

DEPARTMENT OF INTERIOR
U.S. FISH AND WILDLIFE SERVICE
500 GOLD AVE SW
ALBUQUERQUE, NM 87102

FINDING OF NO SIGNIFICANT IMPACT

ISSUANCE OF A SECTION 10(a)(1)(A) ENHANCEMENT OF SURVIVAL PERMIT AND
IMPLEMENTATION OF A CANDIDATE CONSERVATION AGREEMENT WITH
ASSURANCES (CCAA) FOR THE CONSERVATION OF THE
RIO GRANDE CUTTHROAT TROUT IN NEW MEXICO AND COLORADO

Pursuant to the National Environmental Policy Act of 1969 (NEPA), we prepared an Environmental Assessment (EA – attached) for the issuance of a section 10(a)(1)(A) Enhancement of Survival permit and implementation of a Candidate Conservation Agreement with Assurances (CCAA) that will result in the conservation of the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) in New Mexico and Colorado as described in the *Candidate Conservation Agreement with Assurances for the Rio Grande Cutthroat Trout*. The permittee will be Vermejo Park Ranch, who will implement proposed Covered Activities on their lands in Taos County, New Mexico, and Costilla County, Colorado (Figure 1 of the CCAA).

Preferred Alternative

Approval and Implementation of a CCAA for the Rio Grande Cutthroat Trout in New Mexico and Colorado

The Preferred Alternative would be to authorize the issuance of an Enhancement of Survival Permit pursuant to section 10(a)(1)(a) of the ESA based on the agricultural CCAA as proposed. The Preferred Alternative would involve the approval and implementation of the CCAA for the Rio Grande cutthroat trout to facilitate collaboration between the Service, Vermejo Park Ranch, New Mexico Department of Game and Fish, and Colorado Division of Parks and Wildlife to address the conservation needs of and regulatory compliance for the Rio Grande cutthroat trout in New Mexico and Colorado, pre- and post-listing, should the Rio Grande cutthroat trout become listed.

Vermejo Park Ranch agrees to implement or maintain the conservation measures outlined in the CCAA associated with current and future management of their lands. In return for implementing the conservation measures, the Service would provide Vermejo Park Ranch assurances that, for the duration of the CCAA and its associated Section 10(a)(1)(A) Enhancement of Survival Permit, no additional conservation measures or additional land, water, or resource use restrictions beyond those voluntarily agreed to and described in the CCAA would be required by the Service for the Rio Grande cutthroat trout should the species become listed in the future. Incidental take authorization is also provided to Vermejo Park Ranch from the section 10(a)(1)(A) Enhancement of Survival Permit, should the Rio Grande cutthroat trout be listed.

Although the participating landowners or Permittee may change over time, the CCAA would remain tied to the enrolled property described in the CCAA if the new landowner or Permittee was interested in maintaining the agreement. Vermejo Park Ranch shall notify the Service in writing of any transfer of ownership so that the Service can attempt to contact the new owner, explain the responsibilities applicable to the enrolled land, benefits, and seek to interest the new owner in adopting the existing CCAA. Once Vermejo Park Ranch's property is no longer in their possession, their requirements under the CCAA are discharged. Assignment or transfer of the CCAA shall be governed by Federal statutes and regulations in force at the time. If new landowners do not become party to this CCAA, they will not receive the benefits of the Permit authorizing incidental take of Rio Grande cutthroat trout, should the species become listed.

The proposed term of the CCAA is 25 years from the date the CCAA is signed by Vermejo Park Ranch and the Service. The associated Permit will become effective on the date of a final rule that lists the Rio Grande cutthroat trout as threatened or endangered and will continue through the end of the CCAA term.

The CCAA conservation measures to be implemented or maintained are intended to conserve, restore, and/or enhance Rio Grande cutthroat trout populations and habitat. Implementation of these actions is also intended to reduce any unfavorable impacts to Rio Grande cutthroat trout arising from the management and utilization of the enrolled lands. Conservation measures implemented to restore and/or enhance Rio Grande cutthroat trout populations would focus on removing non-native trout from enrolled streams, securing a nonnative species barrier at the downstream end of the restored reach, and reintroducing Rio Grande cutthroat trout.

Alternatives Considered

No Action Alternative

Under the No Action Alternative, the Service would not approve the CCAA nor issue the associated section 10(a)(1)(A) Enhancement of Survival permit. Vermejo Park Ranch would have little incentive to voluntarily initiate conservation or management activities to benefit the Rio Grande cutthroat trout in New Mexico and Colorado. In addition, conservation measures prescribed in the CCAA for the Rio Grande cutthroat trout above and beyond those directed by existing Federal, State, and local laws, policies, or regulations would not be implemented. The status quo with respect to planned and ongoing conservation activities on non-Federal lands in New Mexico and Colorado would be maintained. This does not mean that no such activities would be undertaken by landowners, but that conservation activities would occur at levels and under circumstances similar to the present.

Public Comment

The Draft Environmental Assessment and the CCAA were published in the *Federal Register* on January 25, 2013 (78 FR 5480), and comments were accepted through March 25, 2013. The Draft Environmental Assessment, draft CCAA, and news release were published to the Service's New Mexico Ecological Services Field Office website

(<http://www.fws.gov/southwest/es/NewMexico/VRCCAA.cfm>). The Service received no comments during the public comment period.

Determination

Based upon information contained within the final EA and supporting data in our files, we have determined that this action is not a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Specifically, although effects to vegetation, wildlife, listed, proposed, or candidate species, soils/geologic formations, land use and socioeconomic environment, water resources and quality, air quality, and cultural resources are identified in the EA, all are beneficial. This action is not an action that would typically require the development of an Environmental Impact Statement (EIS). Accordingly, preparation of an EIS on the proposed action is not warranted.

It is my decision to issue the section 10(a)(1)(A) Enhancement of Survival Permit and begin implementation of the CCAA for the conservation of the Rio Grande cutthroat trout in New Mexico and Colorado.

 _____ JUN 21 2013
Deputy Regional Director Date