United States Department of Agriculture

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NEW MEXICO BULLETIN NO. 190-12-04

SUBJECT: ECS - LESSER PRAIRIE-CHICKEN (LPC) CONFERENCE REPORT QUESTIONS AND ANSWERS

TO: Quay, Curry, Roosevelt, Lea, Chavez, Eddy, and De Baca Counties.

Purpose. To provide answers to frequently asked questions concerning the application of conservation practices and the LPC Conference Report.

Expiration Date. December 31, 2012

The following questions and answers are also posted on the New Mexico NRCS Share Point site: New Mexico SharePoint > Technical Services > Biology > Lesser Prairie-Chicken > NRCS-FWS Conferencing Report

Question 1: Implementation of 314-Brush Management to control invasive honey mesquite by aerial herbicide application needs to occur with the conservation measure deferment period (March 1st through July 1st). What are our options?

A green paper was developed on April 6, 2012 to provide NRCS consultation with the New Mexico Department of Game and Fish (NMDGF); to identify and evaluate all possible alternatives to address this conflict.

The agreed upon alternative is to modify the 314-Brush Management conservation measure deferment to March 1st through June 1st; to allow implementation of aerial herbicide mesquite treatment.

Provided below are the steps used to document this action in the Environmental Evaluation (NRCS-CPA-52).

T&E Worksheet Step 1
Are there any endangered or threatened species, designated critical habitat(s), proposed species/habitats, or State/Tribal species of concern protected by law or regulation present, or potentially present, in the area of potential effect? "Yes" (go to step 5)

(MORE)

T&E Worksheet Step 5
What are the short and long-term impacts of the proposed action or alternative on proposed species or their proposed critical habitat? No Adverse Effect.
Document in the worksheet notes: "The implementation of 314 for mesquite treatment will follow the guidance provided in the LPC Conference Report, as modified by NRCS and NMDGF to allow the deferment period to be revised to March 1st through June 1st." Print a copy of the worksheet to attached to the completed NRCS-CPA-52.

NRCS-CPA-52 (section I, J)
Select the dropdown option of "No Effect – see documentation" (unless other practices in the plan are found to have an adverse effect).

Question 2: Implementation of 550-Range Seeding to convert non-native lovegrass stands to a more native rangeland needs to occur within the conservation measure deferment period (March 1st through July 15th). What are our options?

There are several scenarios with different answers; refer to the scenarios outlined in the NRCS-CPA-52, T&E Worksheet (below). All scenarios have the potential to be utilized. However, the highlighted scenarios may be the most feasible options.

T&E Worksheet Step 1
Are there any endangered or threatened species, designated critical habitat(s), proposed species/habitats, or State/Tribal species of concern protected by law or regulation present, or potentially present, in the area of potential effect?

- *Scenario 1*. Through the conferencing process, the "action area" was broadly determined to be the area where LPC have the potential to be present. If scenarios 2 or 3 do not apply, then answer "Yes" (go to step 5)
- *Scenario 2*. If NRCS determines that that there is no potential for LPC to occur in the area of potential effect, then answer "No" and document why/how the determination was made on the NRCS-CPA-52 and proceed with planning. Examples would be cropland, tree areas, or bare ground (areas identified as Not Suitable Habitat).
- *Scenario 3.* If uncertain whether or not LPC may potentially be present in the area of potential effect ask your State Biologist or contact the lead agency in charge of the species.

  Note: In lovegrass stands there is the potential for LPC to occur. The answer would be "Yes" they have the potential to occur; *unless*, we had further justification that LPC do not occur on the specific area in question. We may consult with NMDGF to verify that the site would have no potential for LPC to occur. In that case, answer "No", document why/how the determination was made on the NRCS-CPA-52, and proceed with planning.

T&E Worksheet Step 5
What are the short and long-term impacts of the proposed action or alternative on proposed species or their proposed critical habitat?

- Scenario 1a. Follow the 550-Range Seeding conference measure of deferring implementation from March 1st through July 15th. This is a mitigation action to avoid a potential adverse effect. If this conservation measure is followed, the answer to this question would be **"No Effect".** Document this in the mitigation section of the NRCS-CPA-52 and reference that the planned action is following the LPC Conference Report, and proceed with planning.

- Scenario 1b. Develop a "No Effect" alternative mitigation measure to ensure no disturbance during the nesting season. An option would be to ensure there is no potential LPC nesting habitat going into the nesting season (in the year of planned implementation). An example may be to mow the lovegrass stand prior to LPC nest site selection (March 1st). Mowing could even be accomplished the previous fall (anytime after July 15th). If the result is that there is no potential nesting habitat going into the nesting season, then the activity would have no disturbance to nesting. Answer "No Effect", document this in the mitigation section of the NRCS-CPA-52, and proceed with planning.

  Note: this does not apply to lekking habitat. If there is a lek on-site, deferment must be made until lekking activities have ceased.

- Scenario 1c. Identify that there may be a "Potential Adverse Effect" by implementing 550-Range Seeding during the nesting season (March 1st through July 15th). Refer to the NRCS-CPA-52 for further guidance. ***Note:*** all options through this scenario result in NRCS either following the conservation report measures or otherwise avoiding adverse impacts (as mentioned above).

If you have any questions, please contact Chanda Pettie, State Biologist, at (505)-761-4432.

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State Conservationist