

Appendix E

Implementation Plan

for

Candidate Conservation Agreement with Assurances
and integrated
Candidate Conservation Agreement
and
Conservation Agreement

Developed in partnership by

U.S. Fish and Wildlife Service
Bureau of Land Management
U.S. Forest Service
Thunder Basin Grasslands Prairie Ecosystem Association

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NOTE: All capitalized terms and acronyms used in this Conservation Implementation Plan are defined in Appendix I of this Strategy.

1 INTRODUCTION

The Association has developed an incentives-based Strategy intended to purposefully place conservation effort within the Coverage Area where it is most likely to achieve durable conservation benefit. This Strategy consists of a CCAA for private property with no federal actions, a CCA for property where Covered Activities will be carried out that require a federal permit or other authorization, and a CA which addresses conservation efforts and Covered Activities associated with the foreseeable energy development within the Coverage Area.

The Association proposes to address landscape conservation in the context of two primary ecotypes and their associated at-risk species. These species assemblages consist of the following: within the Sagebrush steppe ecotype, the greater sage-grouse (*Centrocercus urophasianus*), sagebrush sparrow (*Artemisiospiza nevadensis*), Brewer's sparrow (*Spizella breweri*), and the sage thrasher (*Oreoscoptes montanus*); and, within the shortgrass prairie ecotype, the black-tailed prairie dog (*Cynomys ludovicianus*), mountain plover (*Charadrius montanus*), burrowing owl (*Athene cunicularia*), and ferruginous hawk (*Buteo regalis*).

Sagebrush and shortgrass prairie habitats are becoming increasingly degraded and fragmented due to the impacts of multiple threats, including direct conversion, urbanization, infrastructure (roads, power lines, etc.), wildfire and the change in wildfire frequency, incursion of invasive plants, inappropriate grazing management, and nonrenewable and renewable energy development. Many of these threat factors could be exacerbated by effects of climate change, which may influence long-term habitat trends.

Through addressing these threats, the conservation Strategy intends to achieve demonstrable conservation of sagebrush steppe and shortgrass prairie ecosystems and the sensitive species dependent on these habitats. It is the goal of the Association to provide for the conservation of these habitats and species in the landscape context of on-going energy development, grazing, and range management. It should be emphasized that property enrollment and subsequent conservation efforts are commitments that are entered into entirely on a voluntary basis. Approximately 1 million acres are ready for enrollment in this Strategy.

The Association has crafted the Strategy anticipating the inevitability of future energy development within the Coverage Area. The Strategy provides for the enrollment of properties where future occurrence of energy development is reasonably foreseeable, by allowing conservation efforts to be placed within the Coverage Area where they are most likely to achieve conservation benefits. Conservation efforts may thus be implemented off the enrolled property to achieve the desired conservation benefits.

The Strategy offers an opportunity for property owners, including livestock/agricultural producers, energy companies, government and state agencies, and additional partners to voluntarily identify and implement coordinated and collaborative Conservation Measures within the commingled surface and sub-surface landscape of northeastern Wyoming. For example, a member with private lands and a

federal grazing lease would implement consistent Conservation Measures across both CCAA and CCA properties. Similarly, an energy company would be able to integrate management across both private lands and federal leases. While energy companies will implement Conservation Measures on lands they control, their effort will also be directed to offsite properties used primarily for livestock grazing. The off-property cooperative Conservation Measures implemented by energy companies will provide long-term benefits to the Covered Species in addition to those provided by impact minimization and habitat reclamation associated with the energy development process.

Since 2006, energy company members have been voluntarily implementing Conservation Measures that are above and beyond regulatory requirements. These proactive Conservation Measures have already been substantive and have preceded final signing of this Strategy. Over \$2.7 million has been invested by the Association and its members from 2003 to 2013 to protect or enhance existing habitat.

2 DEVELOPMENT OF POINT SYSTEM

The Strategy utilizes a point system to value the benefit of the Conservation Measures that specifically address the identified threats to the Covered Species. To develop this point system, the Association convened an expert working group of 23 participants¹ to determine appropriate Conservation Measures and the associated point values. Threats to the Covered Species and appropriate Conservation Measures for the Coverage Area were identified utilizing available information from FWS listing decisions, WGFD and USFS conservation assessments, and other peer-reviewed literature, along with local knowledge. Benefits of the Conservation Measures were identified along with associated monitoring requirements. For more information on identified threats, appropriate Conservation Measures, monitoring requirements and expected benefits see Appendix C for sagebrush obligates and Appendix D for shortgrass prairie species.

A point value for each Conservation Measure was developed in order to incentivize specific actions and efficiently track conservation participation by each member of the Association. The 23 participants were asked to rank the value of each Conservation Measure to the applicable species and the likelihood that Participating Members would choose that Conservation Measure. The value to the species factor was weighted more heavily by squaring that factor before multiplying it by the likelihood of occurrence factor. These combined factors were multiplied by the number of species benefiting from the specific Conservation Measure, a multiplier for Conservation Measures that required contiguous acreages, and an areal extent weighting factor depending on whether the Conservation Measure covered the entire CI or CI/CP area. The resulting total points were then force fit to a standardized scale. The final point value was confirmed for each Conservation Measure by consensus of the expert working group.

In order to ensure feasibility and effectiveness of the point system, Association members developed 11 example CI/CPs identifying specific Conservation Measures. These examples addressed the full range of Covered Activities and membership types including small and large agricultural producers, Small Acreage Owners, and small and large energy companies. The expert working group determined the point system approach captured both qualitative and quantitative benefits.

¹ Membership of the Conservation Advisory Committee was based on the participating organizations. See Section 6.1 in this appendix for more detail.

3 ELIGIBILITY TO PARTICIPATE IN THE STRATEGY

3.1 Private Property Owners (CCAA Participants)

A CCAA is an agreement between the FWS and any private property owner (Non-federal Property Owner) who voluntarily agrees to implement Conservation Measures for the applicable Covered Activities to remove or reduce threats to species at risk of becoming listed as threatened or endangered under the Endangered Species Act. In return, the federal government provides assurances by agreeing that, during the term of the permit or CI, it will not seek further commitments of resources or additional Conservation Measures from the Non-federal Property Owner if any of the Covered Species are ever listed under the ESA.

A CI will be issued by the Association to members who voluntarily implement agreed-upon Conservation Measures for enrolled non-federal property.

3.2 Permittees/Lessees on Federal Lands (CCA Participants)

Using the same set of Conservation Measures developed for CCAA participation, the coverage for Participating Members conducting Covered Activities on Federal lands (or lands with Federal minerals) managed by BLM and USFS will allow for coordinated Conservation Measures to be implemented by members on a contiguous landscape scale across all lands they utilize.

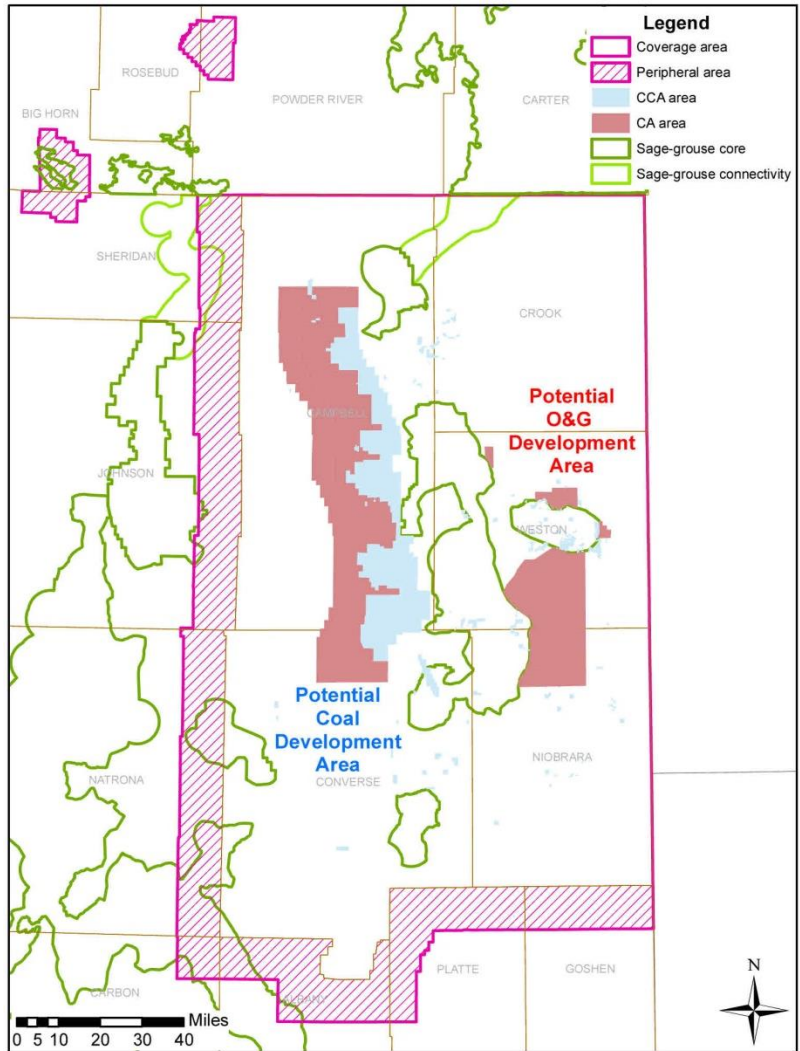
3.3 Future Permittees/Lessees on Federal Lands (CA Participants)

On Federal property or areas with Federal minerals, where it is reasonably foreseeable that a Participating Member may have a future prospective mineral lease, members can also participate in either or both of two potential mineral development areas. Participants will proactively implement Conservation Measures irrespective of acquisition of any future mineral lease.

To qualify, the Participating Members must participate in one or both of the Potential Mineral Development Areas, continue to meet the requirements of their CIs or CI/CPs, and remain in good standing with the Association (see Section 3.5).

Participating coal companies will facilitate voluntary, collaborative Conservation Measures in anticipation of mineral lease acquisition within the Potential Coal Development Area. All participating coal companies are currently engaged in active mining in the area. Active mining includes lands being reclaimed utilizing direct haul of topsoil and fill material along with material from stockpiles. Likewise, oil & gas companies will facilitate voluntary, collaborative Conservation Measures in anticipation of mineral lease acquisition within a comparable area (see Figure 1). The proactive off-property Conservation Measures implemented by energy companies will provide long-term benefits and may allow for the continued development of future leases.

In either case, conservation efforts will be placed within the Coverage Area where they are most likely to achieve conservation benefits. Participation will be documented in the Participating Member’s CI/CP, along with the associated Conservation Measures.



3.4 Utilization of this Strategy for Other Activities Occurring within the Coverage Area

One of the goals of this Strategy is to encourage consistent landscape conservation across the Coverage Area. Those individuals and entities not participating in this Strategy may have permits (i.e., county, state, federal) that require conservation of Covered Species within the Coverage Area. In situations where avoidance and minimization of impacts to Covered Species are not possible, additional conservation efforts may be required. While outside the scope of this Strategy, it may be beneficial to implement conservation efforts for those impacts that are consistent with Conservation Measures contained in this Strategy. In these situations, the Association recommends that permitting entities utilize Conservation Measures from this Strategy equating to 1 point per 100 acres of disturbance as a way to identify and value conservation efforts, although no points will actually be accrued or assigned. To maximize value to the Covered Species, these Conservation Measures should be selected from the habitat fragmentation and destruction category and should be implemented on lands controlled by Association Members or state/federal agencies within the Coverage Area.

3.5 Eligibility Requirements to Participate in the Strategy

Property owners who wish to participate in the CCAA, CCA and/or CA must meet the following criteria in order to become and remain eligible to participate:

- 1) Own or have a sufficient interest in land in the Coverage Area to carry out the Conservation Measures included in the conservation Strategy.
- 2) Be a regular member of the Association in good standing. Unless other arrangements have been made, good standing means complying with monitoring requirements and paying annual dues within 60 days of receipt of invoice. For cooperative CIs or CI/CPs, dues can be paid by the partner either directly or through reduction in incentive payments.
- 3) Own or have management control of lands within the five northeastern Wyoming counties of Campbell, Converse, Crook, Niobrara, and Weston; Pay a one-time participation fee to participate in the Strategy based on total enrolled acreage. Current members have been participating in on-going funding efforts. In order to establish parity, new members agree to contribute fees primarily used to implement Conservation Measures. The current fees set by the Association board are given by member type in Table 1 below.

Table 1

Participation Fee Schedule	4/1/2016	10/1/2016
	to 9/30/2016	to 3/31/2017
Coal companies	\$570,000	\$627,000
Other energy companies	\$20.76/acre	\$22.84/acre

These participation fees must be paid in full before the CI or CI/CP is signed. Participating Members engaged strictly in general farm or ranching operations (i.e., no oil and gas production or surface/in-situ mining operations as a Covered Activity) are not required to pay a participation fee. For the purpose of this section, membership by the parent company includes all wholly owned subsidiaries. Subsidiaries that are not wholly owned are considered separate entities and will be subject to individual participation fees. In a like manner, membership by an oil and gas operator includes all working interest owners of the operator’s enrolled property.

- 4) Voluntarily agree to implement Conservation Measures totaling at least 30 points per 50,000 enrolled acres (or portion thereof) for each CI or CI/CP. See Table 2 below for points associated with enrolled property from 1 to 300,000 acres. Enrolled property over 300,000 acres follow the same pattern.

Table 2

Enrolled acres	Points
1 to 50,000	30
50,001 to 100,000	60
100,001 to 150,000	90
150,001 to 200,000	120

200,001 to 250,000	150
250,001 to 300,000	180

Small Acreage Owners, while still required to meet the 30 point requirement, are provided point adjustments in order to incentivize their participation. For example, Small Acreage Owners must implement a minimum of 12 points (versus 20 for other participants) from Conservation Measures identified as addressing habitat fragmentation and destruction. Small Acreage Owners are also allowed a maximum of 18 points (versus 3 for other participants) from supporting Conservation Measures dealing with lack of education under Factor E. Small Acreage Owners can also take advantage of the off-property options to achieve the required 30 point total. Specific details of these measures and enrolled acreage will be incorporated into each Participating Member’s CI or CI/CP (see Appendix F).

- 5) To be eligible to enroll in a CCA or CA, the Participating Member must also be a Participating Member of non-federal property, participating in a CCAA.

3.6 Cooperative Efforts

The system of Conservation Measures included in this Strategy has been structured to provide incentives and mechanisms to facilitate cooperative efforts. Conservation Measures are voluntary and points address relative resource and labor requirements for each measure. Participating in cooperative projects where the Association has arranged for the funding will proportionately reduce the point value. When cooperative Conservation Measures occur, points credited to Participating Members will be proportional to the resources provided by each partner, agreed to by the Association and all Participating Members. The particular areas and associated acres will be defined in signed agreements between the individual participants and the Association and will be documented in the respective CIs or CI/CPs. However, full credit will be given if the member has developed funding independently of the Association.

Example 1: Member performs a Conservation Measure funded 40% by member and 60% by EQIP funding they have arranged - 100% of stated point value credited to member.

Example 2: Member performs a Conservation Measure funded 40% by member and 60% by funding arranged by the Association - 40% of stated point value credited to member.

Example 3: Member performs a Conservation Measure funded 25% by member, 25% by a cooperating member, and 50% by funding arranged by the Association - 25% of stated point value credited to member, 25% of stated point value credited to the cooperating member.

3.7 Off-Property Conservation Efforts

The Association has crafted the Strategy anticipating the inevitability of future energy development within the Coverage Area. In enrolled properties where future energy development is reasonably foreseeable to occur, the Strategy allows conservation effort to be placed within the Coverage Area where it is most likely to achieve conservation benefit. Conservation effort may thus be implemented off the enrolled property to achieve the desired conservation benefit.

3.8 Required Conservation Measure

Property enrollment is a commitment that is entered into entirely on a voluntary basis. However, in order to avoid potential mortalities for all Covered Species, all Participating Members must select Shortgrass Prairie Conservation Measure E2B. This Conservation Measure specifies that anticoagulants will not be used on any Participating Member's enrolled property during the term of the member's CI or CI/CP.

4 REQUIRED POINTS

4.1 CCAA and CCA Participants

In order to participate, each Association Member must select Conservation Measures totaling at least 30 points per 50,000 enrolled acres (or portion thereof, see Table 2) for each CI or CI/CP (an example of how the point system will be used to develop a CI or CI/CP can be found in Appendix F.

The Association will work closely with the Association Member, including multiple visits by Association staff, to gain familiarity with habitat conditions, potential threats, and then select a mix of Conservation Measures that the Association Member believes can be sustainably implemented on their enrolled lands and meets the requirements of the Strategy. This mix will include five or more Conservation Measures from the three categories (habitat fragmentation and destruction, habitat curtailment and other threats, and lack of education) that address the identified threats on their enrolled acres. These Conservation Measures are more fully detailed in Appendices C and D. The 30 point per 50,000 enrolled acre threshold was developed based on what experts, including the FWS, consider to be sufficient to meet the CCAA Standard.

- Habitat Fragmentation and Destruction

In order to decrease fragmentation across the Coverage Area, all CI or CI/CP holders must implement a minimum of 20 points per 50,000 enrolled acres (12 for Small Acreage Owners) from the Conservation Measures identified as addressing habitat fragmentation and destruction during the term of the CI or CI/CP. These measures can be implemented on the CI or CI/CP holder's property or on the property of another Participating Member through cooperative Conservation Measures. Along with decreasing fragmentation and destruction, the Conservation Measures will help maintain resiliency and increase habitat heterogeneity.

- Habitat Curtailment and Other Threats

In addition to the measures identified above, each CI or CI/CP may contain other on-the-ground Conservation Measures agreed to by the individual Participating Member and the Association.

- Lack of Education

While the majority of Conservation Measures will directly benefit the species, the Association recognizes that there are other important measures that facilitate beneficial results. With this in mind, the Participating Member can choose up to 3 points per 50,000 enrolled acres (18 for small acreage owners) from supporting Conservation Measures dealing with lack of education under Factor E.

4.2 CA Participants

Conservation Measures totaling at least 30 points will be identified and implementation funding equally shared by each member participating in either the Potential Coal Development Area or the Potential Oil and Gas Development Area. If the Potential Coal Development Area delineated in the 2007 Casper BLM Resource Management Plan is enlarged in the future, an additional 30 points per 350,000 acres will be required depending on the acreage the BLM includes in the revised area.

4.3 Transfer of CA to CCA Coverage

When held acreages are transferred to the Participating Member upon successful mineral lease acquisition, the Participating Member will be responsible for providing a total of 30 points per 50,000 enrolled acres (or portion thereof) in their CI/CP. For these calculations, the enrolled acres will include the successfully acquired lease acreage.

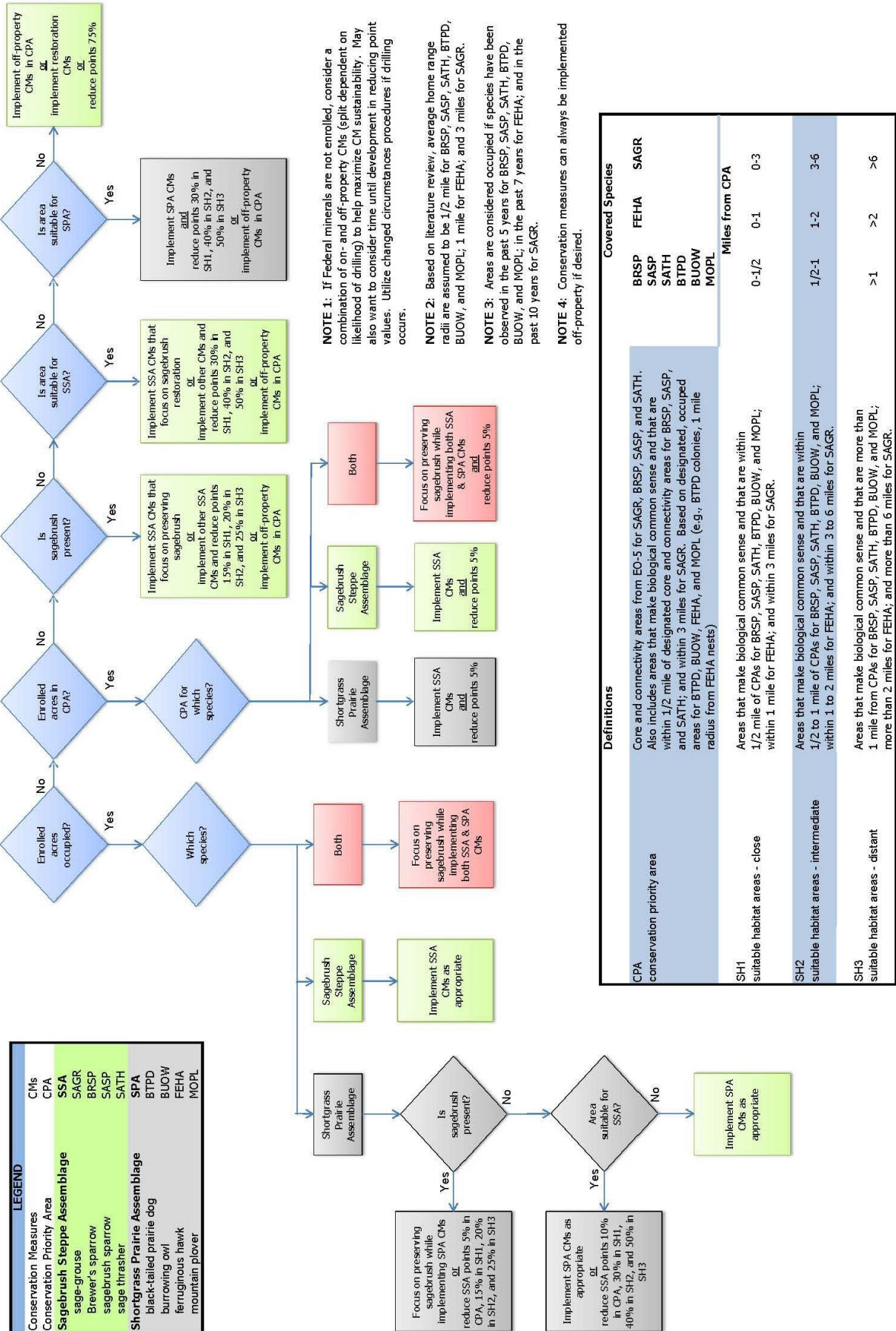
4.4 Landscape Level Considerations

Considering available habitat and threats identified on each member's property, the Association will encourage each member to provide for a balance between the Sagebrush Steppe and Shortgrass Prairie Assemblages where possible. A preliminary analysis of anticipated Conservation Measures at the landscape level indicated that a balance (no more than a 67:33 split – similar to the ratio of sagebrush to grasslands within the Coverage Area) between Conservation Measure points from the two assemblages will occur naturally. However, the Association will monitor individual CIs and CI/CPs as they are developed in order to ensure that, at the landscape level, no more than 67 percent of the total point value of all Conservation Measures under the Strategy comes from a single assemblage. If one assemblage is over represented at the landscape level, the Board in consultation with the Conservation Advisory Committee may increase points of the Conservation Measures from the other assemblage. Any increased points will apply to all CI or CI/CP holders who have selected that Conservation Measure, including CI or CI/CP holders who have previously signed their agreements.

4.5 Adjustments to Point Values

The point value of Conservation Measures will be adjusted based on acreage involved and distance from occupied habitat (see Figure 2). Areas are considered occupied if species have been observed in the last five years for Brewer's sparrow, sagebrush sparrow, sage thrasher, black-tailed prairie dog, burrowing owl, and mountain plover; in the last seven years for ferruginous hawk; and in the last ten years for sage-grouse. Conservation Measures in close proximity to occupied habitat will receive the highest value while measures occurring farther away will receive proportionately reduced values.

Figure 2 Point Value Determination



NOTE 1: If Federal minerals are not enrolled, consider a combination of on- and off-property CMs (split dependent on likelihood of drilling) to help maximize CM sustainability. May also want to consider time until development in reducing point values. Utilize changed circumstances procedures if drilling occurs.

NOTE 2: Based on literature review, average home range radii are assumed to be 1/2 mile for BRSP, SASP, SATH, BTPD, BUOW, and MOPL; 1 mile for FEHA; and 3 miles for SAGR.

NOTE 3: Areas are considered occupied if species have been observed in the past 5 years for BRSP, SASP, SATH, BTPD, BUOW, and MOPL; in the past 7 years for FEHA; and in the past 10 years for SAGR.

NOTE 4: Conservation measures can always be implemented off-property if desired.

Definitions	Covered Species			Miles from CPA
	BRSP	FEHA	SAGR	
CPA conservation priority area Core and connectivity areas from EO-5 for SAGR, BRSP, SASP, and SATH. Also includes areas that make biological common sense and that are within 1/2 mile of designated core and connectivity areas for BRSP, SASP, and SATH; and within 3 miles for SAGR. Based on designated, occupied areas for BTPD, BUOW, FEHA, and MOPL (e.g., BTPD colonies, 1 mile radius from FEHA nests)	BRSP SASP SATH BTPD BUOW MOPL	FEHA	SAGR	0-1/2 0-1 0-3
SH1 suitable habitat areas - close Areas that make biological common sense and that are within 1/2 mile of CPAs for BRSP, SASP, SATH, BTPD, BUOW, and MOPL; within 1 mile for FEHA; and within 3 miles for SAGR.	0-1/2	0-1	0-3	
SH2 suitable habitat areas - intermediate Areas that make biological common sense and that are within 1/2 to 1 mile of CPAs for BRSP, SASP, SATH, BTPD, BUOW, and MOPL; within 1 to 2 miles for FEHA; and within 3 to 6 miles for SAGR.	1/2-1	1-2	3-6	
SH3 suitable habitat areas - distant Areas that make biological common sense and that are more than 1 mile from CPAs for BRSP, SASP, SATH, BTPD, BUOW, and MOPL; more than 2 miles for FEHA; and more than 6 miles for SAGR.	>1	>2	>6	

Points should be viewed as guidelines for typical situations. Species density, lack of species use, proximity to known habitat use areas, and/or suitability of existing habitat may be considered in assigning the final point value. In most cases, full combined points will not be given for similar Conservation Measures affecting both assemblages. Exceptions will be evaluated on a site specific basis. Unless otherwise noted, all Conservation Measures apply to the entire enrolled acreage of the CI or CI/CP holder and apply throughout the full term of the CI or CI/CP. For Conservation Measures that involve future commitments or avoidance (e.g. not siting facilities within 0.6 miles of lek), the Participating Member must document that the threat is likely to occur during the CI or CI/CP term.

5 CERTIFICATES OF INCLUSION AND PARTICIPATION

The Association would hold an ESA Section 10(a)(1)(A) Enhancement of Survival permit issued by the FWS which would provide incidental take coverage in the event a Covered Species should become listed under the ESA.

The Strategy is designed so that the Association will issue CIs to members who voluntarily implement agreed-upon Conservation Measures on their enrolled private property where no federal permit or other authorization is required. The Association will also issue CPs to Participating Members who voluntarily meet agreed-upon Conservation Measures for Covered Activities that involve a federal permit or other authorization. Voluntary Conservation Measures associated with participation in either or both of the Potential Mineral Development Areas will also be included in the Participating Member's CI/CP.

Each individual CI or CI/CP will be consistent with all activities and Conservation Measures identified in this Strategy and will describe specific Conservation Measures that will be implemented by the Participating Member to conserve, restore or enhance habitat for the species, as well as to remove or reduce threats to the species arising from the management and use of their property.

The Association and its members started pursuing conservation of the Covered Species beginning in 2001. The Association conducted an assessment of current habitat conditions and wildlife populations. This initial assessment was followed up with extensive vegetation monitoring and wildlife monitoring in selected locales to provide additional baseline information for the Strategy. On-the-ground conservation by the Association and its members began in 2006. These conservation efforts represented good faith efforts to proactively conserve the Covered Species. Conservation implemented after January 1, 2006 that is consistent with the Conservation Measures found in Appendices C and D can be used to meet the CI or CI/CP obligations.

5.1 Application Process for CI or CI/CP

Association staff will prepare (for most agricultural members) or review (for most energy members if they have staff available) a draft CI or CI/CP following the outline provided in Appendix F. Once the Participating Member is comfortable with the document, it is presented to the Conservation Advisory Committee for their review and then to the Board for final review and approval.

The following steps summarize the process of applying for a CI or CI/CP:

- 1) The Association Member interested in enrolling in the Conservation Strategy should contact the Association. The Association will inform the Association Member of all necessary components of the CI or CI/CP application.
Each CI or CI/CP application must contain:
 - a. a legal description and a map of enrolled acres. Enrolled acres for a CI/CP can include all property where a member holds a lease, license, permit, contract or other instrument with a federal agency.
 - b. Documentation of the lease or other instrument must be provided to the Association before a CI/CP can be issued. Participation in the CA and associated Conservation Measures will be documented in the Participating Member's CI/CP.
- 2) The Association Member and the Association will gather (based on the legal description provided by the Association Member) appropriate information, such as soil maps, ecological site information, existing shrub cover, known species information, and topographical features.
- 3) The Association Member will develop a draft CI or CI/CP with assistance from the Association.
 - a. The Association and the Association Member will review and select appropriate Conservation Measures for the property to be enrolled. This will include:
 - i. identifying threats within the Association Member's control,
 - ii. selecting appropriate corresponding Conservation Measures from the list in the conservation Strategy
 - b. The draft CI or CI/CP will incorporate by reference all the requirements, processes, supporting information, and other stipulations of this conservation Strategy.
- 4) Before submitting the application package to the Association, the Association Member should conduct their own risk analysis and cost/benefit evaluation of the commitments under the CI or CI/CP.
- 5) Once a complete application is received, the approval process is described below in Section 6.

5.2 Implementation Timeline

Conservation Measures should begin within 1 year of signing the CI or CI/CP document. Implementation of all Conservation Measures should be underway within 5 years of signing. Specific timelines and exceptions will be agreed upon and documented in each CI or CI/CP. It should be noted that the Association and its members began implementing Conservation Measures beneficial to the Covered Species beginning in 2001.

5.3 CI and CI/CP Term

This Strategy will be in effect for 30 years following its approval and signing. CIs and CI/CPs for Participating Members will be in effect for up to 30 years following approval and execution of the CI by the Association, or until expiration of this Strategy, whichever is earlier. As long as the Strategy remains in effect, the Association may renew CIs or CI/CPs, based upon reevaluation of the CI or CI/CP's compliance with the Strategy.

With mutual agreement between the Association and the member, a CI or CI/CP can be written to match the 30 year term of the Strategy. Shorter terms can also be agreed to if desired, however the minimum term for either a CI or CI/CP is 10 years. If the term of the lease, license, permit, contract or other instrument with a federal agency is shorter than the CI/CP term, the Participating Member will be required to provide documentation that they have renewed the relevant instrument. This allows the CI/CP to be written for as long as desired (up to 30 years) with verification of renewal of the lease, license, permit, contract, or other instrument as necessary. The CI or CI/CP may be renewed through consultation and mutual agreement between the Association and the Participating Member and can be extended up to the term of the Strategy.

5.4 CI and CI/CP Termination

Unless the CI or CI/CP contains cooperative Conservation Measures, the Participating Member can terminate their CI or CI/CP by giving 30 days written notice to the Association. The Association will immediately notify the FWS of the pending termination. The CI or CI/CP holder must give the FWS an opportunity to relocate affected Covered Species within 30 days of the notice to the Association.

The Association Board will review each terminated CI or CI/CP containing cooperative Conservation Measures involving funding from the Association or other members. The Association may require the holder of the terminated CI or CI/CP to arrange for another member to provide for the cooperative Conservation Measures or reimburse the Association or other members for Conservation Measures on a prorated basis. Reimbursement will be based on the time the Conservation Measures have been in place and the total amount for Conservation Measures contributed by the Association or other members.

The Association will notify the BLM and/or USFS no later than 15 days after the termination of a CI/CP.

5.5 Sale of Enrolled Acres

The Participating Member agrees to give 30 days written notice to the Association of their intent to sell all or part of the enrolled property. The Association will offer the new owner the option of receiving conservation coverage by agreeing to perform appropriate Conservation Measures and signing a new CI or CI/CP. If the new buyer rejects the terms and protections of the CI or CI/CP, the selling Participating Member will reimburse the Association or contributing member a prorated amount of the cost for Conservation Measures which involve funding from the Association or other members. Reimbursement will be based on the time the Conservation Measures have been in place and the total amount contributed by the Association or other members for the Conservation Measures. If cooperative Conservation Measures are involved, reimbursed funds will be used to fund other Conservation Measures of a similar nature within two years of the sale. If appropriate Conservation Measures are not available, the reimbursed funds will be returned to the contributing member.

6 APPROVAL PROCESS

The approval process outlined below applies to the approval of the CI or CI/CP. Additionally, if the Participating Member selects Conservation Measures that includes the future development and implementation of a Grazing Management Plan, conservation easement (to a qualified easement

holder), grass bank, cooperative management plan, or surface use agreement, these additional documents/agreements will also require approval via the process described below.

6.1 Conservation Advisory Committee Review

The Conservation Advisory Committee includes experts from the Bureau of Land Management, Forest Service, US Fish & Wildlife Service, Wyoming Game and Fish Department, University of Wyoming - Extension, Natural Resource Conservation Service, three members from non-governmental organizations (which might include but would not be limited to, Bird Conservancy of the Rockies, Audubon Rockies, The Nature Conservancy, etc.) and two or more consulting biologists with regional expertise.

Once the full CI or CI/CP has been developed by the Association Member and Association staff, it will be reviewed by the Conservation Advisory Committee. Committee members will have 30 days to review the CI or CI/CP using the “Conservation Advisory Committee Checklist” as a guide (see page 23). Adequate review will require response from a simple majority of the then current Conservation Advisory Committee members.

In most cases, through preliminary discussions, the Association Member and the Association staff will have reached a consensus on Conservation Measures and their assigned point values prior to review of the Conservation Advisory Committee. If the Association Member requests changes in the Conservation Measures or assigned point values, both the Association Member and Association staff viewpoints will be presented to the Conservation Advisory Committee.

During the Conservation Advisory Committee review process, changes agreed to by the Association Member, Association staff, and the Conservation Advisory Committee will be incorporated into the CI or CI/CP application as appropriate. If there are recommendations that were not incorporated into the CI or CI/CP application, those recommendations will be documented and presented to the Board during the Board’s approval process as described below. If the FWS has a dissenting opinion from the rest of the Conservation Advisory Committee, it will be specifically stated in the recommendations.

6.2 Board Approval

After review by the Conservation Advisory Committee, Association staff and the Association Member will present the CI or CI/CP to the Board for approval. Notice of this meeting shall be given to the Board, Conservation Advisory Committee members, and the Association Member not less than 20 days prior to the date of the meeting. Notice can be given by US mail, telephone, fax, or email.

In most cases, through the above review process, the Association Member, Association staff, and the Conservation Advisory Committee will have reached a consensus on a CI or CI/CP application. However, the Board may be presented with additional recommendations or opinions that were not incorporated into the CI or CI/CP application for their consideration.

Decisions of the Board will generally be made on the basis of consensus among a quorum of the Board members attending a given meeting. However, if consensus can’t be reached, an affirmative vote of a simple majority of the Board members participating and voting shall be necessary for the passage of any motion. In cases of unresolved disagreement concerning Conservation Measures, point values or other

CI or CI/CP issues between an Association Member and the Board, the Association Member can request that the issue be heard by the full Board. In disputed cases, an affirmative vote of a two-thirds majority of the full Board shall be necessary for the passage of any motion. In all such cases, the Board decision is final.

If there are cases where there is a dissenting FWS opinion or a FWS recommendation that the Board does not adopt in making a decision, the Board and the FWS agree to work together in good faith to resolve any FWS' concerns, using dispute resolution procedures as given in Section 23 of the CCAA, Dispute Resolution). In such instances, the Board's decision will not be final and effective until the Board and FWS have completed the dispute resolution process and FWS has concurred in the outcome of that process.

Figure 3

**Candidate Conservation Agreement with Assurances
Participation Flowchart**

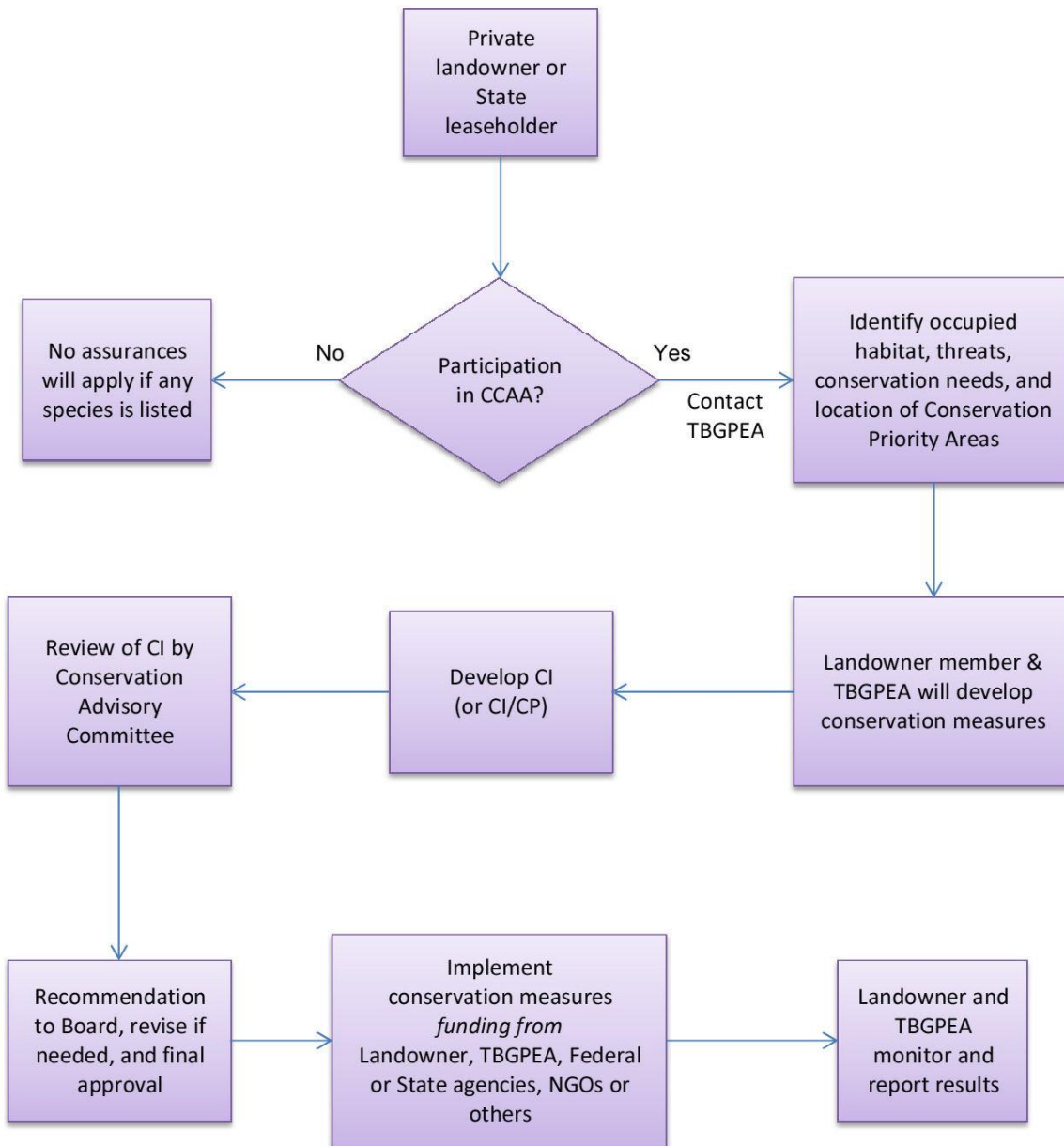


Figure 4

Candidate Conservation Agreement Participation Flowchart

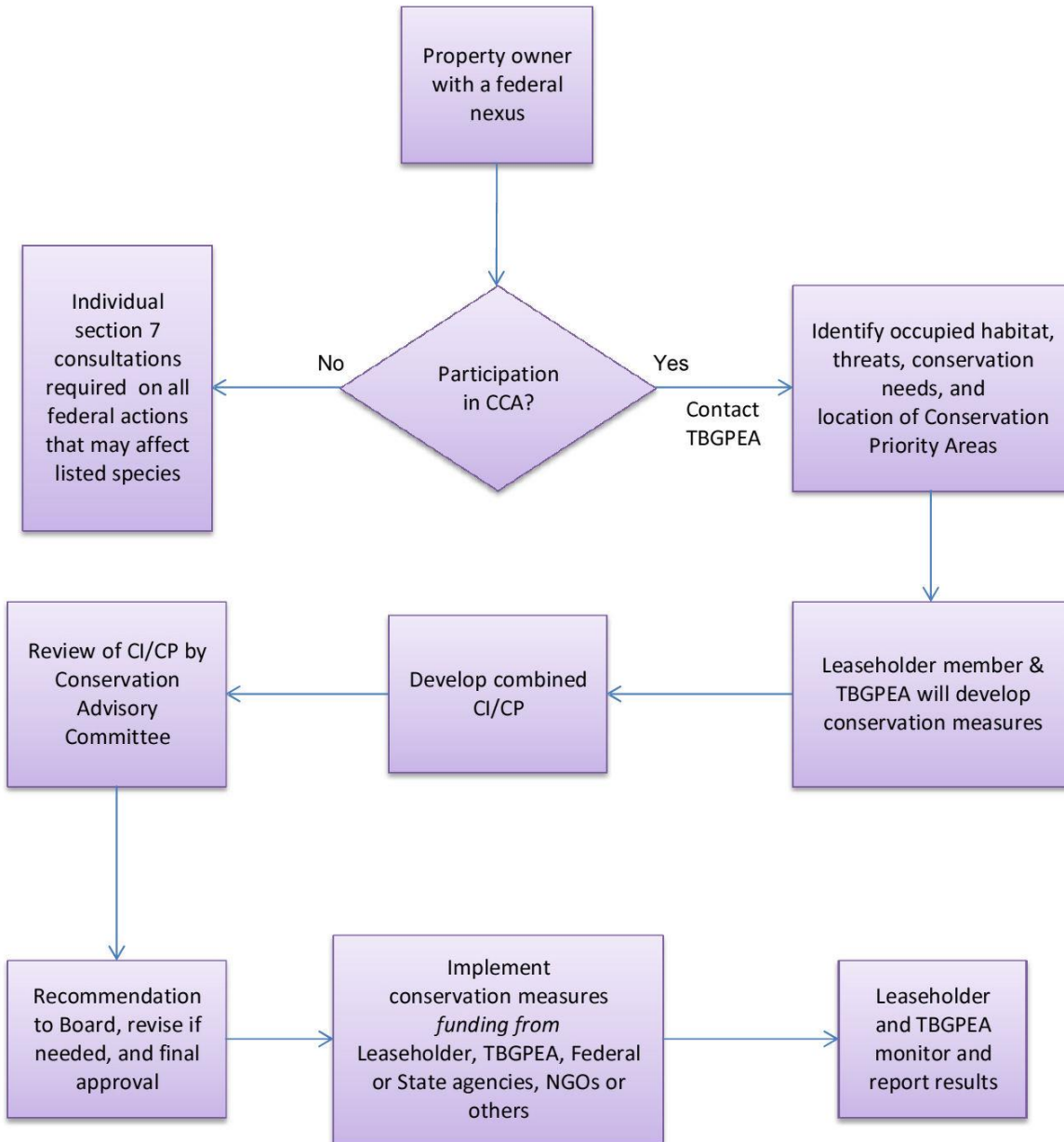
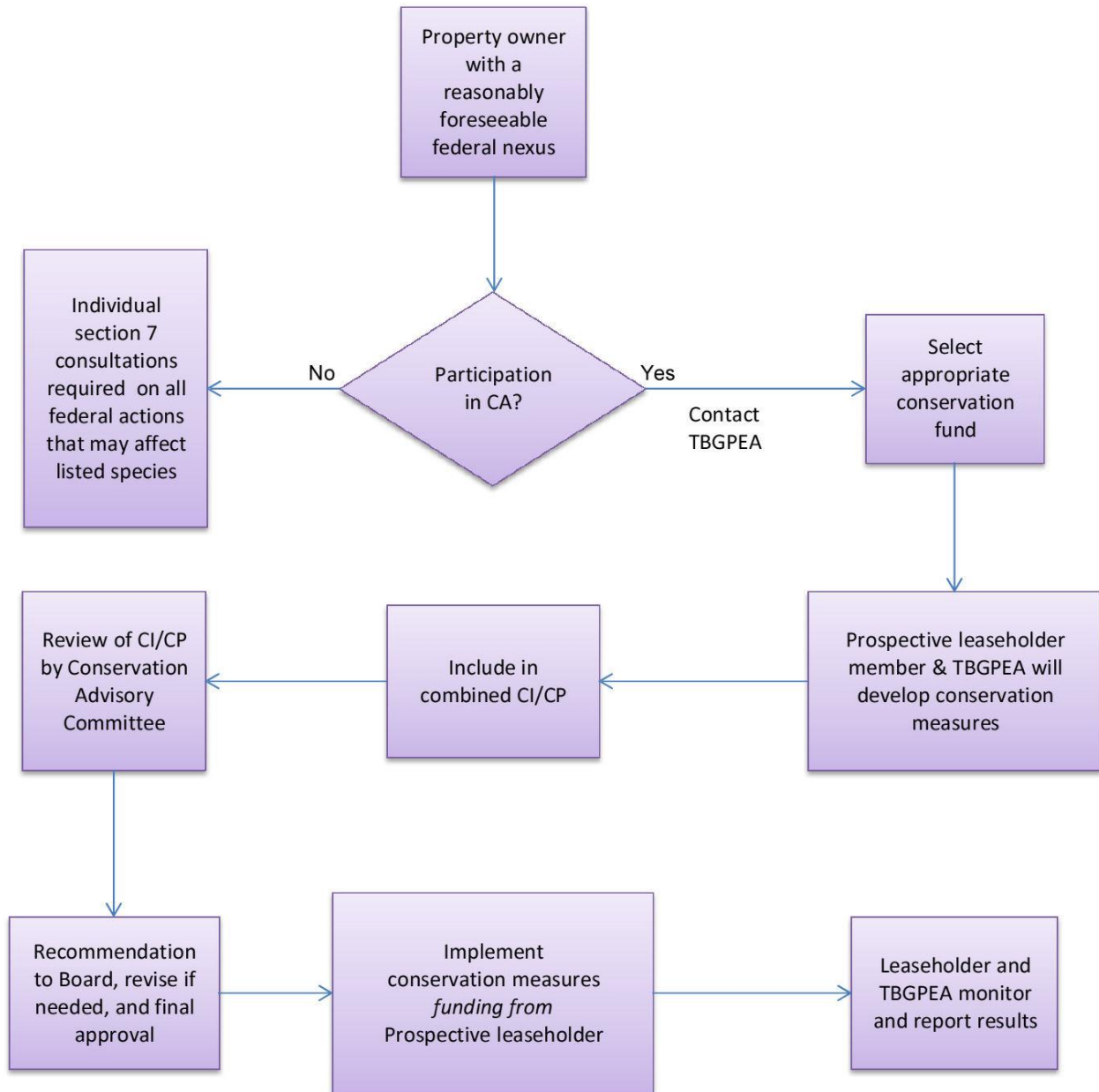


Figure 5

Conservation Agreement Participation Flowchart



In cases where potential Board actions directly affect a Board member, the affected Board member may participate in the discussion process. However, the affected Board member will be excused from the room prior to final deliberations and voting.

7 COLLABORATION MEETINGS

The Association recognizes the need for consistent and compatible land management across all of the federal, private and state land ownerships within the Coverage Area. The collaborative process described below is intended to facilitate communication between the parties; enable cooperative conservation planning; encourage implementation of mutually beneficial land management practices; and guide cooperative monitoring and reporting of our mutual efforts to conserve the resources within the Coverage Area.

7.1 Conservation Priority Areas

For the Sagebrush Steppe Assemblage, the initial CPAs include the six sage-grouse core areas and one connectivity area within the Coverage Area as designated in the State of Wyoming Governor's Executive Order (Wyoming EO 2015-4) and other suitable habitats in proximity to these areas where meaningful long-term conservation benefit is likely to be achieved. For shortgrass prairie habitats, these areas consist of Conservation Advisory Committee-designated habitats occupied by the species or providing required habitat features within the Coverage Area. Conservation Priority Areas will be reviewed as part of the long-range planning meetings (see Section 7.3) and adjusted as needed. Maps of current CPAs are available from the Association.

7.2 Annual Meetings

The Association will facilitate at least one annual meeting with collaborators such as the US Fish & Wildlife Service, Natural Resource Conservation Service, Bureau of Land Management, Forest Service, Wyoming Game and Fish Department, University of Wyoming - Extension, Bird Conservancy of the Rockies, Audubon Rockies, The Nature Conservancy, and environmental NGOs, among others. This meeting or meetings will help identify planned land management actions by the respective parties that may be of mutual benefit or interest and allow for sharing results of ecological restoration efforts within the Coverage Area.

7.3 Long-range Planning Meetings

In addition to the yearly planning meeting(s), the Association will facilitate a long range planning and assessment meeting to be held every five to ten years depending on needs. This meeting will involve the same participants as the annual meeting but will focus on developing threats, changing habitat needs, or other Adaptive Management issues.

8 ADAPTIVE MANAGEMENT

The Association is convinced that Adaptive Management is critical to the long-term success of the Conservation Measures identified in the Strategy and realizes that Conservation Measures may need to be updated based on research results. Such an adaptive approach explicitly recognizes that multiple factors (e.g., environmental conditions, biological processes, etc.) affect Covered Species populations. Furthermore, the consequences of prescriptive Conservation Measures cannot be predicted with

certainty, and therefore the Strategy provides a framework for making objective decisions in the face of that uncertainty. The Association employs Adaptive Management on both landscape and site-specific scales in order to provide a strong foundation for meeting ecological objectives. Adaptive Management relies on an iterative cycle of monitoring, assessment, and decision making to clarify the relationships among the Conservation Measures and response of habitat and ultimately, abundance of the Covered Species.

The Association has employed Adaptive Management since 2006. The Association will work with the Conservation Advisory Committee in the development and implementation of appropriate adaptive actions. Monitoring to determine habitat responses to the various treatment methods will continue. These monitoring results will be evaluated and used to define appropriate site-specific practices and to refine techniques. In addition, the Association will review reports and results from other regional projects involving Covered Species monitoring and/or habitat treatment to determine potential applicability to the Coverage Area. Appropriate adjustments will be considered and proposed to the signatory parties when these reviews note applicable refinements. This does not obligate the Association to commit additional land, water, or financial compensation or place additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the Strategy. These adjustments will be used in future CI or CI/CP development and current CI or CI/CP holders may adopt suggested changes if they so choose.

8.1 Development of New Conservation Measures

As additional research is conducted and information becomes available, the Association recognizes that it may be appropriate to develop new Conservation Measures to address issues such as developing threats or changing habitat needs. New Conservation Measures can be proposed by the Association, a Conservation Advisory Committee member, or a Participating Member. Any such measure must be supported by appropriate research and reviewed by the Association, the Conservation Advisory Committee, and FWS in a manner similar to that used for the existing Conservation Measures (i.e., full consensus of the Conservation Advisory Committee). FWS will make a determination of NEPA adequacy.

8.2 Changes in Conservation Measures

As a result of the Adaptive Management process, it may be advisable to modify Conservation Measures incorporated in an existing CI or CI/CP as long as the general spirit of the measure is retained. The Association and Participating Member will work together to ensure that Conservation Measures utilize the most recent information available. Adaptive Management approaches will be applied in order to develop adjustments that will maximize the likelihood of success. Any modification of Conservation Measures will occur through consultation and mutual agreement between the Association and the Participating Member(s). This does not obligate the Association to commit additional land, water, or financial compensation or place additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the Strategy.

8.3 Changes in Cooperative Conservation Measures

In a like manner, it may be advisable to modify cooperative Conservation Measures as long as the general spirit of the measure is retained. The Association and all cooperating CI or CI/CP holders will work together to ensure that Conservation Measures utilize the most recent information available. Adaptive Management approaches will be applied in order to develop adjustments that will maximize

the likelihood of success. Any modification of cooperative Conservation Measures will occur through consultation and mutual agreement among the Association and all cooperating CI and/or CI/CP holders.

8.4 Energy Development

Energy development has occurred, or has the potential to occur, in almost all locations throughout the Coverage Area. In split estate situations where the landowner controls only surface rights and is required to open their lands to energy development after the CI or CI/CP is signed, all efforts will be made to apply applicable Conservation Measures (e.g., inclusion of specific conservation in surface use agreements, etc.). Impact of energy development on individual CIs or CI/CPs will be determined by the Association as part of the monitoring process. As part of this process, members will be asked to report new energy development or reclaimed locations on their enrolled acres each year. Members will retain coverage under the Strategy unless the new energy development would result in changes in Conservation Measures that cause them to permanently drop below the requirement of 30 points per 50,000 enrolled acres (or portion thereof).

9 COMPLIANCE MONITORING

Each Participating Member will submit required annual reports to the Association by January 31 of each year or as specified in the CI or CI/CP. The Participating Member and the Association will conduct compliance monitoring as indicated for each Conservation Measure. Compliance monitoring will occur at least once every four years and may occur more frequently if warranted by site-specific conditions (e.g., if scheduled monitoring shows that the Participating Member is having difficulty maintaining high cover, then monitoring should occur more frequently.) For grazing management and other long-term Conservation Measures, compliance monitoring will document that successful implementation is occurring. If improvement is not occurring, Adaptive Management discussions will be initiated with the Participating Member.

10 REPORTING AND RECORD KEEPING REQUIREMENTS

As part of their compliance monitoring, each Participating Member will submit annual reports to the Association by January 31 of each year or as specified in the CI or CI/CP. These reports documenting activities implemented during the previous year under this Strategy, along with any compliance monitoring conducted by the Association during that year, will be summarized and included in the annual report. The Association will submit this annual report to the FWS, BLM, and USFS by March 15 of each year and will also make the report available to the public.

Documentation associated with Conservation Measure implementation, along with all CIs and CI/CPs, will be available to the FWS for review. These records will be kept on permanent file either in hard copy or electronic format at the Association offices.

Conservation Advisory Committee Checklist

- 1) Do provided maps clearly show property boundaries, roads, fences, water developments, salt or mineral locations, areas of industrial development, location of areas where Conservation Measures will be implemented, and other important features? Yes _____ No _____

Comments: _____

- 2) Have nearby Conservation Priority Areas been identified? Yes _____ No _____

Comments: _____

- 3) Are existing habitat conditions adequately described? Yes _____ No _____

Comments: _____

- 4) Are key habitat areas (leks, BTPD colonies, etc.) adequately described? Yes _____ No _____

Comments: _____

- 5) Have existing threats been identified? Yes _____ No _____

Comments: _____

- 6) Have conservation needs and priorities been established? Yes _____ No _____

Comments: _____

- 7) Do proposed Conservation Measures appear to adequately address threats within the context of established conservation needs and priorities? Yes _____ No _____

Comments: _____

Reviewed by: _____ Date: _____