

CERTIFICATE OF INCLUSION

In The
Candidate Conservation Agreement with Assurances for the Lesser Prairie-Chicken
(Tympanuchus pallidicinctus) and/or Sand Dune Lizard (*Sceloporus arenicolus*)
Between the Center of Excellence and the United States Fish and Wildlife Service

CI Number: _____
Rancher Name: _____

This certifies that the Participating Landowner of the property, through the implementation of the conservation measures described below is included within the scope of Permit No. TE032692-0 issued on December 8, 2008, to the Center of Excellence (CEHMM) under the authority of Section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539(a)(1)(B). Such permit authorizes incidental take of Lesser Prairie-Chickens or Sand Dune Lizards by Participating Landowners, as part of a Candidate Conservation Agreement with Assurances (Agreement), to support CEHMM's efforts to establish and maintain Lesser Prairie-Chicken and Sand Dune Lizard populations in their historic range. Pursuant to that permit and this certificate, the Participating Landowner is authorized for incidental take of Lesser Prairie-Chickens (LPC) or Sand Dune Lizards (SDL) as a result of activities identified in section 3.c. of the Agreement and the associated Permit on the enrolled lands identified below.

In addition to the conservation/management actions described below (Additional Conservation Measures, page 4 and 5) and specific to the enrolled lands described herein, the Participating Landowner agrees to the following conservation actions common to all participants as applicable based upon species and species habitat present on the enrolled properties:

- a) Cooperate with CEHMM in completion of the CI. Enrollment under this CCAA and coverage of the enrolled lands will begin on the date the Participating Landowner agrees to implement conservation measures agreed upon by FWS, New Mexico Department of Game and Fish (NMDGF), and/or designee and signs the CI. The CCAA is valid until the end of the agreement term, or until the end of their participation in this CCAA as documented in the CI, either through expiration or termination.
- b) Improve or maintain conservation lands as suitable LPC and/or SDL habitat for the duration of the CI. Lands can be enrolled under the CCAA 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 SDL. 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 CI will identify, among other things, suitable LPC/SDL habitat to be maintained on the conservation lands and the duration that this habitat will be maintained.
- c) Adhere to rangeland and grazing stipulations required by the BLM RMPA (May 2008) at a minimum for ranch operations.
- d) Allow CEHMM, FWS, and/or NMDGF personnel, with prior notification, to survey enrolled lands for the presence of LPCs and/or SDLs and for habitat suitability for these species.

- e) Allow CEHMM personnel or their designees access to the enrolled lands for purposes of monitoring LPC and/or SDL populations and habitat.
- f) Allow CEHMM personnel or their designees access to the enrolled lands for purposes of compliance monitoring of conservation commitment.
- g) Use herbicides for shinnery oak management only when habitat goals cannot be achieved by other means, including grazing system management.
 - i. 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.
 - ii. Prohibit tebuthiuron spraying within 500 m of SDL habitat. In addition, for SDL, prohibit spraying in dune complexes or within corridors, which connect dune complexes that are within 2000 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.
 - iii. 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.
 - iv. 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.
 - v. For LPC, herbicide treatment should not be applied around large oak motts, and within 1.5 miles of active lek sites.
 - vi. Post-treatment grazing management is essential to success. Grazing by any livestock will be deferred during the growing season for at least the two consecutive years following 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.
 - vii. 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 SDL to various treatments.
- h) For livestock ranches, implement grazing management plans intended to move towards meeting specific habitat goals for the LPC and/or SDL as defined in the Collaborative Conservation Strategies for the Lesser Prairie-Chicken and Sand Dune Lizard in New Mexico (LPC/SDL 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.
- i) 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).
- j) 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.
- k) No conversion of Conservation Lands to crop production (sodbusting) or development as part of maintaining existing LPC and/or SDL habitat.
- l) 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.

Additional Conservation Measures

Lesser Prairie-Chicken Conservation Initiatives Applicable? X *Yes* *No*

Management Actions and Benefits for Lesser Prairie Chicken Conservation

For each applicable category of conservation lands, indicate the amount of habitat (acres), specific conservation/management actions the Participating Landowner will take to benefit LPC, and the conservation benefits expected from these management actions.

The following management actions are contingent on available funding or good faith efforts to acquire funding.

Management Actions	Benefits
<ul style="list-style-type: none">• Install escape ramps in all open water sources.	<ul style="list-style-type: none">• Provides wildlife opportunity to escape water trough and reduce accidental drowning.
<ul style="list-style-type: none">• Maintain current grazing practices to continue to benefit LPC and livestock operation.	<ul style="list-style-type: none">• Prevents suitable habitat becoming unsuitable and promotes LPC retention in occupied areas.
<ul style="list-style-type: none">• Remove legacy well markers.	<ul style="list-style-type: none">• Removes predator perch.
<ul style="list-style-type: none">• Reseed or inter-seed disturbed areas.	<ul style="list-style-type: none">• Increases suitability of historic habitat.
<ul style="list-style-type: none">• Allow LPC surveys.	<ul style="list-style-type: none">• May allow consistent access to new survey areas previously inaccessible.
<ul style="list-style-type: none">• Remove old power lines and associated power poles.	<ul style="list-style-type: none">• Removes predator perches.
<ul style="list-style-type: none">• Reduce invasive brush (non-shinnery oak).	<ul style="list-style-type: none">• Restores characteristics and ratios of the desired native plant communities.

Sand Dune Lizard Initiatives Applicable? X Yes No

Management Actions and Benefits for Sand Dune Lizard Conservation

For each applicable category of conservation lands, indicate the amount of habitat (acres), specific conservation/management actions the Participating Landowner will take to benefit SDL and the conservation benefits expected from these management actions.

Management Actions	Benefits
<ul style="list-style-type: none">• Allow SDL surveys.• 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.• Prohibit tebuthiuron spraying within 500 m of SDL habitat. In addition, for SDL, prohibit spraying in dune complexes or within corridors, which connect dune complexes that are within 2000 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 fences.	<ul style="list-style-type: none">• Monitor presence and absence of species, possibly in areas previously inaccessible.• Not spraying in suitable dunes will maintain current lizard habitat.• Maintaining a corridor between occupied/suitable complexes will allow for dispersal and reduce fragmentation of habitat.• Results in contiguous suitable habitat and reduces avoidance

The permit authorization is subject to carrying out conservation measures identified above, the terms and conditions of the permit, and the terms and conditions of the Agreement, entered into pursuant thereto by the CEHMM and the U.S. Fish and Wildlife Service. By signing this Certificate of Inclusion, the Participating Landowner agrees to carry out all of the conservation measures agreed to above. The Participating Landowner can cancel this document at any time. Upon cancellation of this CI, the Participating Landowner will no longer benefit from enrollment.

Participating Landowner

Date

Emily K. Wirth
Executive Director
CEHMM

Date

Shawn Sartorius
New Mexico Field Supervisor – Ecological Services
U.S. Fish and Wildlife Service

Date