

# Summary of CCA

3/11/10

CCA is for Federal mineral activity.

Participation is voluntary.

Funds will be used to implement conservation measures for both species.

Participating Cooperators (PC) receive “a high degree of certainty that additional measures would not be required...”; Those participating in the CAA (for non-Federal lands) receive “assurances”

Participating Cooperators can enroll as many leases/parcels as they want.

Participating Cooperators are responsible for insuring the CP is followed by subcontractors, agents and other interest holders on enrolled parcels.

## Habitat Conservation Fees and Accounts

- Fees will be assessed for surface disturbing activities based on schedules in Exhibit B.
- Fees will be debited for any activity (on or off enrolled parcels) necessary to develop the enrolled parcels.
- Work being done by 3<sup>rd</sup> Parties, either on or off enrolled parcels, to develop an enrolled parcel will be assessed fees (from the PC's account). The 3<sup>rd</sup> Parties will be required to follow the same CMs (at a minimum).
- Fees will be debited at the time of permit approval.
- The fee is based on total area disturbed, not habitat disturbed
- CEHMM will maintain the PC's money in their own Account tied specifically to the PC's Certificate
- Fees will not be charged for activities that do not require an agency permit or approval (routine maintenance and operations)
- Participating Cooperators deposit with CEHMM \$2/gross acre for all enrolled leases for 3 consecutive years from the date of enrollment.
- Deposits for the 2<sup>nd</sup> and 3<sup>rd</sup> year will occur on the first and second anniversary of the signing of their CP.
- The minimum deposit will be \$20,000.
- If Participating Cooperators account balance is insufficient to cover fees, CEHMM will provide notice and 60 days to correct.

## Transfers or Adding New Leases

- Parcels can be transferred before or after a listing: Exception, if SDL is listed first, parcels in the LPC area cannot be transferred into SDL habitat.
- Parcels can be added (by addendum to the CP) only prior to listing. If the SDL is listed first, you can still add parcels outside of SDL habitat. If the LPC is listed, no new parcels can be added (since SDL habitat is wholly within LPC habitat).
- Once an authorized activity results in ground disturbance, the enrolled parcel in the CP is no longer eligible for transfer to another location (it still can be assigned to another PC).
- If a new company wants to acquire a parcel from a PC (even after a species is listed) they must:
  1. Sign up on a CP and agree to the CMs,
  2. Assume the remaining portion of the 3 year payment cycle.
- A PC can transfer a parcel from one habitat type to another habitat type (ie, IPA to CMA) as long as:
  1. an authorized ground disturbing activity has not occurred on the parcel in the CP
  2. it is not from the habitat of an unlisted species into the habitat of a listed species

## **Termination**

- BLM/FWS will only terminate if:
  1. Fees are not paid, or
  2. Conservation Measures are not followed.
- CEHMM will notify the PC they have 60 days to pay or show due diligence in correcting a CM.
- If PC fails to correct a payment or CM deficiency in 60 days, the affected lease will be removed from the CP.
- If PC has 3 deficiencies within 365 days, the entire CP terminates.
- PC can terminate the CP after the 3<sup>rd</sup> payment period with 30 days notice.