



United States Department of the Interior

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May 6, 2013

Memorandum

To: Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico
(ARD-ES) (Attn: Susan Jacobsen)

From: Field Supervisor, New Mexico Ecological Services Field Office, Albuquerque, New Mexico
Walt *Russell*

Subject: Intra-Service Section 7 Conference Opinion on the proposed Issuance of a Section 10(a)(1)(A) Enhancement of Survival Permit for Rio Grande cutthroat trout to Vermejo Park Ranch.

This responds to your request for conferencing with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.) (ESA). Vermejo Park Ranch has applied to the Service for a section 10(a)(1)(A) enhancement of survival permit (Permit) to authorize incidental take of Rio Grande cutthroat trout (*Oncorhynchus clarkii virginalis*) within all lands currently occupied or potentially occupied by the species within Taos County, New Mexico, and Costilla County, Colorado. The Rio Grande cutthroat trout is a candidate for listing pursuant to the ESA. As a condition of the proposed Permit, Vermejo Park Ranch would be responsible for implementing a Candidate Conservation Agreement with Assurances (CCAA) (Service 2013a). The CCAA includes a suite of conservation measures for the Rio Grande cutthroat trout.

Included herein is the Service's Conference Opinion based on review of the Permit application by Vermejo Park Ranch. At issue are the effects that issuance of the Permit may have on the Rio Grande cutthroat trout. This Conference Opinion was prepared using information from the draft CCAA, draft Environmental Assessment (EA) (Service 2013b), and other sources of information referenced below.

The Rio Grande cutthroat trout is currently a Federal candidate species and is not listed as federally threatened or endangered pursuant to the ESA. The CCAA and its proposed Permit will address incidental take of Rio Grande cutthroat trout should the species become listed during the term of the CCAA. A CCAA provides an effective mechanism for the conservation of rare or imperiled species including species that are candidates for protection under the ESA. The Service recognizes that taking steps to cooperatively reverse population declines is the most effective way to conserve species that are not currently federally protected.

The Service has determined there are no other species of fish, wildlife, and plants which are listed under the ESA that occur in or near the action area.

CONFERENCE OPINION

DESCRIPTION OF THE PROPOSED ACTION

The proposed action as described in the EA is the approval and implementation of a CCAA between the Service and Vermejo Park Ranch to address the conservation needs of the Rio Grande cutthroat trout. The Service would issue a permit under ESA section 10(a)(1)(A), in accordance with 50 CFR 17.22 and 17.32 (d), that would provide Vermejo Park Ranch with authorization for incidental take of Rio Grande cutthroat trout and regulatory assurances should the species be listed under the ESA in the future. The proposed Permit would authorize incidental take of Rio Grande cutthroat trout resulting from otherwise lawful activities on the lands and waters covered under the CCAA, consistent with management under the CCAA. Such activities may include, but are not limited to hunting, road maintenance, prescribed burning, grazing, farming, fishing, water resource development and management, construction and maintenance of structures and utilities, forest management (e.g., timber harvest and thinning activities), gravel and rock removal, mineral, oil and gas development, recreation, and related ranch activities. Vermejo Park Ranch would implement the conservation measures described in the CCAA including eliminating nonnative fish, maintaining habitat quality, and reestablishing viable populations of Rio Grande cutthroat trout on Vermejo Park Ranch.

Action Area

The action area includes all waters of the Rio Costilla watershed on lands and waters owned and managed by Vermejo Park Ranch in Costilla County, Colorado, and Taos County, New Mexico. Perennial waters within this area include the #1 or Costilla Creek, #2 or Casias Creek, East Fork Costilla Creek, West Fork Costilla Creek, #1 Lake, #2 Lake, the Glacier Lakes, the Seven Lakes complex, Casias Lakes, Beaver Lake, Long Canyon Creek, Santistevan Creek, Costilla Reservoir, Costilla Creek immediately downstream of the reservoir, and their associated tributaries (approximately 14,000 hectares [35,000 acres], 101 kilometers [km] [63 stream miles (mi)], and 15 lakes).

Conservation Measures

Conservation measures for the Rio Grande cutthroat trout implemented by Vermejo Park Ranch under the CCAA include:

Eliminate Nonnative Fish

1. In cooperation with New Mexico Department of Game and Fish (NMDGF), Vermejo Park Ranch will allow the installation of temporary upstream migration barriers on their lands and waters to prevent the threat of upstream migration of nonnative fishes into restored stream sections and to facilitate nonnative removal efforts.
2. Vermejo Park Ranch will purchase the piscicides needed to remove nonnative fish from waters on the covered lands and waters, excluding Costilla Reservoir.
3. Vermejo Park Ranch will discontinue stocking of nonnative trout into the Covered Area.

Maintain Habitat Quality

4. Vermejo Park Ranch will conduct land-use activities in the covered lands and waters in a way that minimizes negative impacts on fish populations and habitats, including:
 - Using conservation practices during land-use activities to minimize effects to Rio Grande cutthroat trout habitat;
 - Employing erosion and siltation control techniques when necessary during land management, infrastructure maintenance, or land-use activities in or along stream corridors to maintain habitat quality;
 - Conducting riparian monitoring to assess impacts of domestic grazing, if present; and
 - Complying with NMDGF and Colorado Division of Parks and Wildlife (CDPW) angling restrictions on all waters within the Covered Area.

Reestablish and Maintain Viable Populations

5. In cooperation with NMDGF and CDPW, Vermejo Park Ranch will work to restore and manage viable populations of Rio Grande cutthroat trout on Vermejo Park Ranch including:
 - Providing controlled access to the Covered Area to NMDGF and CDPW for purposes of planning and conducting population restoration efforts, monitoring restored populations, and enforcement of State angling regulations;
 - Reestablishing and reconnecting populations of Rio Grande cutthroat trout in the headwaters of the Rio Costilla to reestablish a genetically diverse metapopulation more likely to withstand demographic and environmental stochasticity;
 - Monitoring restored Rio Grande cutthroat trout populations;
 - Maintaining nonreproducing lake populations of Rio Grande cutthroat trout where practical;
 - Maintaining temporary fish migration barriers until they are removed or no longer needed; and
 - Conducting fishery monitoring activities described in the Biological Monitoring Section of the CCAA.

In addition the cooperators would:

New Mexico Department of Game and Fish:

1. Implement the State's Costilla Implementation Plan (NMDGF 2007), which describes how population restoration should proceed.
2. Coordinate activities among the Partners to enable successful completion of proposed restoration.
3. Oversee removal of nonnative fishes within the Covered Area.
4. Attempt to restore and manage viable populations of Rio Grande cutthroat trout in suitable waters within the Rio Costilla watershed. These activities would include:
 - Restocking Rio Grande cutthroat trout into restored sections of the Covered Area.
 - Coordinating with the participants to propose and enforce angling regulations established by the New Mexico Game Commission in the Rio Costilla watershed to manage for viable Rio Grande cutthroat trout populations.
5. Purchase piscicides to remove nonnative fish from Costilla Reservoir.
6. Conduct fishery monitoring activities in New Mexico as described in the Biological Monitoring Section of the CCAA.

Colorado Parks and Wildlife:

1. Work with the participants to manage self-sustaining populations of Rio Grande cutthroat trout in the East and West Forks of Costilla Creek.
2. Manage Glacier Lake #1 to provide recreational fishing opportunities.
3. Conduct fishery monitoring activities in Colorado as described in the Biological Monitoring Section of the CCAA.

Covered activities that could result in take are outlined below.

(1) Vermejo Park Ranch:

(A) Recreational and guided angling enterprises that include take of Rio Grande cutthroat trout on covered lands and waters in accordance with NMDGF and CDPW regulations;

(B) Land and ranch management activities conducted in accordance with State and Federal law and the purposes of this CCAA including hunting, road maintenance, prescribed burning, grazing, farming, fishing, water resource development and management, construction and maintenance of structures, roads, fences, and utilities, forest management (e.g., timber harvest and thinning activities), gravel and rock removal, mineral, oil, and gas development, recreation, native species conservation, research, and related ranch activities;

(D) In coordination with CDPW and NMDGF, fishery monitoring activities as defined under the Biological Monitoring section of the CCAA, including the use of gillnets, trap nets, seines, and electrofishing gear, or other appropriate assessment tools and techniques;

(E) In coordination with CDPW and NMDGF, temporary fish migration barrier removal to reconnect restored segments of the Rio Costilla watershed within the covered lands and waters;

(F) In coordination with CDPW and NMDGF, collection, capture, holding, and transport of all age classes of Rio Grande cutthroat trout, including eggs and milt, from populations within the covered lands and waters for purposes of stocking or otherwise maintaining lake and other nonsustaining populations of Rio Grande cutthroat trout within the covered lands and waters, or stocking waters outside the covered lands and waters;

(G) In coordination with CDPW and NMDGF, genetic testing, and other research on Rio Grande cutthroat trout populations; and

(H) Exploration and development of alternatives to maintain self-sustaining lake populations, such as inlet spawning streams.

STATUS OF THE SPECIES

Rio Grande cutthroat trout

Biological information (i.e., species description, life history, and population dynamics) on the Rio Grande cutthroat trout can be found in the status review for the Rio Grande cutthroat trout (Service 2012). As is true of other subspecies of cutthroat trout, Rio Grande cutthroat trout are found in clear cold streams. Rio Grande cutthroat trout did not originally inhabit large lake systems, but they have been introduced into coldwater lakes and reservoirs. Most cutthroat trout are opportunistic feeders, eating both aquatic invertebrates and terrestrial insects that fall into the water (Sublette et al. 1990, p. 54). Typical of trout, Rio Grande cutthroat trout require several types of habitat for survival: spawning habitat, nursery or rearing habitat, adult habitat, and refugial habitat. Spawning habitat consists of clean gravel (little or no fine sediment present) that ranges from 6 to 40 millimeters (mm) (0.24-1.6 inches (in)) (NMDGF 2002). Nursery habitat is usually at the stream margins where water velocity is low and water temperature is slightly warmer. The primary form of refugial habitat is deep pools that do not freeze in the winter and do not dry in the summer or during periods of drought.

Distribution and Abundance

In general, it is assumed that Rio Grande cutthroat trout historically occupied all streams capable of supporting trout in the Rio Grande, Pecos, and Canadian River basins (Alves et al. 2007, p. 9). Historically (circa 1800), 43 percent of Rio Grande cutthroat trout populations occupied streams 2,438 meters (m) (8,000 feet [ft]) or less in elevation (Alves et al. 2007, p. 18). Currently, only about 1.6 percent of the populations are in streams less than 2,438 m (8,000 ft) (Alves et al. 2007, p. 18). Conservation populations (those populations with 10 percent or less introgression (hybridization) from nonnative trout genes) are concentrated in elevations from 2,743–3,048 m (9,000–10,000 ft) (Alves et al. 2007, p. 18). Conservation populations of Rio Grande cutthroat

trout occupy approximately 10 percent of their historical habitat (Alves et al. 2007, p. iii). Because Rio Grande cutthroat trout are now restricted to headwater, first, and second order streams that are narrow and small compared to the larger third, and fourth order streams they once occupied, the absolute loss of habitat is much greater than stream miles might indicate. Currently, the southernmost distribution of Rio Grande cutthroat trout (introgressed populations) occurs in Animas Creek, Sierra County, New Mexico, and Indian Creek on the Mescalero Apache Indian Reservation in Otero County, New Mexico. Distribution in the southern portion of the range is limited and no conservation populations currently exist south of Santa Fe, New Mexico.

Reasons for Candidate Status

In the Service's 2012 Candidate Notice of Review, it was determined that the threats to the Rio Grande cutthroat trout throughout its range are moderate but imminent, so the subspecies warrants a listing priority number of nine.

Threats: The primary threats to the Rio Grande cutthroat trout are hybridization and competition by nonnative trout species and the effects of climate change on habitat suitability. Approximately 38 percent of Rio Grande cutthroat trout conservation populations co-occur with nonnative trout. Competition, predation, and hybridization with nonnative trout are considered an important source of stress that can depress Rio Grande cutthroat trout population numbers.

Climate change is occurring and is affecting the landscape and the habitat occupied by Rio Grande cutthroat trout. Warming trends in the Southwest exceed global averages by about 50 percent, moderate increases in precipitation are unlikely to offset the negative impacts to the water supply caused by increased temperature, and temperature increases in the Southwest are predicted to continue to be greater than the global average (State of New Mexico 2006). There has already been a documented rise in air temperature in landscapes occupied by Rio Grande cutthroat trout, and spring runoff is occurring one to two weeks earlier than historically (Ray *et al.* 2008). It is anticipated that the intensity, frequency, and duration of extreme events (e.g., drought, flooding) will increase as a consequence of climate change. Drought is expected to have negative consequences on the amount and quality of habitat available to Rio Grande cutthroat trout (Hoerling 2007).

Conservation Efforts

Although the Rio Grande cutthroat trout is not currently federally listed, activities have been occurring for over a decade to reduce the decline of the species. Both Colorado and New Mexico have biologists with primary responsibility for management of the species, and streams throughout the species' range are being restored by removal of nonnative species and reintroduction of Rio Grande cutthroat trout. NMDGF and CPDW monitor several Rio Grande cutthroat streams every year. When funding is available, Forest Service, and BLM also conduct stream surveys on their lands. Surveys are also conducted intermittently on Tribal lands. A rangewide database is updated annually based on surveys and work conducted in the prior field

season, and includes all streams occupied by Rio Grande cutthroat trout, miles occupied, genetic purity, presence of nonnative fish, barrier type and condition, conservation actions that have been taken, land use activities, population estimates, and habitat characteristics.

Additionally, the Rio Grande cutthroat trout Conservation Team is developing a Conservation Strategy that will guide conservation of the species into the future to ensure the species' long term survival rangewide.

ENVIRONMENTAL BASELINE

The environmental baseline includes past and present impacts of all Federal, State, or private actions in the action area; the anticipated impacts of all proposed Federal actions in the action area that have undergone formal or early section 7 consultation; and the impact of State and private actions which are contemporaneous with the consultation process. The environmental baseline defines the current status of the species and its habitat in the action area to provide a platform to assess the effects of the action now under conference.

Status of the Species within the Action Area

As stated previously, conservation populations of Rio Grande cutthroat trout occupy approximately 10 percent of their historical habitat (Alves et al. 2007, p. iii). On Vermejo Ranch, upper Costilla Creek, East Fork Costilla Creek, West Fork Costilla Creek, upper #2 Creek, Allen Creek, Glacier Lakes, and #1 Lake have been restored and stocked with Rio Grande cutthroat trout to date. The remainder of the watershed above the reservoir contains brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), rainbow trout (*Oncorhynchus mykiss*), and rainbow trout x cutthroat trout hybrids. The Seven Lakes, Casias Lakes, Beaver Lake, and #2 Lake have all been stocked with nonnative trout for recreational purposes in the past, although #2 Lake is currently fishless and nonnative fishes have been removed from the four Casias lakes. Costilla Reservoir was stocked with nonnative trout for many years and contains a mixed species fishery.

Factors Affecting Species Environment within the Action Area

Within the action area in northern New Mexico and southern Colorado, ongoing activities that affect the Rio Grande cutthroat trout include nonnative species competition, predation, and hybridization. These effects are currently only reduced through active management of the streams, which Vermejo Park Ranch is currently in the process of implementing. Ongoing land use activities (agriculture, recreational fishing) are not expected to result in take.

EFFECTS OF THE ACTION

Current activities related to hunting, road maintenance, prescribed burning, grazing, farming, fishing, water resource development and management, construction and maintenance of structures and utilities, forest management (e.g., timber harvest and thinning activities), gravel and rock removal, mineral, oil, and gas development, recreation, and related ranch activities will continue to occur within the action area covered by the CCAA. Implementation of the conservation measures in the CCAA and the maintenance of self-sustaining, naturally reproducing populations have provided and will continue to provide for minimization of adverse effects to these populations. Implementation of the CCAA will provide additional resilient populations of pure Rio Grande cutthroat trout that will provide the species added protection from adverse stochastic events. Since trout habitat protection and enhancement measures will be in place on covered lands and waters, impacts would be limited to minor disturbance from various agricultural or recreational activities, fishing, or from activities related to Rio Grande cutthroat trout habitat protection or improvement.

Land Management Activities

Vermejo Park Ranch is a working ranch owned by Turner Enterprises, Inc., that is managed as a hunting, fishing, and nature tourism resort. The land management activities that occur on the ranch, such as hunting, road maintenance, prescribed burning, grazing, farming, fishing, water resource development and management, construction and maintenance of structures, roads, fences, and utilities, forest management (e.g., timber harvest and thinning activities), gravel and rock removal, mineral, oil, and gas development, recreation, native species conservation, research, and related ranching are all implemented following conservation practices to limit effects to Rio Grande cutthroat trout habitat. These conservation practices include employing erosion and siltation control techniques and riparian maintenance. Vermejo Park Ranch's land management practices are not expected to degrade habitat on a large scale on covered lands and waters, since best management practices will be utilized to meet Vermejo Park Ranch goals while also meeting Rio Grande cutthroat trout habitat and population targets. Because Vermejo Park Ranch has committed to restore Rio Grande cutthroat trout to approximately 101 km (63 mi) of stream and 10 lakes in approximately 10 years, and that these populations must be robust and self-sustaining, we anticipate that the land management activities outlined above will have only an insignificant effect on Rio Grande cutthroat trout on Vermejo Park Ranch.

Fishery Management Activities

Fishery management activities that will be conducted by the States and Vermejo Park Ranch include monitoring activities (including the use of gillnets, trap nets, seines, and electrofishing gear), fish migration barrier removal, and collection, capture, holding, marking, and transport of all age classes of Rio Grande cutthroat trout, including eggs and milt, for the purposes of stocking or otherwise maintaining lake and other nonsustaining populations of Rio Grande cutthroat trout, or for genetic testing and other research. These activities may result in harm or mortality to a small number of Rio Grande cutthroat trout during capture, holding, or

transportation. We expect no more than two percent of captured Rio Grande cutthroat trout will be harmed or killed during these activities. Marking, sample collection for genetic testing, and other research activities are not expected to cause mortality to affected fish.

The effects of angling on Rio Grande cutthroat trout are not analyzed in this conference opinion because they are not an effect of this CCAA and are regulated by State fishing regulations.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, Tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA.

Vermejo Park Ranch is entirely private and owned by one landowner. All activities that may affect the Rio Grande cutthroat trout are included in the CCAA; we do not anticipate any additional actions in the action area.

CONCLUSION

After reviewing the current status of the Rio Grande cutthroat trout, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Rio Grande cutthroat trout. No critical habitat has been designated for the species; therefore, none will be affected. We base this conclusion on the following:

- The conservation measures associated with implementation of the CCAA will restore Rio Grande cutthroat trout to approximately 101 km (63 mi) of stream and approximately 10 lakes within approximately 10 years, creating a large population capable of migrating among tributaries, thereby maintaining genetic diversity and fluvial life history characteristics.
- The approval and implementation of the CCAA will result in establishment of a metapopulation of Rio Grande cutthroat trout that will have a higher probability of persistence than isolated populations during catastrophic events, including fire, drought, and in the face of climate change, improving the long-term viability of the subspecies within the watershed.
- The small amount of take of Rio Grande cutthroat trout from fisheries management activities will be minimal in comparison to the benefits of the project.

INCIDENTAL TAKE STATEMENT

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of this incidental take statement.

Amount or Extent of Take

Effects to Rio Grande cutthroat trout from implementation of the CCAA are expected to be minimal, and the actual take is expected to be low relative to the benefits of the conservation measures to Rio Grande cutthroat trout. Since trout habitat protection and enhancement measures will be in place on covered lands and waters, impacts would be limited to minor disturbance from various agricultural or recreational activities, habitat protection or improvement activities, and fisheries management activities.

The Service anticipates that the incidental take in the form of mortality of Rio Grande cutthroat trout will not exceed two percent of the number of captured and collected fish over the life of the agreement. Fishery monitoring activities include capture and collection of Rio Grande cutthroat trout; harassment will occur to collected fish. However, we do not anticipate there will be any long term effects to most collected fish, and a maximum of 2 percent of collected fish will die due to monitoring activities. Incidental take due to habitat improvement activities or barrier construction or removal will be difficult to detect for the following reasons due to the extremely small likelihood of finding a dead or impaired specimen from these activities. However, we do anticipate that take from fish habitat improvement and barrier construction or removal will be low, sporadic, and will not reach detectable levels.

Effect of the Take

In the accompanying opinion, we have determined that the level of anticipated take is not likely to result in jeopardy to the Rio Grande cutthroat trout. Although we anticipate some take to occur, the implementation of the conservation measures should ultimately result in an overall increase of habitat in the long term.

REASONABLE AND PRUDENT MEASURES AND TERMS AND CONDITIONS

All conservation measures including avoidance, minimizations, restoration and enhancement of Rio Grande cutthroat trout habitat, status surveys, biological and compliance monitoring, and reporting measures provided in the CCAA for Rio Grande cutthroat trout in New Mexico and Colorado are incorporated herein as reasonable and prudent measures and terms and conditions to address the incidental take of the Rio Grande cutthroat trout. No additional reasonable and prudent measures were identified during the conference. Annual reporting requirements are detailed in the CCAA; an annual report is due by February 15 of each year. As long as those reporting requirements are met, the requirements of this incidental take statement will be met, which will take effect upon the listing of the Rio Grande cutthroat trout.

The proposed CCAA and its associated documents clearly identify anticipated impacts to Rio Grande cutthroat trout likely to result from the proposed taking and the measures that are necessary and appropriate to minimize those impacts. The terms and conditions described in the section 10(a)(1)(A) Permit issued with respect to the proposed CCAA are reasonable and prudent measures and terms and conditions within this incidental take statement pursuant to 50 CFR 402.14(I). Such terms and conditions are nondiscretionary and must be undertaken for the exemptions under section 10(a)(1)(A) and section 7(o)(2) of the ESA to apply. If the permittee fails to adhere to these terms and conditions, the protective coverage of the section 10(a)(1)(A) permit and section 7(o)(2) may lapse.

The incidental take coverage for the Rio Grande cutthroat trout covered by the CCAA and the section 10(a)(1)(A) Permit will become effective upon the listing of this species as threatened or endangered under the ESA. The incidental take coverage for Rio Grande cutthroat trout under this incidental take statement for the CCAA will become effective upon conversion of this Conference Opinion to a Biological Opinion after the listing of this species as threatened or endangered.

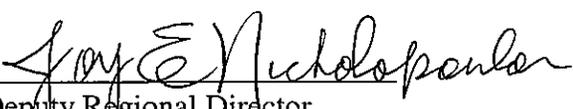
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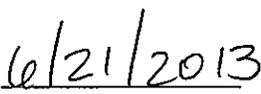
This concludes the conference for the issuance of a section 10(a)(1)(A) enhancement of survival permit associated with the CCAA for the Rio Grande cutthroat trout. This Conference Opinion may be confirmed as a Biological Opinion issued through formal consultation if the Rio Grande cutthroat trout is listed in the future. The request must be in writing. If the Service reviews the proposed action and finds that there have been no significant changes in the action as planned or in the information used during the conference, the Service will confirm the Conference Opinion as the Biological Opinion on the proposed action and no further section 7 consultation will be necessary.

After any future listing of the Rio Grande cutthroat trout as threatened or endangered and any subsequent adoption of this Conference Opinion, consultation must be reinitiated if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the

proposed action that may affect listed species or critical habitat in a manner not considered in this Conference Opinion; 3) the proposed action is subsequently modified in a manner that causes an effect to listed species not considered in this Conference Opinion; or 4) a new species is listed or critical habitat designated that may be affected by the proposed action.

We appreciate Vermejo Park Ranch's efforts to restore and enhance candidate species. For further information please contact Wally Murphy at wally_murphy@fws.gov or 505-761-4781.


Deputy Regional Director


Date

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