

COMMITTEE REPORTS

SPECIES, HABITAT, OPERATIONS COMMITTEE

Karen Sinard, Occidental Oil and Gas Corporation

The SHOC meets bi-monthly meetings to discuss important issues related to species and/or their habitat that may impact operations in the Permian Basin.

The SHOC submits the following Committee Report detailing significant issues that are being followed and worked by SHOC member companies.

Dunes Sagebrush Lizard (DSL)

- On October 1, 2019, Defenders of Wildlife (DoW) and Center for Biological Diversity (CBD) filed a lawsuit to require the Department of the Interior (DOI) and the Fish and Wildlife Service (FWS) to make the 90-day finding on the plaintiffs' petition, which was filed on June 1, 2018, to list the dunes sagebrush lizard as an endangered or threatened species and to designate its critical habitat. FWS missed their statutory deadline of November 1, 2018.
- Comptroller Hegar and staff are having conversations with DOI and FWS to determine how FWS plans to address the Texas Conservation Plan (TCP), which was surrendered to FWS on November 8, 2018, and the DSL Candidate Conservation Agreement with Assurances (CCAA), which was submitted to FWS Region 2 on August 3, 2018.
- The DSL CCAA and associated Environmental Assessment (EA) have not been published in the Federal Register to date.
- Operators with acreage within the DSL habitat are encouraged to look at their operations and the DSL CCAA to determine whether they may need "take" coverage should the DSL become listed.

Lesser Prairie Chicken (LPC)

- Some Committee members and industry participants in the Oil and Gas CCAA attended the WAFWA Summer Meeting industry meeting held on July 14, 2019, and met with several State Directors and FWS personnel about the CCAA audit results and options for the CCAA.
- On July 22, 2019, WAFWA sent a notice to industry participants that WAFWA intends to continue to hold the CCAA and partner with FWS, industry, landowners and other stakeholders to realign the CCAA to insure financial and ecological sustainability and regulatory assurances for the LPC.
- On September 12, 2019, the DOI and FWS entered into an agreement with DoW, CBD and WildEarth Guardians, to publish a 12-month finding on whether the LPC should be considered endangered no later than May 26, 2021.
- On September 23, 2019, a meeting with the State Directors and FWS was held to discuss the path forward for the realignment process to address the CCAA audit findings and possibly "net conservation benefit" in the CCAA for the LPC. A proposed budget for industry participants to provide funding necessary to administer the CCAA in the interim was discussed.
- A workgroup has been formed that consists of 3 members each from FWS, State Agencies/WAFWA, and industry to work through necessary changes to address the CCAA audit findings. The first meeting is anticipated by the end of October 2019.
- All current and potential participants in the CCAA are encouraged to look at their operations in LPC habitat and watch as the CCAA revisions unfold. Current participants will need to amend their Certificates of Inclusion (CIs) once the CCAA revisions become final.

Monarch Butterfly

- FWS has extended the deadline for a listing decision from June 30, 2019 until December 15, 2020.

The most recent SHOC meeting was October 16th and the next scheduled meeting is December 11th.