

Informational Meeting

Question and Answer Session

September 13, 2023, 10:00AM CST via Zoom

Q: How receptive do you think the FWS will be to the TAMU mapping? And in relation to their mapping?

A: Steve Manning/ACF QTPC– Two permits are working together. Canyon has been involved and aware of the effort. FWS was involved and aware throughout the process. FWS was involved and aware through the TCP Science Committee and they are the ones that asked for a working group to get alignment with all the maps. We hope they are receptive to the new peer reviewed and published model (Walkup 2022).

Q: Who is doing New Mexico?

A: Steve Manning/ACF QTPC– CEHMM (Center of Excellence for Hazardous Materials) has held the DSL and Prairie Chicken CCA/CCAAs in NM for a long time.

Q: To be clear, what is the deadline for new enrollment for those who might be interested? July 2024? And is there a benefit to enrolling sooner rather than later?

A: Steve Manning/ACF QTPC - Two answers—one for each permit.

A: ACF: “Sooner rather than later.” A lot needs to happen to get a CI (Certificate of Inclusion) approved by the FWS, get invoices paid, etc.

A: Canyon (Chris Jensen): Agree with sooner rather than later. Canyon has a buffer period of 120 days after the DSL is listed. The interested operator has to be in the enrollment process at the time of listing.

A: Steve Manning/ACF QTPC added that ACF/TCP does not have a buffer period, and everyone needs to be signed up and acres enrolled when the species is listed.

Q: When does an operator need to submit GIS/shape files for its properties in order to enroll in the TCP?

A: The sooner the better to get everything completed.

Q: Any thoughts on pursuing an All-Activities enrollment option for either CCAA?

A: Steve Manning/ACF QTPC – No, not for TCP. It is a traditional CCAA, and operators must enroll their parcels/acres.

A: Chris Jensen/Canyon Environmental- Yes, we have the flexibility for all activities enrollment.

Q: When does the 120-day period run?

A: Chris Jensen/Canyon Environmental – it starts after the DSL is listed. The buffer period is for when a participant is in the process of enrollment.

Q: Is the TCP/Canyon Plan an avoidance plan or can access to habitat be gained and mitigated?

A: Steve Manning/ACF QTPC– Yes, but we are structured to avoid, then minimize, then mitigate for Take.

A: Chris Jensen/Canyon Environmental talked about unique challenges for sand mines and explained the 60-acre rolling cap on development per year.

Q: And what does falling into the “buffer” period provide a company?

A: Chris Jensen/Canyon Environmental – Flexibility.

Q: If a company acquires new acreage after the species is listed, what are the options for the company?

A: Steve Manning/ACF QTPC – Two answers:

A: ACF – No new enrollment or adding acres after listing is possible for the TCP.

A: Canyon Environmental (Chris Jensen) – Our Plan says we can, but FWS R2 says one thing and does another. It is spelled out in our CCAA, but reality may be uglier.

Q: How does USFWS plan to enforce this on private lands in Texas?

A: Steve Manning/ACF QTPC- the FWS is not going to be driving around the Permian, they don't have to. There is imagery that we use for our change detection analysis that we are required to report on and it's available to everyone. We know that the environmental NGOs are using it and providing information about impacts to the FWS.

A: Chris Jensen/Canyon Environmental – Concurred with Steve and said that an environmental group has a detection tool that they have shared with the public and encouraged the public to report impacts in the Permian.

Q: What is the deadline for enrollment to obtain regulatory assurances under the ACF CCAA?

A: FWS would say the date of the final listing for the DSL in July 2024. For administration of the TCP, December 15th is when invoices are paid for our current participants. We will work with new participants to get them enrolled and their acres enrolled as soon as possible.

Q: Can a company reduce its enrollment if the USFWS has a smaller habitat footprint that does not cover certain company acreage?

A: Steve Manning/ACF QTPC – yes, you can reduce acres. Think of it like an insurance policy

A: Chris Jensen/Canyon Environmental- Discussed FWS potential future habitat is concerning. TCP is a per acre cost, Canyon cost is based on number of participants, not by acre unit. Everyone should be concerned about the FWS map and operating in those boxes that might be considered habitat by FWS.