

USFWS approved range-wide habitat conservation plans for lesser prairie-chicken

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The U.S. Fish and Wildlife Service recently announced it has approved range-wide habitat conservation plans to provide legal assurance of compliance with the Endangered Species Act for the lesser prairie-chicken for the oil and gas industry.

The USFWS approves conservation banks that meet quality standards defined by guidance published by USFWS for the LPC in July 2021.

The habitat conservation plan is designed to allow for the responsible development of oil and gas in the Great Plains while also contributing to the conservation of the lesser prairie-chicken, the agency said.

The Endangered Species Act requires all incidental take permits to include HCPs that describe the anticipated effects of a proposed taking and how those impacts will be minimized or mitigated.

The HCP will cover oil and gas development across the lesser prairie-chicken's range in Colorado, Kansas, New Mexico, Oklahoma and Texas, the agency said. LPC Conservation LLC's HCP will fully offset impacts from enrolled projects while providing regulatory certainty for oil and gas development across its range, should the lesser prairie-chicken become listed under the ESA in the future.

Along with the final HCP, the USFWS is publishing a final Environmental Assessment that evaluates the effects of issuing the ITP and addresses comments received during the public comment period. Full implementation of the HCP is expected to potentially affect 500,000 acres of suitable lesser prairie-chicken habitat. Under the plan, industry participants will work with LPC Conservation LLC to ensure projects minimize impacts to the lesser prairie-chicken and mitigation is in place to voluntarily offset their project's impacts to the species and its habitat. The HCP and ITP will be in effect for 30 years.

Earlier this year, the agency approved LPC Conservation LLC's HCP and associated ITP for renewable energy development in the Great Plains.

The final oil and gas HCP and EA can be found at www.fws.gov/lpc.

The new HCP for oil and gas producers enables energy developers to obtain legal assurance in exchange for contributing to the main conservation goals for the

soon-to-be endangered bird. Participants buy protections for priority habitat strongholds secured by conservation banks.

The HCP will be administered by LPC Conservation, LLC, a special purpose entity owned by Common Ground Capital, LLC of Oklahoma City, Oklahoma; Restoration Systems of Raleigh, North Carolina; RiverBank Conservation of Austin, Texas; and a major equity investor who is active in the energy and real estate space across the country.

Wayne Walker, CEO of LPC Conservation, said, “Our team is excited to provide the oil and gas industry a streamlined path to clearing Endangered Species Act risks by supporting desperately needed strategic conservation strongholds and restoration for the lesser prairie-chicken. This is good for business and good for the recovery of this species.”

“We believe using a market-based business model is the best way to secure the desired outcomes for all involved to finally deliver quantifiable conservation benefits to the LPC,” he said. “The species is a key indicator of the health of the southern Great Plains. LPC Conservation offers a legally defensible permit that should be of interest to this industry.”

“We are grateful to the U.S. Fish and Wildlife Service for its leadership and execution to achieve this milestone,” added Walker. “We are also eager to continue to work with major conservation NGOs, and interested states, in a transparent and collaborative manner as we work to implement this HCP.”