

COMMITTEE REPORT

SPECIES, HABITAT, OPERATIONS COMMITTEE

Karen Sinard, Occidental Oil and Gas Corporation

The SHOC Committee 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.

Lesser Prairie Chicken (LPC)

- FWS published a proposed rule on June 1, 2021 to list two Distinct Population Segments (DPSs) of the LPC: a Southern DPS, which encompasses the Permian Basin, as an endangered species; and a Northern DPS, which is the remainder of the habitat range, as a threatened species with a 4(d) rule for Ag and Prescribed Fire.
- There are two public informational sessions and hearings on July 8 and 14, 2021.
- Comments on the listing proposal are due August 2, 2021. SHOC has a working group that meets weekly to develop comments in consultation with the Legal committee.
- Timing for a final listing decision is within one year, and FWS has indicated that they anticipate taking the full year to make a final decision. This would be June 1, 2022.
- WAFWA has drafted a Business Plan for the Oil and Gas CCAA program. The draft plan was provided for review and comment. Some Committee members continue to work with WAFWA on finalizing this plan with a meeting scheduled for July 9, 2021.
- The NM CCA and CCAA for the LPC and the DSL is working through a narrow amendment that includes All Activities enrollment language and 3rd-party infrastructure companies to enroll acreage when a Right-of-Way is applied for. Both options would allow for post-listing enrollment of acreage. CEHMM is working closely with FWS. This amendment will require Federal Register notice, but no specific timing is available.
- SHOC submitted comments to FWS on May 14, 2021 on a proposed Habitat Conservation Plan for the LPC for renewables (wind and solar), power lines, and communication towers for the 5-state LPC region.
- PBPA encourages additional industry partners to review the available conservation program options and consider enrollment prior to a listing decision.

Dunes Sagebrush Lizard (DSL)

- FWS is undergoing a species status assessment (SSA) of the DSL to determine whether listing is warranted; however, the SSA has been delayed with no known timeframe for completion.
- FWS is working on a DSL habitat map that will depict DSL habitat in NM and TX based on habitat characteristics, which is a continuation of the work done by Tom Hardy with Texas State for the DSL CCAA. This new map will inform the SSA.
- The DSL CCAA is available for enrollment of oil and gas activities, linear infrastructure (e.g. pipelines, Rights-of Way, etc.), local government, agriculture, ranching, sand mining, and renewable energy to provide assurances that should the DSL become listed, no additional Conservation Measures will be required.
- The Texas Conservation Plan and associated permit was transferred to American Conservation Foundation (ACF) on October 19, 2020. The TCP is limited to Participants in the TCP that were active on November 10, 2018 and were in good standing, and that have a Certificate of Inclusion that is consistent with the TCP.
- ACF has contracted with Texas A&M to develop a new DSL habitat map based on probability of occupancy.

Texas Hornshell Mussel (THM)

- FWS published a proposed rule on June 10, 2021 to designate critical habitat for the THM, including the Black and Delaware Rivers. Comments are due by August 9, 2021.

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SPECIES, HABITAT, OPERATIONS CONTINUED

- FWS is requesting comments on whether the CCA and CCAA for the THM should exclude the Black and Delaware Rivers in NM and TX from being designated as critical habitat.
- SHOC will plan to submit comments to FWS supporting the exclusion of these rivers due to the conservation efforts by industry under the CCA/As.

The most recent SHOC meeting was June 9, 2021 and the next scheduled meeting is August 11, 2021.