

## Certificate of Participation, Exhibit B

### HABITAT RESTORATION PLAN

*This site-specific Habitat Restoration Plan (Plan) describes the conservation activities that will be implemented to conserve and enhance the survival of the lesser prairie-chicken (LPC) and its habitat. When implemented, along with the terms of the Certificate of Participation (Agreement), will support the restoration payment described in the Agreement.*

WAFWA ID:	CZ0XX	Ecoregion:	Ecoregion
Agreement Type:	Restoration Plan	County, State:	County, State
Acreage Enrolled:	XX.XX acres	Expiration Date:	September 30, 20XX

#### Expected Conservation Outcomes

The goal of the grassland restoration program is to restore native grasslands and shrublands in the southern Great Plains ecoregion to increase lesser prairie-chicken abundance and distribution on privately owned lands. The desired and expected conservation outcome is to manage enrolled lands sustainably for ranching or other compatible operations, while promoting habitat values and healthy ecological rangeland processes.

#### Baseline Conditions

Baseline conditions are established at the time of enrollment using a rapid habitat assessment, a Habitat Evaluation Guide<sup>1</sup> (HEG), to identify opportunities to address habitat limiting factors<sup>2</sup>. The HEG results in a score of 0.0 to 1.0, with 1.0 being the highest habitat condition. It is important to recognize that not all lands have the characteristics to achieve a 1.0 score, often due to soil structure and slope. Therefore, the enrolled lands are further assessed to determine their highest potential score (Maximum HEG Score).

Baseline Data Collection Date: Evaluation to be done in the spring of 20XX.

Baseline HEG (weighted average):		Maximum HEG (weighted average):	
Q1. Percent Canopy Cover		Q1. Percent Canopy Cover	
Q2. Percent Preferred Vegetation		Q2. Percent Preferred Vegetation	
Q3. Presence of Tall Woody Plant		Q3. Presence of Tall Woody Plant	
Q4. % Suitable Habitat in 1 mi.		Q4. % Suitable Habitat in 1 mi.	

Additionally, WAFWA representatives will assess the enrolled lands to determine areas deemed by the CCAA to be directly or indirectly impacted by infrastructure, where such infrastructure has the potential to reduce LPC habitat quality or suitability. The areas impacted by infrastructure (Impacted Acres) become part of the baseline conditions.

#### Conservation Practices

Conservation practices are the site-specific actions deemed warranted and desired by both Parties to meet the goals and expected conservation outcomes defined in this Plan. They may include, but are not limited to, restoring native grasslands/shrublands which had been converted to cropland or other land uses, removal of infrastructure, and/or treatment of mesquite or eastern red cedar. All Parties acknowledge that the Participant will implement and maintain the conservation practices identified in this Plan in exchange for the identified restoration payments.

The conservation practices and funds authorized under this Plan are defined in Appendix B - Schedule & Budget. This preliminary budget amount, prescription or extent within Appendix B may be adjusted during further evaluation and design under the terms of the Agreement, section IX - Amendments.

Prior to implementation of an approved conservation practice, WAFWA or their representative will provide the Participant with detailed information on implementation requirements (design/install sheets). The Participant acknowledges this information may need to be developed after this Plan is executed, and that it is required prior to implementation.

<sup>1</sup> Habitat Evaluation Guide - The HEG form can be found online at <https://wafwa.org/ccaa/#conservation>

<sup>2</sup> Habitat Limiting Factors are potential habitat-based threats to LPC that could be addressed through habitat restoration or enhancement.

## Conservation Measures

Conservation measures are a requirement on all enrolled lands to meet the terms and conditions of the Agreement. Developed under the CCAA, in coordination with the U.S. Fish and Wildlife Service, conservation measures help to ensure that known threats to the species are mitigated by limiting or avoiding the activities that may contribute to either mortality/injury to the bird, degradation of their habitat, or disruption to key life cycles. Collectively, conservation measures and practices will address the habitat limiting factors identified in the baseline conditions or as they develop and achieve the stated desired conservation outcomes.

The following conservation measures apply to all enrolled lands for the duration of the Agreement:

**Grazing - Initial Deferment.** Grazing will be deferred for at least two growing seasons after restoration. This is an important recovery period to ensure a successful restoration. At the end of the second growing season, all Parties involved in this Plan will evaluate the habitat condition and decide if further deferment is recommended.

**Grazing.** After the initial deferment, grazing may occur provided it helps to further the success of the restoration effort and supports conserving and enhancing the survival of the LPC and its habitat.

- A prescribed grazing plan will be required prior to grazing which includes the basic elements of a grazing plan (e.g., duration & intensity) and which provides a contingency plan for drought, wildfire etc. The plan will be developed, revised and monitored by the Participant with assistance from a WAFWA Technical Service Provider (if requested). The grazing plan, and its revisions, must be submitted to WAFWA for review.
- The evaluation at the end of the initial deferment period will help guide the grazing plan during the post-restoration recovery period. Typically, the first few years after deferment include dormant season grazing (November – March) with light to moderate pressure to help the development of a healthy plant root system.
- Once the site is considered to be established, typically 3-5 years after restoration, then grazing may resume under a plan that supports conserving and enhancing the survival of the LPC and its habitat. Typically, this is a system that results in an average 33% annual forage utilization rate or less across the enrollment.
- If at any time habitat conditions are not being conserved or enhanced by grazing, WAFWA will recommend corrective actions. If a decline in habitat quality continues, it may result in an agreement termination.

**Avoid Lek/Nesting Disturbance.** Avoid human activities during the LPC breeding season (March 1 - July 15) within 1.25 miles of a known active lek<sup>3</sup> whenever possible, including implementation of restoration activities, construction or maintenance of grazing infrastructure, prescribed burning etc. If it can't be avoided, restrict activities between the hours of 3:00 am to 10:00 am (peak lekking activity) and minimize activities and noise.

**Land Conversion.** Conversion of enrolled lands to other land uses is prohibited for the duration of the Agreement, including but not limited to, conversion to crop or petroleum/urban/energy development, unless it is outside the control of the Participant or under special circumstance pre-approved by WAFWA. In all cases, the Participant must notify WAFWA. Land conversion may affect continued eligibility.

**Travel Restrictions.** During the LPC breeding season (March 1 - July 15), minimize vehicle and recreational vehicle (ATV, dirt bike etc.) traffic volume, lower vehicle speed, and avoid off-road travel to reduce disturbances to nesting birds.

**Stock Tank Ramps.** Install WAFWA approved<sup>4</sup> wildlife escape ramps in all stock tanks located on enrolled lands to reduce potential of wildlife drowning. The cost of the initial installation will be provided by WAFWA. Maintenance to replace missing or damaged ramps is required of the Participant.

<sup>3</sup> Known Active Leks. Lesser prairie-chicken lek (mating courtship area) that has been active at least once within the previous five years. The participant's conservation plan will include a detailed location of the known leks occurring onsite or nearby the conservation enrollment.

<sup>4</sup> WAFWA Approved. Guidance on how to build/install practices are provided at <https://wafwa.org/ccaa/#conservation>

**Fence Markers.** Install WAFWA approved<sup>4</sup> markers along permanent fences within one quarter (0.25) mile of known active lek<sup>1</sup> to reduce potential of bird collisions. The cost of the initial installation will be provided by WAFWA. Maintenance to replace missing or damaged markers is required of the Participant.

**New Fences.** Construction of new, permanent fences may be installed with the following conservation measures: (1) consider alternatives to fencing (e.g., by placement of water or minerals, use of prescribed burning, etc.), (2) consider use of temporary electric fencing as an alternative, (3) route fences away from known breeding areas and avoid, whenever possible, bisecting known lek areas, and (4) remove unused fences whenever possible.

**New Water Wells.** Construction of new water wells and associated infrastructure (pipelines, pumping facilities, and tanks) may be installed with the following conservation measures: (1) place new structures as close as possible to existing structures, (2) avoid or minimize disturbance to vegetation during installation, (3) install low profile pumping devices/housings and use solar pumps with low-mounted panels whenever practicable, and (5) minimize noise levels of any fuel-powered pumping systems to less than 40dbA.

**New Windmills.** Installation of a windmill for pumping/power generation is prohibited unless pre-approved by WAFWA.

**New Electric Lines.** Bury new electric distribution lines whenever possible, otherwise justification must be provided to, and approval obtained from WAFWA prior to construction.

**Herbicide Use.** Where practical and applicable, utilize an herbicide that is targeted for specific use and apply as spot treatments, as opposed to a broadband herbicide and broadcast treatments. In all cases, apply herbicide in conditions that minimize drift. No chemical treatment of LPC beneficial shrubs (sand sagebrush or shinnery oak) is permitted without WAFWA prior approval.

**Brush Management.** No treatment of sand sagebrush or shinnery oak is permitted without WAFWA prior approval.

**Prescribed Burning.** Notify WAFWA of any planned burning of rangeland and ensure all other conservation measures are incorporated (i.e., defer within 1.25 miles to known leks from March 1 - July 15 whenever possible).

**Report LPC Mortality/Injury.** Notify WAFWA of any LPC mortality or injury including location of sighting. If future occurrences can be prevented, they will be built into the plan (i.e., placing visual fence markers in known collision areas).

### **Permits and Other Approvals**

The Participant acknowledges they are responsible for obtaining the authorities, permits, or other approvals necessary for implementation of the Plan, and will carry out Plan activities in accordance with applicable laws and regulations. The Participant must comply with all local, state, and federal laws and is responsible for all effects or actions resulting from the Participant's activities under the Plan.

Discontinue work and notify WAFWA immediately if during the construction of any Plan activity a previously unidentified endangered species, archeological, or historical site is encountered. WAFWA and the Participant will work together to determine the most appropriate course of action.

### **Operation and Maintenance (O&M)**

The Participant is responsible for the operation and maintenance of the activities included within this Plan and acknowledges that these activities may require resources (i.e., labor and funds) to ensure that the conservation measures/practices are functioning as intended throughout the term of the Agreement. This includes normal activities in the use of practice (operation) and repair or upkeep of the practice (maintenance). In some cases, it may be defined that the Participant is responsible for the replacement of the practice when it's no longer functioning as intended.

### **Monitoring / Habitat Evaluation**

Routine monitoring is important and necessary under this Plan, by all parties involved, to ensure the expected and desired conservation outcomes are being achieved. Under the terms of the CCAA, annual monitoring by WAFWA or their representatives during, or immediately preceding, the LPC breeding season is required until the site's highest potential

habitat quality is reached (Maximum HEG Score). See Baseline Conditions for the score. Once reached, monitoring will continue every third year unless the Participant requests more frequent monitoring. Monitoring will include photo documentation at established point locations.

Annual monitoring includes re-assessing each management unit using the rapid habitat assessment (HEG), which includes a component of vegetation monitoring using transect sampling at established locations and review of any changes to infrastructure on the landscape. The HEG scores for each management unit are tracked to evaluate trend over time and used during the Plan Review to evaluate the need for adaptive management.

In addition, WAFWA may request permission of the Participant to conduct spring lek surveys at WAFWA/SRF's expense. Lek surveys help inform planned management actions and track bird use trends through time. As new lek data becomes available, WAFWA will notify Participants of the results.

### **Plan Review & Adaptive Management**

This Plan shall be reviewed by WAFWA, at a minimum, every 5 years to assess if the condition of LPC habitat is maintained or improved as planned, or to make adaptive management changes to address any declining habitat trends. The desired outcome will, in part, be measured by having vegetation structure >25% improved over baseline conditions, annually, for at least 3 out of 5 years until the Maximum HEG Score is reached. At which time, the desired outcome is to maintain the Maximum HEG Score for at least 3 of 5 years.

If the desired outcome is not being met, then the management prescriptions will be evaluated to determine if change is necessary to ensure that the site is trending towards, or providing, the highest possible habitat quality.

### **Signatures**

\_\_\_\_\_  
WAFWA Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

Appendix A - Habitat Management Plan Map

Appendix B - Schedule & Budget



## Appendix B - Schedule & Budget

### Schedule of Conservation Practices and WAFWA/SRF Authorized Payment Amounts

Timing	Activity / Location	Quantity	Unit Cost	Cost
Spring 20XX	Install Fence Markers, X miles (XX,XXX ft) as shown on the plan map (Appendix A). <b>REQUIRED</b> <ul style="list-style-type: none"> <li>Design/install sheets provided upon request or online at: <a href="https://wafwa.org/initiative-programs/lesser-prairie-chicken/">https://wafwa.org/initiative-programs/lesser-prairie-chicken/</a></li> </ul>	X Ea.	\$0.50	\$X,XXX
Spring 20XX	Install Tank Ramps in all tanks occurring on the enrollment. <b>REQUIRED</b> <ul style="list-style-type: none"> <li>Design/install sheets provided upon request or online at: <a href="https://wafwa.org/initiative-programs/lesser-prairie-chicken/">https://wafwa.org/initiative-programs/lesser-prairie-chicken/</a></li> </ul>	X Ea.	\$150	\$X,XXX
Spring 20XX	Grassland Restoration: Native Grass Planting as shown on the plan map (Appendix A). <ul style="list-style-type: none"> <li>A WAFWA Technical Service Provider (TSP) will conduct further evaluation and design prior to implementation to provide the Participant with a implementation plan. The implementation plan will detail the site preparation treatment, seeding and post seeding care.</li> <li>The Participant acknowledges they will need to obtain the implementation plan prior to starting any activities.</li> <li>Retain the seed mix tag, this is required for payment.</li> </ul>	X Ac	\$TBD	\$X,XXX
<b>TOTAL AUTHORIZED EXPENSE:</b>				<b>\$XX,XXX</b>

#### Notes:

1) The preliminary budget amount, prescription or extent may be adjusted during further evaluation and design under the terms of the Agreement, section IX - Amendments. Typically, this allows for a slight change in extent (e.g., size of treatment area), location adjustment, or timing.

2) The Participant may submit for payment upon completion of a restoration activity. It is not required to complete all activities to receive the payment, that is, the Participant may request payment by line item (e.g., invoice #1 is for the installation of fence markers and later invoice #2 is submitted for installation of tank ramps).

3) To initiate payment, the Participant will notify WAFWA or their representative that the practice was implemented. WAFWA or their representative will conduct a field visit to confirm the practice was installed per the terms of the plan and any design/installation guidance provided. Participant will provide any receipts (if available) and other documents stated to be required (i.e., seed tags, proof of chemical rate applied, etc.).