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**Ray Powell, M.S., D.V.M.**  
COMMISSIONER

*State of New Mexico*  
*Commissioner of Public Lands*

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April 1, 2014

Dear Representative of the Oil and Gas Industry:

On March 25, 2014, I signed a Candidate Conservation Agreement with Assurances (CCAA) with the United States Fish and Wildlife Service (USFWS) and the Center of Excellence for Hazardous Material Management (CEHMM). With the USFWS's recent decision to list the Lesser Prairie Chicken (LPC) as a "threatened" species under the Endangered Species Act, I would like to make sure you are aware of your ability to utilize the protections afforded under the CCAA.

This agreement, which enrolls approximately 404,000 acres of State Trust Land under the voluntary conservation program, is aimed at ensuring that regardless of USFWS listing decisions under the Endangered Species Act participating State Land Office lessees will be able to continue their operations. The accord covers both Lesser Prairie Chicken and the Dunes Sagebrush Lizard (DSL) habitat. In 2012 I signed a similar agreement, which at the time represented one of the largest accords in the nation with more than 247,000 acres. This new agreement replaces and expands this effort.

Participation in the CCAA helps ensure that oil and gas activities can continue in areas inhabited by the LPC and/or the DSL while meeting conservation objectives for these two species. By enrolling these State Trust Lands under the program, lessees of these lands will also be able to enroll if they chose to do so, even though the listing decision for the LPC has already been published.

This agreement will help protect the health of our lands while allowing economic activity that supports State Land Trust beneficiaries, which include public schools, hospitals, and universities, to continue. In the absence of a CCAA, state land use and development in the species' range may be delayed by the requisite USFWS consultation process. By agreeing to conduct certain conservation measures the USFWS provides regulatory certainty (assurances) concerning land use restrictions that might otherwise apply due to LPC or DSL listing decisions.

Some measures required under the CCAA to protect the LPC and DSL include:

- Providing escape ramps for open water sources;
- Minimizing surface disturbances;

- Avoiding DSL habitat;
- Burying power lines within two miles of LPC lek sites active at least once in the past five years;
- Burying power lines within one mile of historic LPC lek site.

The CCAA agreement is available for your review on the State Land Office website: [www.nmstatelands.org/conservation-agreement-for-sand-dunes-lizard-and-lesser-prairie-chicken.aspx](http://www.nmstatelands.org/conservation-agreement-for-sand-dunes-lizard-and-lesser-prairie-chicken.aspx). This page also includes a habitat map and other information concerning the agreement that may be of interest to you.

Comprehensive information on the CCAA is also available on the CEHMM website at [www.cehmm.org/ccaccaa](http://www.cehmm.org/ccaccaa). Mr. Matt Mathis is the CEHMM point of contact and can be reached at (575) 885-3700 or [matt.mathis@cehmm.org](mailto:matt.mathis@cehmm.org) with questions regarding enrollment. Enrollment eligibility and associated deadlines may differ based on each applicant's circumstances. Please contact CEHMM as soon as possible if you have questions.

I am also writing to encourage all oil and gas lessees to participate in this voluntary program. The health of our State Trust Lands and the success of the oil and gas industry are of great importance to New Mexicans. This agreement helps ensure the future of both.

Please do not hesitate to contact me or my office with any questions or concerns you may have.

Sincerely,

A handwritten signature in cursive script that reads "Ray Powell". The signature is written in black ink and is positioned below the word "Sincerely,".

Ray Powell, M.S., D.V.M.  
Commissioner of Public Lands