Drilled/Permitted</i>	<i>Number of Federal Wells Relocated</i>	<i>Number of State Wells Relocated</i>	<i>Number of ROWs (pipelines, roads, etc.)</i>	<i>Number of ROWs Relocated</i>	<i>Acres Reclaimed</i>
Apache	50	8	16	0	0	0	28.25
Armstrong	0	10	0	0	0	0	12.8
BOPCO	18	6	0	0	0	0	4.9
BTA	0	0	0	0	0	0	0
Burnett	22	0	0	0	3	1	3.85
Chevron	1	0	0	0	0	0	0.65
Cimarex	17	8	0	0	0	0	21
COG*	36	37	0	0	0	0	0
Conoco Phillips	41	0	25	0	0	0	34.82
Cross Timbers	0	0	0	0	0	0	0
Devon	50	7	28	1	0	0	5.53
Endurance*	0	0	0	0	0	0	0
Enervest	0	0	0	0	0	0	0
EOG	13	37	0	0	0	0	0
EOR	0	0	0	0	0	0	0
Fair oil	1	0	0	0	0	0	0
Fasken	3	2	3	2	0	0	0.3
Hanley Petroleum*	0	0	0	0	0	0	0
HEYCO	0	0	0	0	0	0	1.25
Hudson	0	0	0	0	0	0	0.005
Kaiser-Francis	0	0	0	0	0	0	0
Legacy	10	23	0	0	0	0	0

<i>Company</i>	<i>Number of Federal Wells Drilled/Permitted</i>	<i>Number of State/Fee Wells Drilled/Permitted</i>	<i>Number of Federal Wells Relocated</i>	<i>Number of State Wells Relocated</i>	<i>Number of ROWs (pipelines, roads, etc.)</i>	<i>Number of ROWs Relocated</i>	<i>Acres Reclaimed</i>
Linn	17	4	0	0	0	0	0
Mack	11	6	0	0	0	0	0
McElvain	0	0	0	0	0	0	0
Marshall & Winston*	0	3	0	0	0	0	0
Matador	0	5	0	0	0	0	0
Mewbourne	8	9	3	1	0	0	0
Nearburg*	3	0	0	0	0	0	0
Nemo Fund	0	0	0	0	0	0	0
OGX Production	0	0	0	0	0	0	0
OXY	18	6	0	0	8	0	3
Paladin	0	0	0	0	0	0	0
Primero	1	0	0	0	0	0	0
R & R Royalty	0	0	0	0	0	0	0
Read & Stevens*	0	0	0	0	0	0	0
Ridgeway Arizona	0	0	0	0	0	0	0
RKI*	0	0	0	0	0	0	0
SDX	0	0	0	0	0	0	0
Shackelford Oil	0	0	0	0	0	0	0
SM Energy	0	0	0	0	0	0	0
Stranolind	0	0	0	0	0	0	0
Strata	1	0	0	0	0	0	0
Three Rivers*	0	0	0	0	0	0	0
Tierra	0	0	0	0	0	0	0
V-F Petroleum	0	0	0	0	0	0	0
XTO	2	1	2	1	0	0	0
Yates	4	12	0	1	0	0	0
<b>TOTAL</b>	<b>327</b>	<b>184</b>	<b>77</b>	<b>6</b>	<b>11</b>	<b>1</b>	<b>116.355</b>

\*Denotes industry did not submit well information in time to be included in this report. Totals are what were billed for these companies while doing CCA/CCAA well deductions.

## FUNDING

CEHMM receives funding through industry's participation in the CCA/CCAA program. Each time a surface disturbance occurs, the account of the responsible company is debited accordingly. A surface disturbance can include construction of a well pad, installation of power lines and pipelines and geophysical operations.

## FUNDED PROJECTS

Funded projects are as follows:

- LPC Research – Natural Heritage New Mexico will consolidate all historic New Mexico LPC data, including raw data yet to be validated or published, into an easily accessible database. Cost of this project is \$8,572.
- Billberry Water – ¼ mile of water pipeline and a 20 foot fiberglass drinker with a concrete access/escape ramp will be installed on the Bud Billberry property which is located in the LPC core management area. This cost of this project is \$7,000.
- Mitchell Water – 2 miles of water pipeline, three new drinkers, storage tank and solar pump will be installed. The cost of this project is \$43,320.
- Woody Water – 2 miles of water pipeline, 2 fiberglass troughs, 3 fiberglass storage tanks, a solar pump and booster will be installed. The cost of this project is \$77,852.
- Luman Drinker Repair – Two drinkers are to be repaired and an addition of a wildlife friendly drinker. The cost of this project is \$13,500.
- Mathis Water – One drinker and ¾ mile of pipeline to be added to the Mathis ranch to allow for better distribution of livestock grazing and more accessible water to wildlife. The cost of this project is \$5,200.
- Richardson Water – Three new water wells to be drilled, 8 new drinking tubs with escape ramps and three miles of pipeline will be added to the Richardson ranch. The cost of this project is \$50,000.
- Williamson Water – Four drinkers and four storage tanks to be repaired, four new drinkers, two new storage tanks, a new solar well and three miles of pipeline to be installed on the Williamson ranch. The cost of this project is \$100,000.
- Pearce Water – Drill two wells, add 6 new storage tanks, 7 solar pumps, ½ mile of water pipeline and the removal of four windmills on the Pearce ranch. The total cost of this project is \$200,000.
- Jolley Solar Pump – The removal of an old windmill and the drilling of a new well with a solar pump. The cost of this project is \$30,255.
- Riley Solar Pump – Install a solar pump system in an existing well location. The cost of this project is \$12,165.
- Bilbrey Solar – Removal of a windmill tower and the addition of a solar pump. The cost of this project is \$31,000.

- Clemmons Solar - Removal of a three windmill towers and the addition of a three solar pumps. The cost of this project is \$83,500.
- Riley Tank and Booster – Two used oil tanks are to be cleaned and used for storage of fresh water, a booster pump is also going to be added to supply adequate amount of water and two drinkers. The cost of this project is \$17,921.
- CCA/A Documentary – USFWS is making a documentary on the New Mexico Candidate Conservation Agreements to make an education tool. It will highlight the key habitats needed for the LPC and DSL, show restoration sites completed and outline the benefits to the two species. The cost of this project is \$7,610.50.
- Field Hand Mesquite – Hand treatment of 507 acres of mesquite will be sprayed to minimize the exposure of chemicals to the agricultural fields located north of the property. The cost of this project is \$50,700.
- TNC Hand Mesquite – 560 acres of mesquite will be sprayed by hand to maximize which areas are focused on, allowing for some mesquite to be excluded from spraying allowing mule deer, quail and other species to utilize. The cost of this project is \$56,000.
- TNC Mesquite Removal – The mechanical grubbing of 1,720 acres of dead standing mesquite on The Nature Conservancy land. The cost of this project is \$258,000.
- Mitchell Mesquite – Aerially treat 6,024 acres of mesquite. A breeding bird survey will be conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. Cost of this project is \$160,600.
- Riley Mesquite – Aerially treat 3,548.3 acres of mesquite. A breeding bird survey will be conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. The cost of this project is \$98,707.
- Bresenham Mesquite – Aerially treat 450 acres of mesquite. A breeding bird survey will be conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. Cost of this project is \$11,750.
- Medlin Mesquite – Aerially treat 2,000 acres of mesquite. A breeding bird survey will be conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. The cost of this project is \$50,500.
- Grisham LPC – This is an ongoing study being conducted by Blake Grisham from Texas Tech University that looks to identify the current and future conservation actions that are needed to preserve LPC populations in regards to land management practices and environmental variation. This cost of this project is \$149,838.70.

- Woody Fence – One mile of fence to replace an existing degrading fence as well as the addition of wildlife markers. The cost of this project is \$7,725.
- Jolley Fence – Removal of 9.5 miles and the addition of 2 miles of fence would allow for better grazing management. The cost of this project is \$42,636.
- Clark Fence – The addition of 2 miles of fence to be added to the Clark Ranch to separate the Clark ranch from his neighbor. The cost of this project is \$19,100.
- TNC Fence - The replacement of 22 miles of fencing on the TNC property to be completed in three phases with a total cost of \$176,000.
- Williamson Fence – Repair or replace 19 miles of fencing on the Williamson ranch with a total cost of \$173,000.
- Clemmons Fence – The addition of 5.5 miles of fencing on the Clemmons ranch with a total cost of \$49,500.
- Range Con Proposal – A range conservationist to be funded for a least two years to help with the development and implementation of grazing plans of ranchers in the CCA/CCA. Cost of this project is \$240,000.
- Auburn Best – This project determined the status of the populations and distributions of the LPC in the CFOs in Chaves, Lea and Roosevelt counties. The cost of this project is \$49,707.
- NFWF Land Match – CEHMM to use \$225,000 in addition to a \$150,000 grant that was awarded from NFWF for land acquisition in core LPC habitat.
- Hay Reclamation – Reclamation and reseeding of an abandoned oil pad that would reclaim ½ acre. The cost of this project is \$5,500.
- Meyers Reclamation – Reclamation and reseeding of 3 acres of caliche road. The cost of this project is \$14,500.
- BLM ROBEL Monitoring – The Roswell BLM field office is to monitor 65 sites using ROBEL in order to maintain suitable LPC habitat. The cost of the project is \$15,000.
- Pheasants Forever, Inc. – A total of \$25,000 was awarded to Pheasants Forever to fund one full year for Jake Swafford.

Table 2. Funded Projects for 2014

<i>Project</i>	<i>Date Funded</i>	<i>Amount Funded</i>	<i>Units</i>	<i>Date Completed</i>
Bilberry Water	02/07/2014	\$7,000.00	1/4 mile	
CCA/A Documentary	02/07/2014	\$7,610.50	N/A	
Field Hand Mesquite	02/07/2014	\$50,700.00	507	
Grisham LPC	02/07/2014	\$148,838.70	N/A	
Jolley Solar Pump	02/07/2014	\$30,255.00	N/A	
Mitchell Mesquite	02/07/2014	\$160,600.00	6024 acres	
Mitchell Water	02/07/2014	\$43,320.00	2 miles	
Natural Heritage LPC	02/07/2014	\$8,572.00	N/A	
Riley Mesquite	02/07/2014	\$98,707.00	3548.3 acres	
Riley Solar Pump	02/07/2014	\$12,165.00	N/A	10/13/2014
Riley Tank and Booster	02/07/2014	\$17,921.00	N/A	
TNC Hand Mesquite	02/07/2014	\$56,000.00	560 acres	
Woody Fence	02/07/2014	\$7,725.00	1 Mile	
Woody Water	02/07/2014	\$77,852.00	2 miles	
Range Con Proposal	02/07/2014	\$240,000.00	N/A	
Auburn Best	02/07/2014	\$49,707.00	N/A	6/19/2014
NFWF Land-Match	02/07/2014	\$225,000.00	N/A	
Bilbrey Solar	08/19/2014	\$31,000.00	N/A	
Clemmons Solar	08/19/2014	\$83,500.00	N/A	
Luman Drinker Repair	08/19/2014	\$13,500.00	N/A	
Mathis Water	08/19/2014	\$5,200.00	N/A	
Richardson Water	08/19/2014	\$50,000.00	N/A	
Williamson Water	08/19/2014	\$100,000.00	N/A	
Medlin Mesquite	08/19/2014	\$50,500.00	2000 acres	
Bresenham Mesquite	08/19/2014	\$11,750.00	450 acres	
Hay Reclamation	08/19/2014	\$5,500.00	0.5 acres	
Meyers Reclamation	08/19/2014	\$14,500.00	3 acres	
Jolley Fence Installation	08/19/2014	\$17,556.00	1.75 miles	
Jolley Fence Removal	08/19/2014	25,080.00	9.5 miles	
Clark Fence Installation	08/19/2014	\$19,100.00	2 miles	
TNC Fence Replacement	08/19/2014	\$176,000.00	21.4 miles	
Williamson Fence Replacement	08/19/2014	\$173,500.00	19 miles	
Clemmons Fence Installation	08/19/2014	\$49,500.00	2.5 miles	
TNC Mesquite Removal	08/19/2014	\$258,000.00	1720 acres	
BLM Robel Monitoring	08/19/2014	\$15,000.00	N/A	
Pearce Water	08/19/2014	\$200,000.00	N/A	
Pheasants Forever, Inc.	10/10/2014	\$25,000.00	N/A	
<b>2014 TOTAL</b>		<b>\$2,566,159.20</b>		

## COMPLETED PROJECTS 2014

- Bresenham caliche removal – Reclaimed and reseeded 30 acres of caliche pads and roads in LPC and DSL habitat. The project cost was \$100,000.
- Meyers Mesquite – Aerially sprayed 7,080 acres of mesquite. A breeding bird survey was conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. The cost of this project was \$195,480.06.
- BLM North ACEC Well – CEHMM drilled a well on BLM’s ACEC in LPC habitat to provide water on the landscape. Eight storage tanks were install to supply water to wildlife drinkers at eight sites. Total project cost was \$93,322.
- Jesko Mesquite – Aerially sprayed 1,782 acres of mesquite. A breeding bird survey was conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. Cost of this project was \$49,201.02.
- Caviness Mesquite – Aerially sprayed 5,600 acres of mesquite. A breeding bird survey was conducted prior to treatment in this area to ensure that there are not any negative impacts to nesting birds. Cost of this project was \$144,693.42.
- BLM Caviness Reclamation – Reclaimed and reseeded 18 acres of caliche pads and roads in LPC and DSL habitat. The cost of this project was \$63,000.
- Auburn Best – This project determined the status of the populations and distributions of the LPC in the HEAs in Eddy and Lea counties, surveys were also performed in Chaves and Roosevelt counties. The cost of this project was \$49,707.
- Riley Solar Pump – Installed a solar pump system in an existing well location. The cost of this project was \$12,165.
- Riley Tank Booster Pump: BLM provided Mr. Riley with the tanks and CEHMM had the booster pumps and associated parts installed to move water to and from these tanks. Project cost was \$17,921.

**Table 3. Completed Projects for 2014**

<i>Project</i>	<i>Date Funded</i>	<i>Project Cost</i>	<i>Units</i>	<i>Date Completed</i>
Bresenham Caliche Removal	01/29/2013	\$100,000.00	30	02/01/2014
Meyers Mesquite	04/18/2013	\$195,480.06	7,080	06/21/2014
BLM North ACEC Well	04/30/2013	\$93,322.00	N/A	03/31/2014
Jesko Mesquite	04/30/2013	\$49,201.02	1,782	07/07/2014
BLM Caviness Mesquite	04/30/2013	\$144,693.42	6,580	06/30/2014
BLM Caviness Reclamation	04/30/2013	\$63,000.00	18	03/30/2014
Auburn Best	02/07/2014	\$49,707.00	N/A	06/19/2014
Riley Solar Pump	02/07/2014	\$12,165.00	N/A	10/13/2014
Riley Tanks and Booster Pump	02/07/2014	\$17,921.00	N/A	12/06/2014
<b>2014 TOTAL</b>		<b>\$725,489.50</b>		

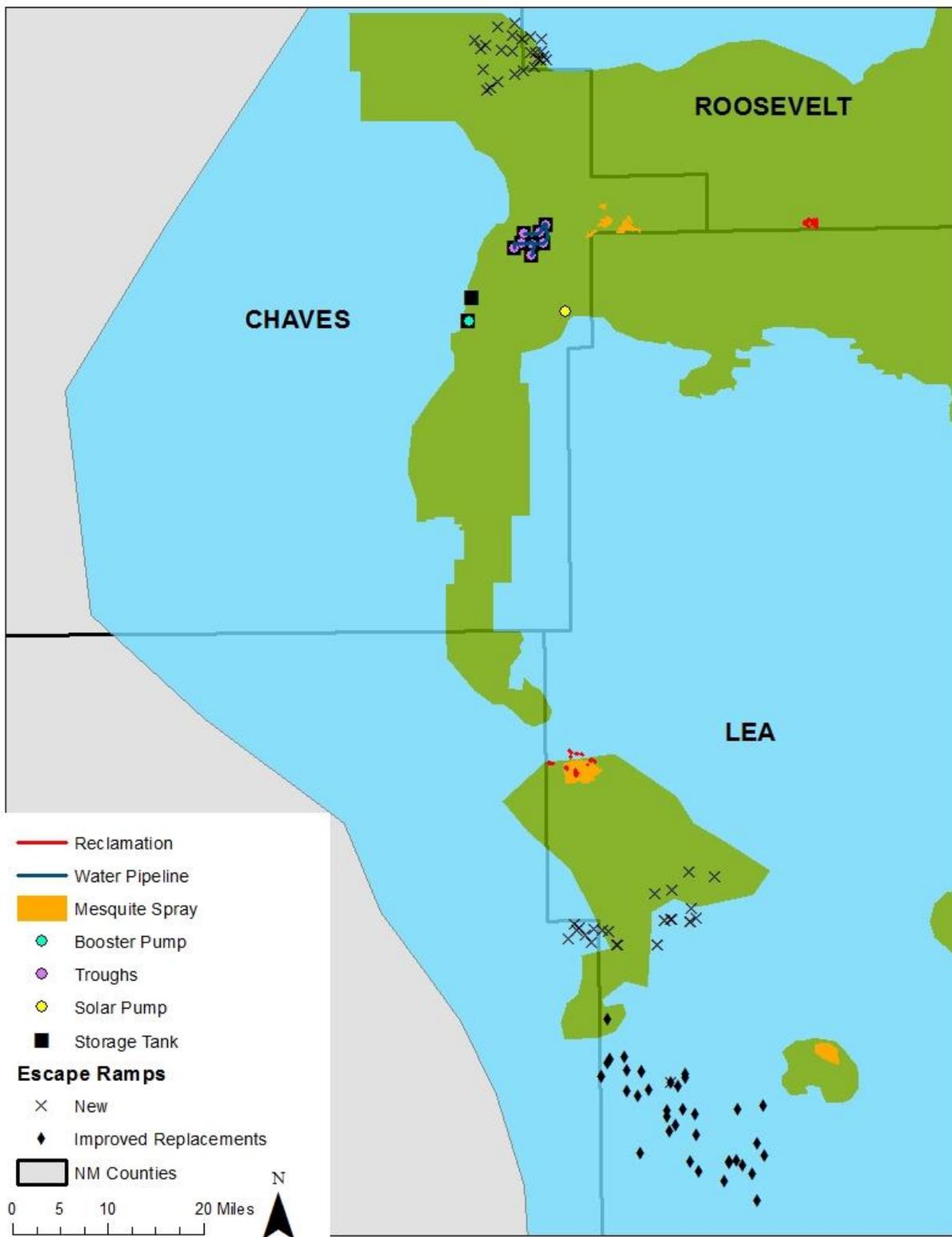


Figure 7. Completed Projects in 2014

## **MONITORING**

In 2014, Mike Hill conducted four days of DSL walking surveys at four sites, all of which were within the current DSL polygon (Figure 6). No DSL were detected at these sites. Mike Hill did capture 88 lizards of 4 other species while performing the walking surveys: 69 Common Lesser Earless Lizards, 9 Prairie Lizards, 5 Six-lined Racerunners, and 5 unknown lizards.

CEHMM conducted 25 days of LPC road surveys on 14 CCA/CAA ranches in March, April May, June and October 2014. Road surveys are also known as listening surveys. The surveyor shuts off the vehicle and stands outside of the vehicle listening for ten minutes at each stop. The surveyor collects the following data at each stop: survey area (ranch name), presence of LPC, direction LPC are located, time, temperature, wind speed, cloud cover, noise sources, noise levels, and other wildlife observed. At the end of ten minutes the surveyor returns to the vehicle and drives one mile down the road and repeats the above protocol. Surveys are conducted from thirty minutes prior to sunrise and conclude at 9 a.m. If the wind exceeds fifteen miles per hour the survey will be cut short. Winds at those speeds inhibit the surveyor from hearing the LPC and thus may produce false negatives for the area. The survey will be concluded on the following day. In 2014, there were 187 stops made on 14 ranches, with 12 stops being resurveys from 2013 known lek locations. LPCs were heard on 43 stops on 9 of the 14 ranches, with 11 stops on 5 ranches being resurveys from 2013 known lek locations.

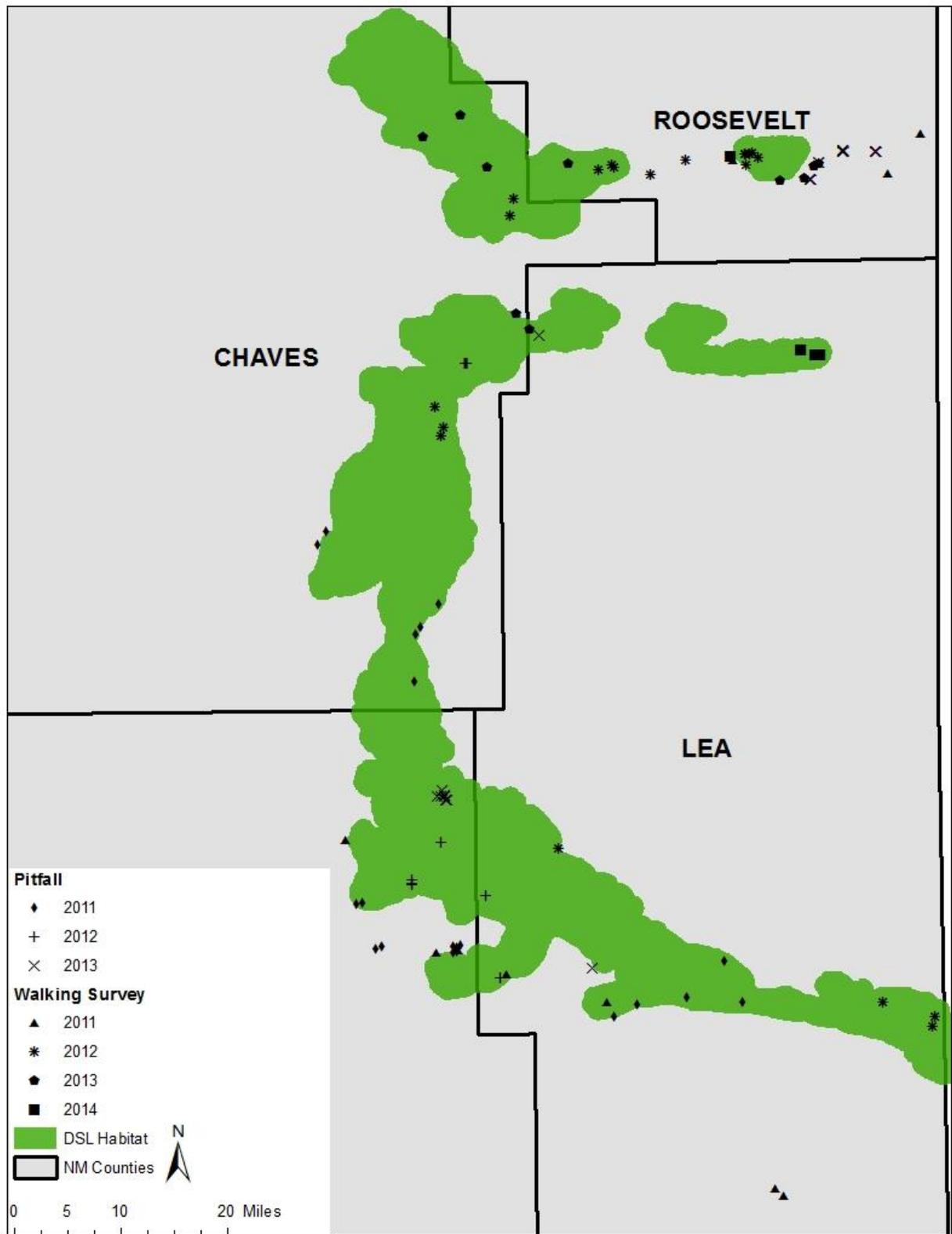


Figure 8. DSL Surveys in 2014

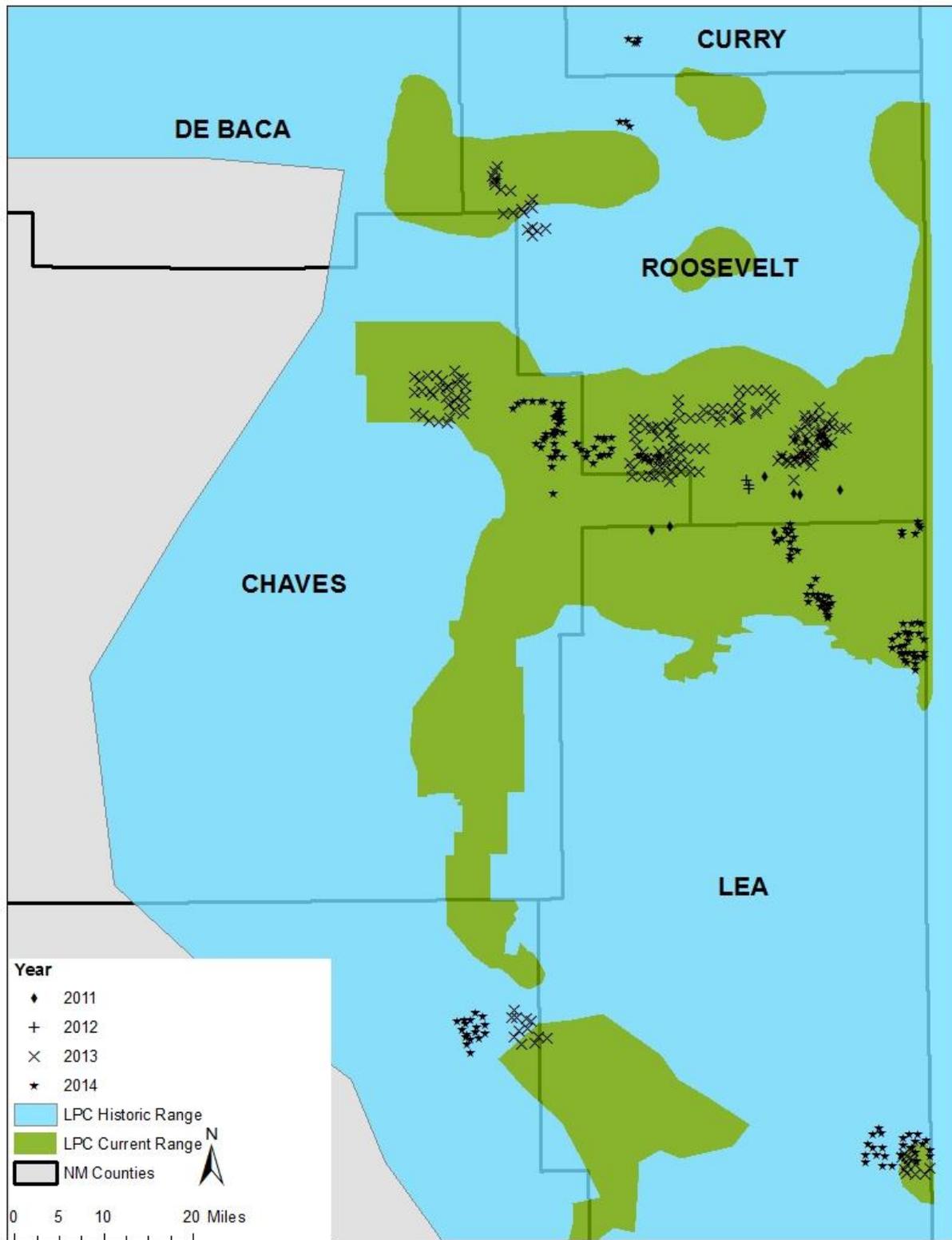


Figure 9. LPC Surveys in 2014

## **CONSERVATION MEASURE VIOLATIONS**

In 2012, CEHMM developed a formal notification for enrollees who violate their respective conservation measures. This action, referred to as a Conservation Measure Violation (CMV) is modeled after the BLM's Incident of Non-Compliance (INC). As defined in the Conservation Agreements, enrollees who fail to comply with their voluntary measures receive formal notification from CEHMM pursuant to the violation in the form of a CMV. Respondents to the CMV work with CEHMM biologists to provide corrective actions to the infraction in order to mitigate or abate negative impacts to either species. However, once an enrollee is issued three or more CMVs for infractions, they may lose their respective assurances or other programmatic warranties as provided in accordance with their CCA or CCAA. In 2014, CEHMM issued 8 CMVs for infractions committed by three different oil companies, two well pads cleared in suitable dunes and six wells exceeding 75 db sound level. All eight CMVs have been corrected by the companies and there are no outstanding CMVs.

An example of a CMV is included as Appendix F.

## **SUMMARY**

A total of 180,387.39 acres of rangeland have been enrolled in the CCA/CCAA in 2014 with a total of 1,930,461.39 acres to date. A total of 1,979,327.10 acres of leased land in LPC and DSL habitat have been enrolled by oil and gas companies for the CCA/CCAA in 2014 with a total of 3,142,378.11 acres to date. In 2014, CEHMM funded five LPC research projects, one range conservationist, one NFWF land grant, one Pheasants Forever funding, 7 mesquite treatments totaling 14,809.30 acres, two reclamation projects totaling 3.5 acres, 13 projects installing wells and water storage tanks and 6 projects removing/installing or repairing fences. Overall, the CCA/CCAA has funded 74,564 acres of invasive brush treatment and over 108.9 acres of reclamation and reseeding.

**Table 4. Industry and Ranch Acres Enrolled**

<b>Agreement</b>	<b>Type</b>	<b>Name</b>	<b>Acreege</b>	<b>Agreement No.</b>	<b>Date Effective</b>	<b>Comment</b>
CCA	Industry	Marbob Energy	0*	CP-OGOP-001	12/08/2008	*Included in COG enrollment
CCA	Industry	Concho Resources	197,202.93	CP-OGOP-002	06/15/2010	
CCA	Industry	BOPCO	76,049.38	CP-OGOP-003	09/24/2010	
CCA	Industry	Conoco-Phillips	46,904.77	CP-OGOP-005	10/21/2010	
CCA	Industry	Burnett Oil Co., Inc.	8,160.00	CP-OGOP-006	07/12/2011	
CCA	Industry	EnerVest Operating LLC.	8,758.00	CP-OGOP-007	07/12/2011	
CCA	Industry	Devon Energy	159,167.55	CP-OGOP-009	09/19/2011	
CCA	Industry	ARMSTRONG ENERGY	4,995.58	CP-OGOP-010	10/25/2011	
CCA	Industry	LINN ENERGY	12,240.00	CP-OGOP-011	10/25/2011	
CCA	Industry	Three Rivers Operating Company, LLC	0*	CP-OGOP-012	11/10/2011	*Included in COG Enrollment
CCA	Industry	Chevron	51,895.95	CP-OGOP-013	11/10/2011	*Includes Chesapeake
CCA	Industry	SM Energy	1,364.12	CP-OGOP-014	11/10/2011	
CCA	Industry	Yates	94,404.81	CP-OGOP-015	11/09/2011	
CCA	Industry	Mewbourne	31,596.24	CP-OGOP-016	11/14/2011	
CCA	Industry	BTA	880.00	CP-OGOP-017	11/21/2011	
CCA	Industry	Ridgeway Arizona	2,910.01	CP-OGOP-018	11/21/2011	
CCA	Industry	Cimarex	55,412.15	CP-OGOP-019	11/21/2011	
CCA	Industry	OXY	168,947.04	CP-OGOP-020	11/21/2011	
CCA	Industry	Strata	7,361.28	CP-OGOP-021	11/21/2011	
CCA	Industry	Apache	126,783.06	CP-OGOP-022	11/21/2011	
CCA	Industry	Fasken	5,324.49	CP-OGOP-023	11/21/2011	
CCA	Industry	EOG	127,739.29	CP-OGOP-024	11/21/2011	
CCA	Industry	RKI	32,871.28	CP-OGOP-025	11/21/2011	
CCA	Industry	HEYCO	40,306.27	CP-OGOP-026	11/21/2011	
CCA	Industry	XTO	2,480.08	CP-OGOP-027	11/21/2011	
CCA	Industry	OGX Resources	0*	CP-OGOP-028	11/30/2011	*Included in COG Enrollment
CCA	Industry	Chesapeake	0.00	CP-OGOP-029	11/30/2011	
CCA	Industry	Nearburg	9,204.31	CP-OGOP-030	06/07/2012	
CCA	Industry	OGX Production	480.00	CP-OGOP-031	12/15/2011	
CCA	Industry	Legacy Reserves	31,340.04	CP-OGOP-032	05/31/2012	
CCA	Industry	EOR	4,451.58	CP-OGOP-033	07/16/2013	
CCA	Industry	Regeneration Energy	640.00	CP-OGOP-034	3/20/2014	
CCA	Industry	Tierra Oil Company, LLC	393.01	CP-OGOP-035	3/20/2014	
CCA	Industry	Marshall and Winston	5,599.67	CP-OGOP-036	3/24/2014	
CCA	Industry	MRC/Matador	1,901.46	CP-OGOP-037	4/17/2014	
CCA	Industry	BC Operating	5,720.96	CP-OGOP-038	4/17/2014	
CCA	Industry	Manzano	3,909.32	CP-OGOP-039	4/17/2014	
CCA	Industry	Adventure	3,080.04	CP-OGOP-040	4/16/2014	
CCA	Industry	Mack Energy	40,407.10	CP-OPOP-041	5/5/2014	
CCA	Industry	McElvain	1,899.26	CP-OGOP-042	5/30/2014	
CCA	Industry	Read and Stevens	34,670.00	CP-OGOP-043	4/25/2014	

<i>Agreement</i>	<i>Type</i>	<i>Name</i>	<i>Acreage</i>	<i>Agreement No.</i>	<i>Date Effective</i>	<i>Comment</i>
CCA	Industry	Primero	904.92	CP-OGOP-044	5/23/2014	
CCA	Industry	R&R Royalty	16,432.93	CP-OGOP-045	5/30/2014	
CCA	Industry	Endurance Resources	4,320.00	CP-OGOP-046	5/30/2014	
CCA	Industry	Hudson	7,703.81	CP-OGOP-047	5/30/2014	
CCA	Industry	Paladin	800.48	CP-OGOP-048	5/30/2014	
CCA	Industry	Stanolind	1,680.62	CP-OGOP-049	5/30/2014	
CCA	Industry	SDX	120.00	CP-OGOP-050	5/30/2014	
CCA	Industry	Kaiser-Francis	6,459.46	CP-OGOP-051	5/30/2014	
CCA	Industry	Hanley Petroleum	120.00	CP-OGOP-052	5/30/2014	
CCA	Industry	V-F Petroleum	6,400.00	CP-OGOP-053	5/30/2014	
CCA	Industry	Cross Timbers	680.08	CP-OGOP-054	5/30/2014	
CCA	Industry	Fair Oil	3,114.88	CP-OGOP-055	5/30/2014	
CCA	Industry	Shackelford Oil	6,360.00	CP-OGOP-056	5/30/2014	
<b>TOTAL CCA Industry</b>			<b>1,462,548.21</b>			
CCA	Ranch	Bogle	231,090.00	CP-GRAZ-001	11/10/2010	
CCA	Ranch	Madera	3,282.00	CP-GRAZ-002	09/27/2010	
CCA	Ranch	Brininstool	19,343.00	CP-GRAZ-003	12/02/2010	
CCA	Ranch	Creamer	54,571.00	CP-GRAZ-004	04/11/2011	
CCA	Ranch	McCloy	24,590.00	CP-GRAZ-005	06/10/2011	
CCA	Ranch	Meyers	11,021.00	CP-GRAZ-006	04/11/2011	
CCA	Ranch	Mills	66,484.00	CP-GRAZ-007	05/31/2011	
CCA	Ranch	Sims	40.00	CP-GRAZ-008	07/27/2011	
CCA	Ranch	Berry	26,071.00	CP-GRAZ-009	04/06/2011	
CCA	Ranch	Pearce	36,156.00	CP-GRAZ-010	03/07/2011	
CCA	Ranch	Marley	10,702.00	CP-GRAZ-011	04/11/2011	
CCA	Ranch	James	6,084.00	CP-GRAZ-012	06/10/2011	
CCA	Ranch	Mathis	8,885.82	CP-GRAZ-013	08/03/2011	
CCA	Ranch	Richardson	83,870.00	CP-GRAZ-014	08/31/2011	
CCA	Ranch	Robert McCasland	2,449.00	CP-GRAZ-015	11/28/2011	
CCA	Ranch	Billy Williams	14,275.00	CP-GRAZ-016	11/18/2011	
CCA	Ranch	Kenneth Smith	128,368.00	CP-GRAZ-017	11/18/2011	
CCA	Ranch	Johnson Cattle	1,898.00	CP-GRAZ-018	12/08/2011	
CCA	Ranch	Bud Billberry	3,875.00	CP-GRAZ-019	12/08/2011	
CCA	Ranch	Steve Haines	4,470.00	CP-GRAZ-020	11/18/2011	
CCA	Ranch	Shannon Kizer	7,526.00	CP-GRAZ-021	11/18/2011	
CCA	Ranch	Ross Caviness	27,921.00	CP-GRAZ-022	02/17/2012	
CCA	Ranch	Jim Ross Caviness	5,237.00	CP-GRAZ-023	12/13/2011	
CCA	Ranch	Kerby	18,990.00	CP-GRAZ-024	12/08/2011	
CCA	Ranch	Weinheimer	5,265.00	CP-GRAZ-025	12/08/2011	
CCA	Ranch	James P. Southard	1,456.00	CP-GRAZ-026	12/08/2011	
CCA	Ranch	Clemmons & Erdmann	7,246.00	CP-GRAZ-027	12/08/2011	
CCA	Ranch	Owens	6,067.00	CP-GRAZ-028	02/14/2012	

<i>Agreement</i>	<i>Type</i>	<i>Name</i>	<i>Acreage</i>	<i>Agreement No.</i>	<i>Date Effective</i>	<i>Comment</i>
CCA	Ranch	Robert Jolley	9,766.00	CP-GRAZ-029	06/12/2012	
CCA	Ranch	Ronnie Mitchell	8,243.00	CP-GRAZ-030	06/12/2012	
CCA	Ranch	McDowell Trust	2,040.00	CP-GRAZ-031	4/15/2014	
CCA	Ranch	Dwain Woody	640.00	CP-GRAZ-032	3/27/2014	
CCA	Ranch	Daniel & Dwight Jesko	8,497.00	CP-GRAZ-033	7/31/2014	
CCA	Ranch	Brett Riley	11,440.00	CP-GRAZ-034	4/15/2013	
CCA	Ranch	Kenneth Owens	1,440.00	CP-GRAZ-035	5/6/2014	
CCA	Ranch	Mark Watts	321.50	CP-GRAZ-036	5/30/2014	
CCA	Ranch	Beckham Ranch	26,660.26	CP-GRAZ-037	5/30/2014	
<b>TOTAL CCA Ranch</b>			<b>886,280.58</b>			
CCAA	Industry	Conoco-Phillips	31,422.20	CI-OGOP-001	09/28/2011	
CCAA	Industry	Devon Energy	57,433.93	CI-OGOP-002	09/19/2011	
CCAA	Industry	BOPCO	17,916.81	CI-OGOP-003	09/28/2011	
CCAA	Industry	Armstrong Energy	25,010.45	CI-OGOP-004	10/20/2011	
CCAA	Industry	EnerVest Operating	8,756.19	CI-OGOP-005	10/20/2011	
CCAA	Industry	Linn Energy	1,440.00	CI-OGOP-006	10/20/2011	
CCAA	Industry	Three Rivers Operating	640.00	CI-OGOP-007	11/10/2011	
CCAA	Industry	Chevron	52,167.33	CI-OGOP-008	11/10/2011	*Includes Chesapeake
CCAA	Industry	Yates	113,670.27	CI-OGOP-009	11/10/2011	
CCAA	Industry	Concho Resources	110,592.16	CI-OGOP-010	11/14/2011	
CCAA	Industry	Mewbourne	19,197.89	CI-OGOP-011	11/18/2011	
CCAA	Industry	BTA	1,920.00	CI-OGOP-013	11/18/2011	
CCAA	Industry	Ridgeway	11,382.56	CI-OGOP-014	11/18/2011	
CCAA	Industry	Cimarex	21,198.18	CI-OGOP-015	11/18/2011	
CCAA	Industry	OXY	163,547.58	CI-OGOP-016	11/18/2011	
CCAA	Industry	Strata	2,640.00	CI-OGOP-017	11/18/2011	
CCAA	Industry	HEYCO	15,676.26	CI-OGOP-018	11/18/2011	
CCAA	Industry	Fasken	5,920.01	CI-OGOP-019	11/18/2011	
CCAA	Industry	EOG	79,343.48	CI-OGOP-020	11/18/2011	
CCAA	Industry	Apache	72,780.58	CI-OGOP-021	11/18/2011	
CCAA	Industry	Chesapeake	0*	CI-OGOP-022	11/28/2011	*Included in COG Enrollment
CCAA	Industry	OGX Production	4,428.38	CI-OGOP-023	11/30/2011	
CCAA	Industry	OGX Resources	0*	CI-OGOP-024	11/30/2011	*Included in COG Enrollment
CCAA	Industry	NM State Land Office	652,277.52	CI-OGOP-025	03/02/2012	
CCAA	Industry	Legacy Reserves	48,432.55	CI-OGOP-026	05/29/2012	
CCAA	Industry	Nearburg	1,775.72	CI-OGOP-027	06/06/2012	
CCAA	Industry	EOR	3,000.00	CI-OGOP-028	7/16/2013	
CCAA	Industry	Energex	1,280.00	CI-OGOP-029	3/13/2014	
CCAA	Industry	Tierra Oil Company, LLC	960.00	CI-OGOP-030	3/13/2014	
CCAA	Industry	Marshall and Winston	7,200.00	CI-OGOP-031	3/20/2014	
CCAA	Industry	MRC/Matador	14,470.03	CI-OGOP-032	4/14/2014	
CCAA	Industry	BC Operating	5,960.00	CI-OGOP-033	4/14/2014	

<i>Agreement</i>	<i>Type</i>	<i>Name</i>	<i>Acreage</i>	<i>Agreement No.</i>	<i>Date Effective</i>	<i>Comment</i>
CCAA	Industry	Manzano	4,561.55	CI-OGOP-034	4/14/2014	
CCAA	Industry	Adventure	280.00	CI-OGOP-035	4/14/2014	
CCAA	Industry	Mack Energy	28,575.18	CI-OGOP-036	4/25/2014	
CCAA	Industry	Burnett Oil Co., Inc.	640.00	CI-OGOP-037	5/30/2014	
CCAA	Industry	Read and Stevens	25,090.00	CI-OGOP-039	4/25/2014	
CCAA	Industry	RKI	27,679.974	CI-OGOP-040	4/25/2014	
CCAA	Industry	Endurance Resources	2,160.00	CI-OGOP-041	5/23/2014	
CCAA	Industry	Hudson	640.00	CI-OGOP-042	5/23/2014	
CCAA	Industry	Paladin	3,419.96	CI-OGOP-043	5/23/2014	
CCAA	Industry	Nemo Fund	2,879.23	CI-OGOP-044	5/23/2014	
CCAA	Industry	SDX	320.00	CI-OGOP-045	5/30/2014	
CCAA	Industry	Hanley Petroleum	1,400.00	CI-OGOP-046	5/30/2014	
CCAA	Industry	Primero	760.06	CI-OGOP-047	5/30/2014	
CCAA	Industry	Kaiser-Francis	6,783.87	CI-OGOP-048	5/30/2014	
CCAA	Industry	V-F Petroleum	15,000.00	CI-OGOP-049	5/30/2014	
CCAA	Industry	Fair Oil	840.00	CI-OGOP-050	5/30/2014	
CCAA	Industry	Shackelford Oil	6,360	CI-OGOP-051	5/30/2014	
<b>TOTAL CCAA INDUSTRY</b>			<b>1,679,829.90</b>			

CCAA	Ranch	Brininstool	11,687.00	CI-GRAZ-001	12/08/2008	
CCAA	Ranch	Luman	2,161.00	CI-GRAZ-002	11/06/2009	
CCAA	Ranch	Mohon	3,452.30	CI-GRAZ-003	11/06/2009	
CCAA	Ranch	Weaver	24,630.00	CI-GRAZ-004	11/06/2009	
CCAA	Ranch	Grasslans Charitable	1,595.00	CI-GRAZ-005	11/06/2009	
CCAA	Ranch	Ainsworth	32.00	CI-GRAZ-006	11/06/2009	
CCAA	Ranch	Williamson	7,845.00	CI-GRAZ-007	12/02/2009	
CCAA	Ranch	Medlin	16,319.00	CI-GRAZ-008	12/02/2009	
CCAA	Ranch	Thomas	4,634.00	CI-GRAZ-009	12/15/2009	
CCAA	Ranch	Bickley	1,123.00	CI-GRAZ-010	01/07/2010	
CCAA	Ranch	Bresenham	4,758.00	CI-GRAZ-011	01/13/2010	
CCAA	Ranch	TNC/MPP-S	7,041.00	CI-GRAZ-012	03/12/2010	
CCAA	Ranch	TNC/MPP-N	18,500.00	CI-GRAZ-013	03/12/2010	
CCAA	Ranch	Madera	30,982.00	CI-GRAZ-014	09/27/2010	
CCAA	Ranch	Bogle	167,986.00	CI-GRAZ-015	09/23/2010	
CCAA	Ranch	Creamer	7,346.00	CI-GRAZ-016	04/11/2011	
CCAA	Ranch	McCloy	35,301.00	CI-GRAZ-017	06/07/2011	
CCAA	Ranch	Meyers	12,123.00	CI-GRAZ-018	04/11/2011	
CCAA	Ranch	Mills	10,779.00	CI-GRAZ-019	05/23/2011	
CCAA	Ranch	Sims	33,774.00	CI-GRAZ-020	08/03/2011	
CCAA	Ranch	Berry	15,198.00	CI-GRAZ-021	03/31/2011	
CCAA	Ranch	Pearce	28,129.00	CI-GRAZ-022	03/07/2011	
CCAA	Ranch	Marley	6,386.00	CI-GRAZ-023	04/11/2011	
CCAA	Ranch	James	2,784.00	CI-GRAZ-024	06/10/2011	

<i>Agreement</i>	<i>Type</i>	<i>Name</i>	<i>Acreage</i>	<i>Agreement No.</i>	<i>Date Effective</i>	<i>Comment</i>
CCAA	Ranch	Mathis	22,932.80	CI-GRAZ-025	08/03/2011	
CCAA	Ranch	Richardson	16,924.00	CI-GRAZ-026	08/30/2011	
CCAA	Ranch	Robert McCasland	15,780.00	CI-GRAZ-027	11/28/2011	
CCAA	Ranch	Billy Williams	3,763.00	CI-GRAZ-028	11/21/2011	
CCAA	Ranch	Kenneth Smith	45,914.00	CI-GRAZ-029	11/21/2011	
CCAA	Ranch	Johnson Cattle	24,480.00	CI-GRAZ-030	12/08/2011	
CCAA	Ranch	Bud Bilberry	6,491.00	CI-GRAZ-031	12/08/2011	
CCAA	Ranch	Steve Haines	3,861.00	CI-GRAZ-032	11/21/2011	
CCAA	Ranch	Shannon Kizer	63,348.00	CI-GRAZ-033	11/21/2011	
CCAA	Ranch	Ross Caviness	7,759.00	CI-GRAZ-034	02/14/2012	
CCAA	Ranch	Jim Ross Caviness	2,163.00	CI-GRAZ-035	12/08/2011	
CCAA	Ranch	Kerby	8,763.00	CI-GRAZ-036	12/08/2011	
CCAA	Ranch	Weinheimer	16,528.00	CI-GRAZ-037	12/08/2011	
CCAA	Ranch	James P. Southard	11,516.00	CI-GRAZ-038	12/08/2011	
CCAA	Ranch	Clemmons & Erdmann	23,208.00	CI-GRAZ-039	12/08/2011	
CCAA	Ranch	Owens	2,431.00	CI-GRAZ-040	02/14/2012	
CCAA	Ranch	Robert Jolley	6,665.00	CI-GRAZ-041	06/12/2012	
CCAA	Ranch	Ronnie Mitchell	40,448.00	CI-GRAZ-042	06/12/2012	
CCAA	Ranch	McDowell Trust	2,772.00	CI-GRAZ-043	4/15/2013	
CCAA	Ranch	Dwain Woody	25,514.00	CI-GRAZ-044	3/27/2013	
CCAA	Ranch	George Hay	21,236.00	CI-GRAZ-045	3/8/2013	
CCAA	Ranch	Sam Southard	3,468.00	CI-GRAZ-046	4/15/2013	
CCAA	Ranch	Dan Field	11,096.00	CI-GRAZ-047	3/8/2013	
CCAA	Ranch	NMDGF	27,090.00	CI-GRAZ-048	2/27/2013	
CCAA	Ranch	Daniel & Dwight Jesko	24,942.00	CI-GRAZ-049	7/31/2013	
CCAA	Ranch	Brett Riley	4,925.00	CI-GRAZ-050	4/15/2013	
CCAA	Ranch	Marjorie Williamson	10,112	CI-GRAZ-051	6/4/2013	
CCAA	Ranch	Garth Coombs	11,668.68	CI-GRAZ-052	5/30/2014	
CCAA	Ranch	Barbara and Wylie Teel	3,850.27	CI-GRAZ-053	4/14/2014	
CCAA	Ranch	Nevada Gold and Silver/Chick Clark	1,651.69	CI-GRAZ-054	2/27/2014	
CCAA	Ranch	Lee Bilbrey	2,880.20	CI-GRAZ-055	3/5/2014	
CCAA	Ranch	LaVon Davis	320.00	CI-GRAZ-056	2/27/2014	
CCAA	Ranch	Ed Toliver	1,911.95	CI-GRAZ-057	3/20/2014	
CCAA	Ranch	Paleo Draw/Greg Moore	5,810.24	CI-GRAZ-058	4/14/2014	
CCAA	Ranch	Kenneth Musick	3,036.72	CI-GRAZ-059	4/14/2014	
CCAA	Ranch	Kenneth Massey	312.03	CI-GRAZ-060	4/14/2014	
CCAA	Ranch	Goodson Family Trust	2,250.87	CI-GRAZ-061	4/14/2014	
CCAA	Ranch	Ty and Jimmy Duncan	4,241.67	CI-GRAZ-062	4/25/2014	
CCAA	Ranch	Kenneth Owens	2,080.00	CI-GRAZ-063	4/25/2014	
CCAA	Ranch	Mack Kizer	18,773.00	CI-GRAZ-064	5/30/2014	
CCAA	Ranch	Carrizo Creek	1,583.06	CI-GRAZ-065	5/23/2014	
CCAA	Ranch	Justin Johnson	37,574.94	CI-GRAZ-066	5/23/2014	

<b>Agreement</b>	<b>Type</b>	<b>Name</b>	<b>Acreage</b>	<b>Agreement No.</b>	<b>Date Effective</b>	<b>Comment</b>
CCA	Ranch	Mark Watts	10,808.35	CI-GRAZ-067	5/30/2014	
CCA	Ranch	Kyle Dillard	4,163.5	CI-GRAZ-068	5/30/2014	
CCA	Ranch	Doyal Rush	509.10	CI-GRAZ-069	5/30/2014	
CCA	Ranch	Beckham Ranch	10,434.34	CI-GRAZ-070	5/30/2014	
CCA	Ranch	Malcolm Coombes	9,382.68	CI-GRAZ-071	5/30/2014	
CCA	Ranch	Bryce Peterson	1,517.42	CI-GRAZ-072	5/30/2014	
CCA	Ranch	COG Operating LLC.	725.00	CI-GRAZ-073	5/30/2014	
<b>TOTAL CCA Ranch</b>			<b>1,044,180.81</b>			

## LITERATURE CITED

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Di Sylvestro, R. 2007. Drinking on the Fly. National Wildlife Magazine. 6-01-2007.

New Mexico LPC and DSL Working Group. 2005. Collaborative Conservation Strategies for the Lesser-Prairie Chicken and Sand Dune Lizard in New Mexico. Findings and Recommendations of the New Mexico LPC and DSL Working Group. August 2005.

U.S. Fish and Wildlife Service. 2008. Candidate Conservation Agreement for the Lesser Prairie Chicken (*Tympanuchus pallidicinctus*) and Sand Dune Lizard (*Sceloporus arenicolus*) in New Mexico.

**APPENDIX A**  
**Candidate Conservation Agreement Habitat Restoration Program**  
**Project Proposal Form**

Participant's Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Number of acres included in project area: \_\_\_\_\_

Is participant enrolled in the CCA/CCAA (20 point bonus)? Project must be completely on enrolled lands to receive the entire bonus: \_\_\_\_\_

Estimated cost of project (Provide detailed budget): \_\_\_\_\_

Project Overview:

Project Duration:

Species that will benefit from project:

Dunes Sagebrush Lizard: YES\_\_\_\_ NO\_\_\_\_ How?

Lesser Prairie Chicken: YES\_\_\_\_ NO\_\_\_\_ How?

How will the project restore missing habitat components for feeding, breeding, shelter or water for the species?

Explain how/if the project is a component of an overall restoration plan or objective?

Does the proposal include surveying the project area for lizards or chickens, or are surveys already being conducted for each species in the project area? Explain.

Is the project in the Core Management Area (CMA) or Primary Population Area (PPA)?

Is the project in a Habitat Evaluation Area (HEA)?

Is project within three miles of an unoccupied historic lek?

Is project within three miles of an active lek?

Will project remove infrastructure from suitable or occupied dune complexes? Explain.  
Will project restore or create shinnery oak dunes? Explain.

Explain how project will remove invasive weeds or brush to increase beneficial plant species?

Will grazing be deferred for at least two consecutive growing seasons as part of a grazing management system for the property? Explain.

Will there be a Private, Federal or State cost share match (i.e., an NRCS grant)? Explain.

How many years will the project be maintained? How will maintenance occur?

Is the project within five miles of another restoration project for either species?

If applicable, explain how the project will provide connectivity between two habitat patches for either species.

Will the project remove power lines, poles, or other vertical structures (> 15ft. tall) within three miles of an active lek?

Will the project remove fences, roads and pads and reduce habitat fragmentation?

Please provide a map to the proximity of the project to known locations of either species.

Does the project include re-introducing the species to the project area? If so, please include the following:

- Game and Fish permit for trapping and releasing
- Approved plan for relocating the species onto the property

**APPENDIX B**  
**Candidate Conservation Agreement Habitat Restoration Program**  
**Ranking Criteria**

<b>Participant Name:</b>	<b>Enrolled in CCAA/CCA? (YES) (NO)</b>	
<b>Project Name:</b>	<b>Number of acres to be treated?</b>	
<b>Address:</b>	<b>Evaluator Name:</b>	
<b>Criteria</b>	<b>Max. Points</b>	<b>Score</b>
<b>1. Does project benefit Dunes Sagebrush Lizard?*</b>	10	
<b>2. Does project benefit Lesser Prairie Chicken?*</b>	10	
<b>3. Will the project restore missing habitat components for feeding, breeding, shelter or water for the species?*</b>	10	
<b>4. Is project a component of an overall restoration plan or objective?*</b>	10	
<b>5. Are lizard surveys included in the project plans?</b>	5	
<b>6. Are prairie chicken surveys included in the project plan/ area?</b>	5	
<b>7. Is the project in the CMA or PPA?</b>	10	
<b>8. Is the project in an HEA?</b>	5	
<b>9. Is project within three miles of an unoccupied historic lek?</b>	5	
<b>10. Is project within three miles of an active lek?</b>	10	
<b>11. Will project remove infrastructure from suitable or occupied dune complexes?</b>	10	
<b>12. Will project restore or create shinnery oak dunes</b>	10	
<b>13. Will project remove invasive weeds or brush to increase beneficial plant species?</b>	5	
<b>14. Will grazing be deferred for at least one year (12 consecutive months) as part of a grazing management system for the property?</b> <ul style="list-style-type: none"> <li>• &gt; 640 acres deferred in one year</li> <li>• 160 – 640 acres deferred in one year</li> </ul>	(10 point max) 10 5	
<b>15. 20 Point CCA/CCAA Enrollment Bonus if project is entirely on enrolled lands.</b>	20	
<b>16. There is a Private, Federal or State cost share or will be used to match an NRCS grant?</b>	5	
<b>17. Number of years project will be maintained (1 point/year)</b>	10 points max	
<b>18. Is the project within five miles of another restoration project for either species?*</b>	5	
<b>19. Will the project provide connectivity between two habitat patches?</b>	10	
<b>20. Will the project remove power lines, poles, or other vertical structures (&gt; 15ft. tall) within three miles of an active lek?</b>	5	
<b>21. Will the project remove fences, roads and pads and reduce habitat fragmentation?*</b>	5	
<b>22. Does the project include re-introducing the species to the project area?</b>	5	
<b>23. Does the project provide a map showing known locations of either species?</b>	5	
<b>Total</b>	<b>185</b>	

Does this project warrant funding? Yes or No.

Explain.

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Additional clarification for the following criteria:

1. In order to have a benefit for Dunes Sagebrush Lizards, there must be suitable or occupied lizard habitat in the project area. The project must provide a direct benefit to the species, such as the removal of a fence, power line, or road in a dune; removing fragmentation around dunes, rebuilding a shinnery oak dune, or directly removing one or more threats to the species.
2. In order to have a benefit for the Lesser Prairie Chicken, suitable or occupied (or historically suitable or occupied) habitat must be present in the project area. Project must provide a direct benefit to the species by increasing or creating suitable habitat, removing fragmentation, or directly removing one or more threats to the species.
3. There must be an explanation of the habitat components that will be restored. For example:
  - Native seed (sand bluestem, giant drop-seed, little blue stem etc.) will be inter-seeded or re-seeded to provide cover and feeding areas for LPC chicks.
  - Project will turn unsuitable (bald) dunes into suitable shinnery oak dunes for lizards.
4. The project proposal should describe the overall restoration objective/goal for the project, and how this project will help to accomplish this goal.
16. Project must create a corridor between two habitat patches that have been disconnected by infrastructure or unsuitable habitat.
19. Must be part of a NMDGF permitted/approved reintroduction project for either species.

**APPENDIX C**  
**Candidate Conservation Agreement Program**  
**Research/Monitoring - Project Proposal Form**

*Fully describe the project, benefits and location (include a project map with lizard and chicken habitat, known leks, and lizard localities). Be specific.*

Participants Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Estimated cost of project: \_\_\_\_\_

Estimated cost of monitoring and surveys: \_\_\_\_\_

Complete Project Description (include a clear description of the proposed outcome or product):

Project Schedule:

Explain how research will provide information that will have a conservation benefit for either/both species:

Dunes Sagebrush Lizard: YES \_\_\_\_\_ NO \_\_\_\_\_ How?

Lesser Prairie Chicken: YES \_\_\_\_\_ NO \_\_\_\_\_ How?

Explain how/if the project is a component of an overall research plan or objective.

Does the proposal include surveying for lizards or chickens, or are surveys already being conducted for each species in the project area? Explain.

Will there be a Private, Federal or State cost share match? Explain.

Explain how this project will coordinate with State/Federal agencies and other partners to accomplish common research goals.

Does the project include captive rearing or re-introduction of the species? If so, please include the following:

- Game and Fish permit
- Approved plan for rearing or relocating the species

Attach a detailed budget

**APPENDIX D**  
**Candidate Conservation Agreement Program**  
**Ranking Criteria for Research/Monitoring Projects**

<b>Participant Name:</b>		<b>Address:</b>	
<b>Project Name:</b>			
<b>Evaluator Name:</b>		<b>Total Score:</b>	
<b>Criteria</b>		<b>Max. Points</b>	<b>Score</b>
1. Does project benefit Dunes Sagebrush Lizard?*		10	
2. Does project benefit Lesser Prairie Chicken?*		10	
3. Will the project provide necessary information for conservation of either species?*		10	
4. Is project a component of an overall research plan or objective?		10	
5. Are lizard surveys/monitoring included in the project plan?		10	
6. Are prairie chicken surveys /monitoring included in the project plan?		10	
7. Does the proposal define a clear outcome or product?		10	
8. Does the proposal include a timeline in which work will be completed?		10	
9. Will it provide information that is necessary to make conservation decisions?		10	
10. Is the proposal included in the CCAA Research Priority List?		10	
11. Is there a cost share provided?		10	
12. Does the proposal include partnership and coordination with agencies and NGO's?		15	
13. Is there a detailed budget included?		10	
<b>Total</b>		<b>135</b>	

Does this project warrant funding? Yes or No. Explain. \_\_\_\_\_

\_\_\_\_\_

\*Additional clarification for the following criteria:

1. In order to have a benefit for Dunes Sagebrush Lizards, there must be suitable or occupied lizard habitat in the project area. The project must provide a direct benefit to the species, such as the removal of a fence, power line, or road in a dune; removing fragmentation around dunes, rebuilding a shinnery oak dune, or directly removing one or more threats to the species.
2. In order to have a benefit for the Lesser Prairie Chicken, suitable or occupied (or historically suitable or occupied) habitat must be present in the project area. Project must provide a direct benefit to the species by increasing or creating suitable habitat, removing fragmentation, or directly removing one or more threats to the species.
3. The project proposal should describe the overall objective/goal for the project, and how this project will help to accomplish this goal.

## APPENDIX E



### **Frequently Asked Questions from the Oil and Gas Industry Lesser Prairie-Chicken & Dunes Sagebrush Lizard Candidate Conservation Agreement (CCA) & Candidate Conservation Agreement with Assurances (CCAA)**

#### **Why are we doing this?**

One of the primary reasons the U.S. Fish and Wildlife Service (USFWS) and Bureau of Land Management (BLM) developed the Candidate Conservation Agreement (CCA) and Candidate Conservation Agreement with Assurances (CCAA) is to address concerns by land owners and Federal lease holders about the potential regulatory implications of having a species listed under the Endangered Species Act (ESA) on their land or mineral lease.

If enough conservation measures are being implemented prior to a listing decision, increased regulation for protecting the species might be unnecessary. These agreements allow for voluntary participation by those whose operations would likely be impacted if the lesser prairie-chicken (LPC) or dunes sagebrush lizard (DSL, sand dune lizard) were to be listed under the ESA. Although the USFWS cannot guarantee that listing will not occur, the CCA/CCAA seeks to implement conservation measures which could preclude the need to list the LPC and DSL. The decision to list is a regulatory process and conservation agreements cannot predetermine the outcome. The actions and successes of this tool will be evaluated in accordance with USFWS Policy for Evaluation of Conservation Efforts (2003) during the listing process. This will then be factored into the five-factor analysis of the listing decision.

#### **What is the CCA and why do I need it?**

The CCA is an agreement between the USFWS, BLM, and Center of Excellence (CEHMM) for actions (such as oil and gas development and livestock grazing) occurring on lands or minerals administered by BLM. The Participating Cooperator (rancher or oil and gas producer) can volunteer to join the Agreement through a Certificate of Participation (CP). Participation in the CCA provides a high level of certainty that if the Cooperator implements conservation activities in their CP, they will not likely be subject to additional restrictions if LPC and/or DSL become listed under the ESA.

#### **What is the CCAA and why do I need it?**

The Candidate Conservation Agreement with Assurances (CCAA) is an agreement like the CCA, but it applies to non-federal lands and minerals. The land user (land owner or lessee) can volunteer to join the Agreement through a Certificate of Inclusion (CI). Participants agree to help reduce threats to candidate species, and in return, they receive assurances that they will not be subject to additional restrictions if LPC and/or DSL become listed under the ESA.

**What is the difference between a CCA and CCAA?**

In practice, there are few differences between the two Agreements. However, legally, the main difference is that participants in the CCAA receive “Assurances” that their operations will not be affected by a listing decision and participants in the CCA receive a “high degree of certainty” that operations will not be affected. The goal of the program is to implement conservation measures across the landscape in a consistent manner that improves the status for both LPC and DSL.

**How will I know if I have lesser prairie-chicken or dunes sagebrush lizard habitat on my property/lease?**

Lesser prairie-chickens can be found in shinnery oak, sand sage and bluestem prairies. Dunes sagebrush lizards can be found in shinnery oak sand dunes. When agency staffs are working with an interested party, they will utilize available location data to determine if the lease in question contains suitable habitat for either species.

**Do I need to participate if I do not have lesser prairie-chicken or dunes sagebrush lizard habitat?**

No.

**If the species gets listed, will it only affect activities on federal lands or minerals?**

No! If a species gets listed, it is listed and protected on all land ownerships (federal, state, private).

**Can I sign up state or private land that I am leasing?**

Yes. A “Participating Landowner” is defined in 50 CFR § 17.3 as a person with a fee simple, leasehold, or property interest, or any other entity that may have a property interest sufficient to carry out the proposed management activities.

**What if I want to discontinue participation?**

The CCA and CCAA are voluntary agreements, so participants can choose to cancel enrollment at any time. If a participant chooses to cancel their agreement, the enrolled lands would no longer be covered if either species is listed under the Endangered Species Act.

**What are the practices I would have to implement?**

A standard set of conservation measures were established in the BLM’s 2008 Special Status Species Resource Management Plan. Operators of Federal leases are already familiar with these stipulations/conditions of approval. Other conservation measures can be found at the end of this document under “Sample Conservation Measures.” These measures will apply to enrollees in the CCA and CCAA.

### **Where will my contributed funds go?**

Funds are sent to CEHMM, whose role is defined at the end of these FAQs. Projects and priorities are set by a team of biologist from the USFWS, NM Game & Fish Department, NM State Land Office and BLM. CEHMM is responsible for implementing (contracting), monitoring and reporting on projects.

### **What are the advantages of a participant?**

If listing were to occur, Participating Cooperators would only be delayed about 1-2 months while the USFWS consultation on the Agreement (CCA/CCAA) is adopted as their final “opinion.” At that period, the companies could continue their operations. For those who have not participated, a long-term delay is anticipated on their permits since they will require analysis for impacts to the species. There could even be a situation where a permit would not be approved. Our best estimate is that it will take the agencies 1-3 years to complete a programmatic interagency consultation/Habitat Conservation Plan. An additional advantage to participating is that once the USFWS issues a final “opinion” of the Agreement, a provision for incidental take will be included. Without a Certificate, an operator, whether on federal or non-federal lands, would not have protection from take.

### **What is “take?”**

The ESA prohibits the take of endangered and threatened species without special exemption. “Take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the FWS as an act which actually kills or injures wildlife and may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the FWS as intentional or negligent actions or omissions which create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

### **I have an approved APD for Federal minerals, but have not drilled it yet. If the species gets listed before I drill the well, do I have to wait until Endangered Species Act Consultation is completed?**

You will not have to delay new development if the APD is located on a lease enrolled in a Certificate. If the federal lease has not been enrolled, the action would have to go through formal consultation under the Endangered Species Act prior to new activities beginning.

### **How long do I contribute funds?**

The Participating Cooperator will provide funds over a three-year period that begins with the execution of their Certificate.

The Participating Cooperator will make the first payment into the Habitat Conservation Fund Account at the date of execution of their Certificate. The second and third payments will be made on the first and second anniversary of the execution date of the Certificate. For each of the three years, the annual prepayment will be calculated at \$2 per gross acre for all parcels enrolled in the Certificate, with a minimum of \$20,000 deposited each year.

The Participating Cooperator may, at their sole option, pay more than the required amount into their Habitat Conservation Fund Account during any prepayment period but never less than the required amount of \$20,000 per year for the 3 year period.

Prepayment of any new federal parcels added by addendum to a Certificate will be calculated at \$2 per gross acre and be due at the time the parcels are added to the Certificate. The total acreage enrolled in a Certificate, and the resulting annual prepayment, will be recalculated on the remaining anniversary dates of the 3 year cycle.

**Where do I send the contributed funds?**

The Participating Cooperator will remit the Habitat Conservation Fee to CEHMM. CEHMM will maintain the funds in a Habitat Conservation Fund Account specific to each Certificate. The purpose of the Habitat Conservation Fund Account is to meet the Participating Cooperator's obligations under the CCA.

**Will activities not covered by a certificate be allowed to continue during the Section 7 consultation?**

No. Section 7 consultation only occurs after a species is listed for new activities that require a federal permit and would result in take. Those activities cannot begin until the consultation process is complete. However, a benefit of having a Certificate is that analyses will have already been performed, meaning an opinion has already been issued and Section 7 consultation would be unnecessary. Only projects addressed in the Certificate would be able to begin without consultation.

Properties without a Certificate in effect will require some level of consultation with the USFWS before the project begins. For any new actions on federal lands, Section 7 interagency consultation is the process. For any new actions on non-federal lands, the owner/lessee would be need to contact the USFWS to address potential take issues from the operation through the Section 10 process before the project begins.

**Cite the exact wording in the regulations for "Assurance" under a CCAA.**

Federal Register / Vol. 64, No. 116 / Thursday, June 17, 1999 / Notices/ Announcement of Final Policy for CCAA: On June 12, 1997, the Services issued a draft policy (62 FR 32183), and the FWS issued proposed regulations to implement the policy (62 FR 32189). Under the policy, non-Federal property owners, who enter into a Candidate Conservation Agreement with assurances that commit them to implement voluntary conservation measures for proposed or candidate species, or species likely to become candidates or proposed in the near future, will receive assurances from the Services that additional conservation measures will not be required and additional land, water, or resource use restrictions will not be imposed should the species become listed in the future. These assurances will be provided in the property owner's Agreement and in an associated enhancement of survival permit issued under section 10(a)(1)(A) of the Act. This policy was effective July 19, 1999.

**If we get "Assurances" under a CCAA, what do we receive under a CCA?**

Participants in the CCA receive a high degree of certainty that additional measures would not be required of Participating Cooperators. Should listing occur, the Conference Opinion for the agreement and associated incidental take statement would be adopted as a Biological Opinion if no significant new information is developed that would alter the content or determinations of the Conference Opinion.

Having a robust CCA is the key to having a high degree of certainty that changes in activities or circumstances on federal lands would only be necessary if unanticipated and unusual circumstances develop that are not adequately addressed by the CCA.

**What other requirements are included in my certificate?**

Besides contributed funding, terms of individual Certificates will be tailored to the specific parcels being enrolled. For projects involving federal minerals, many of the conservation measures are already applied as lease stipulations or conditions-of-approval for the permitted activity. Examples include planning locations to avoid sensitive habitats (e.g., staying out of dune complexes of dunes sagebrush lizards), routing infrastructure in corridors, and avoiding construction/drilling activities during the breeding season of the lesser prairie chicken. Other conservation measures are designed to further enhance or protect habitat as necessary on a case-by-case basis.

**If I contribute funds, are the funds used for habitat improvement on my lease?**

Not necessarily. The funds will be used to complete the highest priority projects that benefit the species. Projects are identified and prioritized by the interagency team. CEHMM is responsible for keeping the list of prioritized projects for implementation.

**What types of projects will be completed with the contributed funds?**

Specifically for LPC, projects would include invasive brush control, removal of abandoned structures, marking fences in order to minimize collisions, installing wildlife escape ramps in water troughs, removing caliche from abandoned roads and well pads (where there is no responsible party).

**Could an enrolled lease increase its value if I choose to sell the lease?**

While this is not the intent of the CCA/CCAA, it is possible because the new lessee/operator will retain the benefits of the agreement if the species is listed under the Endangered Species Act. Without a Certificate, new actions that would impact the species would require consultation with USFWS.

**If we wait until right before the species is listed, can I come in at the last minute and sign up?**

Probably. However, the goal is to accomplish enough conservation to prevent the listing of the species. Waiting will only reduce the amount of time to implement conservation measures and will offer little to preclude the need to list. Furthermore, if you wait to come in at the last minute, you may not be able to get your leases signed up since Certificates will be processed on a first-come-first-served basis and priority will be placed on proposed enrollments that best benefit the two species.

**If I have leases I want to consider signing up, but I'm not sure it is in candidate species habitat, how do I know?**

Agency specialists will meet with you and look at your specific lease(s) to determine if they are in candidate species habitat. If you are not, they will tell you that a certificate is not necessary.

**Is the cost the same for a Certificate of Inclusion (CI) on State or private lands as it is on Federal lands?**

Yes. The goal is to approach conservation for LPC/DSL across all ownerships in the same manner since the primary goal of the agreements is to guide conservation measures and efforts that will make listing unnecessary.

**Can I cancel my Certificate at any time I want?**

Yes. However, by cancelling the Certificate, the enrolled lands would no longer receive the benefits described in the agreement.

**What is the risk of not participating?**

Permits for actions proposed on federal lands or minerals (actions that require a federal permit) that were approved prior to a listing decision become void where the proposed action would have an effect on the newly listed species. If there will be no impacts to the species or its habitat, the permit would not be affected. However, if impacts are anticipated, Section 7 interagency consultation between BLM and USFWS is required. Due to limited staffs and an anticipated abundance of applications that require consultations, this process may cause a significant delay in processing new permits. The benefit of participating is that a pre-listing consultation occurs as part of the enrollment process, resulting in the issuance of a Biological Opinion as a part of the Certificate. If a listing decision occurs, the Conference Opinion is then converted into a Biological Opinion, which is expected to take only 30-60 days. The risks of not participating include not knowing how long the consultation process will delay future development of the lease, and the risk of increased regulation, which may not allow the proposed action at all. Enrollment in the appropriate Agreement can highly reduce or eliminate these risks based on the agreement.

**If I participate, can I locate wells on my lease where I want to?**

If a proposed surface disturbing activity conflicts with the conservation goals for the lease, the proposed activity will have to be modified to avoid impacts to the species.

**Who is CEHMM?**

The Center of Excellence for Hazardous Materials Management (CEHMM) was established in May of 2004 as a 501(c)(3) organization dedicated to the research, development, and implementation of environmentally sound programs. Since its inception, CEHMM has identified and pursued applied research projects that have nation-wide impact and are innovative, meaningful, and practical. CEHMM has created a wide range of cutting edge applied research programs including developing technology for using algae for biofuels, biomonitoring for the H5N1 (avian influenza) and West Nile viruses, and cooperative conservation of species listed as “warranted but precluded” on the federal endangered species list. CEHMM has had swift advances in these projects due to the varied talents of the CEHMM staff and directors, and the organization’s success in developing strong partnerships with universities, national laboratories, and private industry.

**What is CEHMM’s role?**

CEHMM’s roles is to:

- implement and administer the Agreements;
- enroll participants in the program;
- provide technical assistance to participants;
- conduct compliance reviews of projects being implemented by participants;
- utilize contributed funds to contract and inspect projects;
- monitor projects using existing agency protocols in order to determine success and adaptations needed;
- conduct outreach and public education efforts to promote the conservation of both species;
- secure permission to complete projects on private and State lands;
- lead annual meetings with the USFWS, BLM, NMDGF, and interested participants to review progress from the previous year;
- seek potential solutions for factors that hamper conservation of LPC/DSL, and future projects;
- track expenditure of funds and prepare an annual report on implementation of projects;
- use no more than 10 percent of contributed funds for administrative responsibilities under the agreements;
- maintain a digital photo database to document project performance; and
- conduct audits annually, at CEHMM's expense.

**The following Conservation Measures are to be accomplished in addition to those described in the CCA:**

1. To the extent determined by the BLM representative at the Plan of Development stage, all infrastructures supporting the development of a well (including roads, power lines, and pipelines) will be constructed within the same corridor.
2. On enrolled parcels that contain inactive wells, roads and/or facilities that are not reclaimed to current standards, the Participating Cooperator shall remediate and reclaim their facilities within three years of executing this CP, unless the Cooperator can demonstrate they will put the facilities back to beneficial use for the enrolled parcel(s). If an extension is requested by the Cooperator, they shall submit a detailed plan (including dates) and receive BLM approval prior to the three year deadline. All remediation and reclamation shall be performed in accordance with BLM requirements and be approved in advance by the Authorized Officer.
3. Allow no new surface occupancy within 30 meters of areas designated as occupied or suitable, unoccupied DSL dune complexes or within delineated shinnery oak corridors. The avoidance distance is subject to change based on new information received from peer reviewed science.
4. Utilize alternative techniques to minimize new surface disturbance when required and as determined by the BLM representative at the Plan of Development stage.
5. Provide escape ramps in all open water sources under the Participating Cooperator's control.
6. Install fence markings along fences owned, controlled, or constructed by the Participating Cooperator that cross through occupied habitat within two miles of an active LPC lek.
7. Bury new power lines that are within two (2) miles of LPC lek sites active at least once within the past 5 years (measured from the lek). The avoidance distance is subject to change based on new information received from peer reviewed science.
8. Bury new power lines that are within one (1) mile of historic LPC lek sites where at least one LPC has been observed within the past three years (measured from the historic lek). The avoidance distance is subject to change based on new information received from peer reviewed science.
9. Limit seismic exploration to areas outside of occupied and suitable shinnery dune complexes to protect dunes sagebrush lizard habitat.

10. Submit a routine monitoring and schedule of inspection for oil, gas and produced water pipelines and facilities to ensure accidental pollution events are avoided in sensitive habitats for dunes sagebrush lizard.

**Contributed Funds**

The Habitat Conservation Fee for new surface disturbance associated with oil and gas development activities will be calculated using the following scales. The scales also apply to third parties doing work for the Participating Cooperator either on or off the Participating Cooperator’s enrolled parcels, regardless of who constructs or operates the associated facilities. The Participating Cooperator must notify BLM prior to conducting any surface disturbing activities associated with this CP on or off the enrolled leases either by the Cooperator or third-party subcontractors. The Habitat Class of the new surface disturbance is determined by the location of the activity being developed, not actual habitat found on site.

**1) New Well Location Fees<sup>1</sup>**

<b><u>Habitat Class</u></b>	<b><u>Conservation Fee</u></b>
Primary Population Area	\$20,000/location
Core Management Area	\$20,000/location
Habitat Evaluation Area	\$15,000/location
Scarce & Scattered Population Area	\$12,500/location
Isolated Population Area	\$10,000/location
Other areas <sup>2</sup>	\$ 3,000/location

<sup>1</sup> Includes well pad and associated access road

<sup>2</sup> Includes areas outside the RMPA planning area boundary but within historic range of LPC in New Mexico.

**2) New Surface Development Fees**

For other new surface disturbances associated with enrolled parcels, but not directly attributable to a new well pad<sup>3</sup> and associated road, the Habitat Conservation Fee will be based on the following scale:

<b><u>Habitat Class</u></b>	<b><u>Conservation Fee</u></b>
Primary Population Area	\$5,000/acre
Core Management Area	\$5,000/acre
Habitat Evaluation Area	\$3,750/acre
Scarce & Scattered Population Area	\$3,125/acre
Isolated Population Area	\$2,500/acre
Other areas <sup>4</sup>	\$1,000/acre

<sup>3</sup> Co-located wells that require an increase in the size of the existing pad will be assessed by new acres disturbed.

<sup>4</sup> Includes areas outside the RMPA planning area boundary but within historic range of LPC in New Mexico.

Note: All acreage calculation will be rounded up to the next whole acre.

New operations on previously disturbed land (e.g., co-located new well on an existing pad or new pipeline in an existing corridor, etc.) will incur no additional conservation fee, unless the area to be

redisturbed has been reseeded and/or reclaimed as part of reclamation. Fees will also be assessed for any new acreage disturbed.

The disturbed area will be calculated based on information received and/or on-the-ground observation. Habitat Conservation Fees are based on the total acres disturbed in each appropriate habitat class. Should the Participating Cooperator disagree with the estimate of the area disturbed, they have the right to challenge the estimate and provide supporting data. BLM will have the responsibility for the final determination of the area disturbed.

All above ground power lines will have a fee calculated using the above scale for New Surface Development. The acreage will be based on information provided in the permit application. Habitat Conservation Fees will not be charged for buried power lines or surface pipelines in accordance with the BLM 2008 Special Status Species Resource Management Plan Amendment (RMPA).

**3) Fees associated with new seismic data acquisition**

<u>Habitat Class</u>	<u>3D Survey Conservation Fee</u>	<u>2D Survey Conservation Fee</u>
Primary Population Area	\$ <u>10.00</u> /acre	\$ <u>200.00</u> /linear mile*
Core Management Area	\$ <u>10.00</u> /acre	\$ <u>200.00</u> /linear mile*
Habitat Evaluation Area	\$ <u>7.50</u> /acre	\$ <u>150.00</u> /linear mile*
Scarce & Scattered Population Area	\$ <u>6.25</u> /acre	\$ <u>125.00</u> /linear mile*
Isolated Population Area	\$ <u>5.00</u> /acre	\$ <u>100.00</u> /linear mile*
Other areas <sup>5</sup>	\$ <u>1.50</u> /acre	\$ <u>25.00</u> /linear mile*

\* or any fraction thereof

<sup>5</sup>. Includes areas outside the RMPA planning area boundary but within historic range of LPC in New Mexico.

The acquisition of seismic data on enrolled parcels may also disturb the surface of other land not enrolled in this CP. The Habitat Conservation Fee calculated for seismic activity includes disturbances occurring on both enrolled and non-enrolled land.

**Routine production operations**

Routine production operations are not considered new surface development and will not create the obligations to pay a Habitat Conservation Fee. Routine production operations are those which do not require an agency permit or approval, and those operations that require an agency approval but do not disturb the surface.

**APPENDIX F**

**Center of Excellence for Hazardous Materials Management (CEHMM)**

**Notice of Conservation Measure Violation**

<i>Authorized Organization</i> CEHMM	<i>Operator/Landowner</i>	<i>CI/CP Number</i>
<i>Address</i> 505 N. Main Street Carlsbad, NM 88220	<i>Address</i>	
<i>Telephone</i> 575-885-3700	<i>Attention</i>	

<i>Well/Site Name</i>	<i>API Number</i>	<i>Unit/Lot</i>	<i>Section</i>	<i>Township</i>	<i>Range</i>	<i>County</i>	<i>State</i>

**The following condition(s) were found by CEHMM on the date and at the site(s) listed above**

<i>Date</i>	<i>Time (24-hour clock)</i>	<i>Inspector</i>	<i>Corrective Action to be Completed by</i>	<i>Date Corrected</i>

*Description of Conservation Measure Violation with Corrective Action:*

**When the Written Order is complied with, sign this notice and return to the above address.**

*Company Representative:* \_\_\_\_\_ *Title:* \_\_\_\_\_

*Address:* \_\_\_\_\_ *Phone:* \_\_\_\_\_

*Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Company Comments:* \_\_\_\_\_

**Warning**

The Center of Excellence is providing notice of deficiency to the Participating Operator/Landowner and is giving them the opportunity to cure this deficiency. If the deficiency is not corrected, or due diligence is not being shown to correct the deficiency within sixty (60) days of the receipt of the letter, the parcel(s) involved will be terminated from this CI/CP. If Participating Operator/Landowner has three (3) deficiencies within 365 consecutive days (excluding deficiencies cured as stated above), the entire CI/CP will be terminated.

*Signature of CEHMM Authorized Officer* \_\_\_\_\_ *Date* \_\_\_\_\_