



**2024**

# **Quarterly Report**

**July 1, 2024 – September 30, 2024**



## Creating Conservation Through Partnerships



## Contents

I. Program Overview.....	4
II. Enrollment and Funding.....	5
III. Mitigation of Impacts to Habitat.....	6
IV. Compliance Monitoring.....	6
V. River Monitoring.....	7
VI. Species Surveys.....	9
VII. Grants.....	9
VIII. Project Updates.....	10
IX. Outreach.....	10
X. Meetings.....	11
XI. Signature.....	12
XII. Appendix A – USGS Discharge Gages in the CCA/A Boundary.....	13



## I. Program Overview

This report describes the activities conducted in the third quarter of 2024 under the three sister Candidate Conservation Agreements for the Texas hornshell mussel (THM) (*Popenaias popeii*) and other covered species. The Center for Environmental Health Monitoring and Management (CEHMM) administers a Candidate Conservation Agreement (CCA) for federal land and a Candidate Conservation Agreement with Assurances (CCAA) for non-federal and non-state (i.e. private) lands. The New Mexico State Land Office (SLO) administers a CCAA for state trust lands. The three conservation agreements are referred to collectively herein as the “CCA/As.” To the extent practicable, CEHMM and the SLO jointly implement the CCA/As in cooperation with the Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (Service) through a common governance structure.

The purpose of the CCA/As is to:

- Develop, coordinate, and implement conservation actions to reduce and/or eliminate known threats to the THM and other covered species on federal, state, and private lands.
- Support ongoing efforts to maintain viable populations of THM and other covered species in currently occupied and suitable habitats.
- Encourage the development and protection of occupied and suitable THM habitat by incentivizing Participants to implement specific conservation measures.

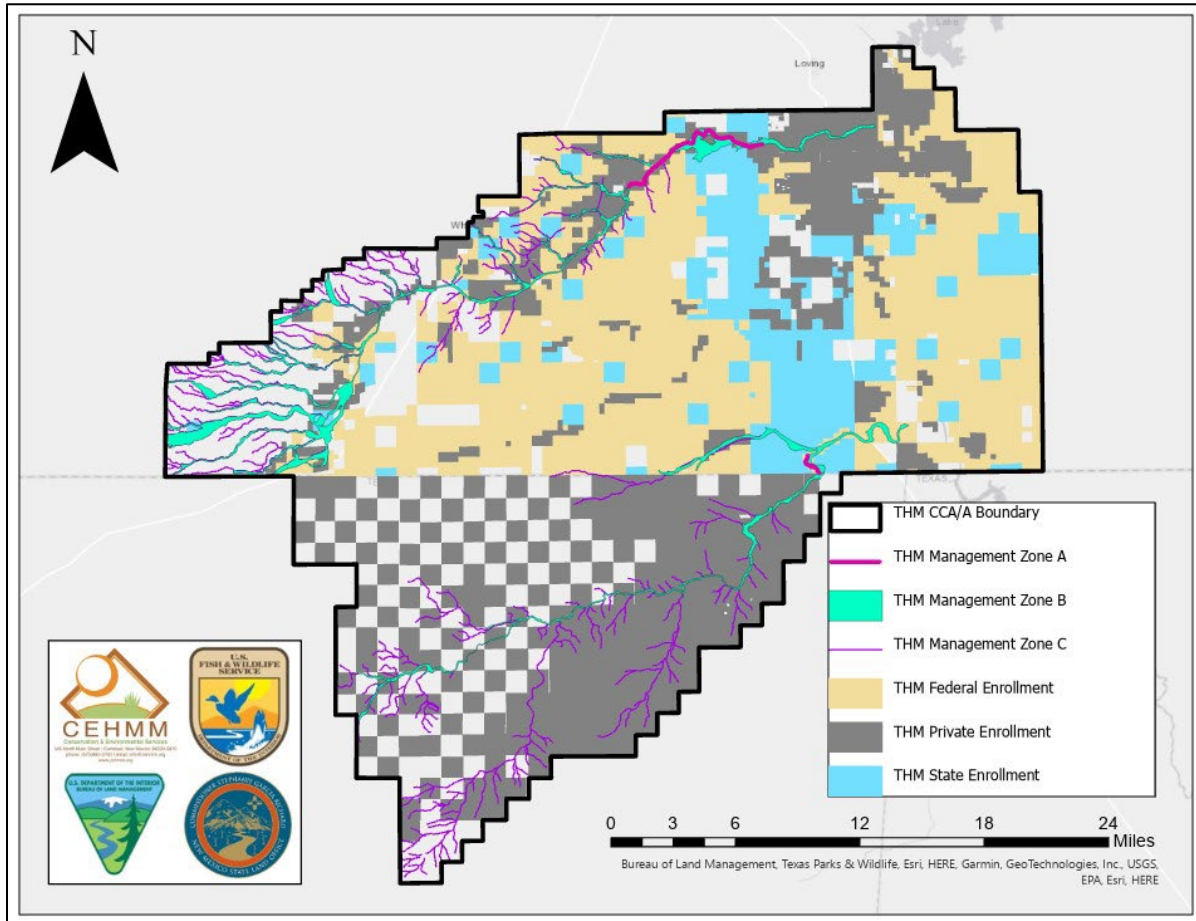
Under the CEHMM CCA, federal lessees, operators, or permittees, who join by voluntarily signing a Certificate of Participation (CP), receive a high degree of certainty that additional restrictions would not be placed on their otherwise legal activities if a covered species is listed. The CEHMM CCAA provides enrollees with incentives for voluntary conservation of at-risk species on non-federal lands and the SLO CCAA provides enrollees with incentives for voluntary conservation of at-risk species on state lands. By signing a Certificate of Inclusion (CI) under the CEHMM CCAA, the lessee, owner, or permittee voluntarily commits to implement specific conservation measures for the species on non-federal lands. By signing a CI under the SLO CCAA, the lessee, owner, or permittee voluntarily commits to implementing specific conservation measures for the species on state lands. Under the CCAAs, if one of the covered species is listed, private landowners or state land enrollees receive assurances that additional restrictions will not be placed on their otherwise legal activities.

Additional details about the CCA/As are available in the 2018 annual report and in the agreements themselves, which can be accessed at:

- <http://cehmm.org/thmreports>
- <https://www.fws.gov/species/texas-hornshell-popenaias-popeii>

## II. Enrollment and Funding

CEHMM administers 42 CIs under the CCAA and 33 CPs under the CCA. To date, CEHMM has enrolled 293,504.34 acres in the CCAA and 391,278.49 acres in the CCA. The SLO administers 28 CIs and has 112,284.17 acres enrolled in the CCAA. Fifty Participants are enrolled in multiple CCA/As due to their combination of land ownership types. The total amount of land enrolled in the CCA/As in 2024 is 797,067.00 acres. Figure 1 shows the CCA/A boundary, CCA/A management zones, and land ownership.



**Figure 1.** CCA/A Boundary, CCA/A Management Zones, and Enrollment.

Annual acreage can vary since the Participants who opted for “All Activities Enrollment” are able to add or remove enrolled acreage based on their current areas of activity. The same acres can also be enrolled more than once by different Participants who are using the land for different activities; the totals therefore reflect multiple enrollments of the same parcels. CCA/A Participant and parcel acreage enrollment data for 2024 are shown in Table 1.

**Table 1.** CCA/A Enrollment 2024.

	CI	CP	Acres Enrolled in CCA	Acres Enrolled in CCAA
<b>CEHMM</b>	42	33	391,278.49	293,504.34
<b>SLO</b>	28	N/A	N/A	112,284.17
<b>TOTAL</b>	<b>70</b>	<b>33</b>	<b>391,278.49</b>	<b>405,788.51</b>

### III. Mitigation of Impacts to Habitat

During the third quarter of 2024, CEHMM received a total of 56 notices of new surface disturbances from industry, with 236.69 acres of new surface disturbances documented. These disturbances equated to \$219,091.53 in Habitat Conservation Fees earned under the CEHMM CCA and CCAA. The SLO received eight notices of new surface disturbances from industry, with 21.90 acres of new surface disturbances documented during the third quarter of 2024. These disturbances earned the SLO CCAA \$25,920.72 in Habitat Conservation Fees. One of these disturbances took place in Management Zone B while the rest took place in Management Zone D. CEHMM worked with the Participants to ensure all the proper conservation measures were followed including Reasonable and Prudent Practices for Stabilization (RAPPS) and Spill Prevention Control and Countermeasure (SPCC). These practices included water bars, silt fences, culverts, erosion blankets, waddles, and reseeded. These details are shown in Table 2 below.

**Table 2.** New Surface Disturbances in the Third Quarter of 2024.

	Well Pads	ROWS	Infrastructure	Total
<b>CEHMM</b>				
Notifications of New Surface Disturbances	26	27	3	<b>56</b>
Acres Disturbed	153.54	65.47	17.68	<b>236.69</b>
<b>SLO</b>				
Notifications of New Surface Disturbances	0	7	1	<b>8</b>
Acres Disturbed	0	20.84	1.06	<b>21.90</b>
<b>COMBINED</b>				
Notifications of New Surface Disturbances	26	34	4	<b>64</b>
Acres Disturbed	153.54	86.31	18.74	<b>258.59</b>

### IV. Compliance Monitoring

The CCA/As require CEHMM and the SLO to submit an annual compliance verification to the Service for each enrolled Participant. CEHMM assists the SLO with compliance verification through a Memorandum of Agreement for joint implementation of the CCAAs. During quarter three, CEHMM’s CCA/A compliance monitoring included inspection for failure to submit new surface disturbances. CEHMM utilized the New Mexico Oil Conservation Division (NMOCD) data, BLM right-of-way data, and field surveying to conduct inspections. In the third quarter, CEHMM conducted one day of field compliance monitoring to verify if projects had been built at that time. Through these efforts, nine previously not-submitted projects were recovered and assessed for Habitat Conservation Fees.

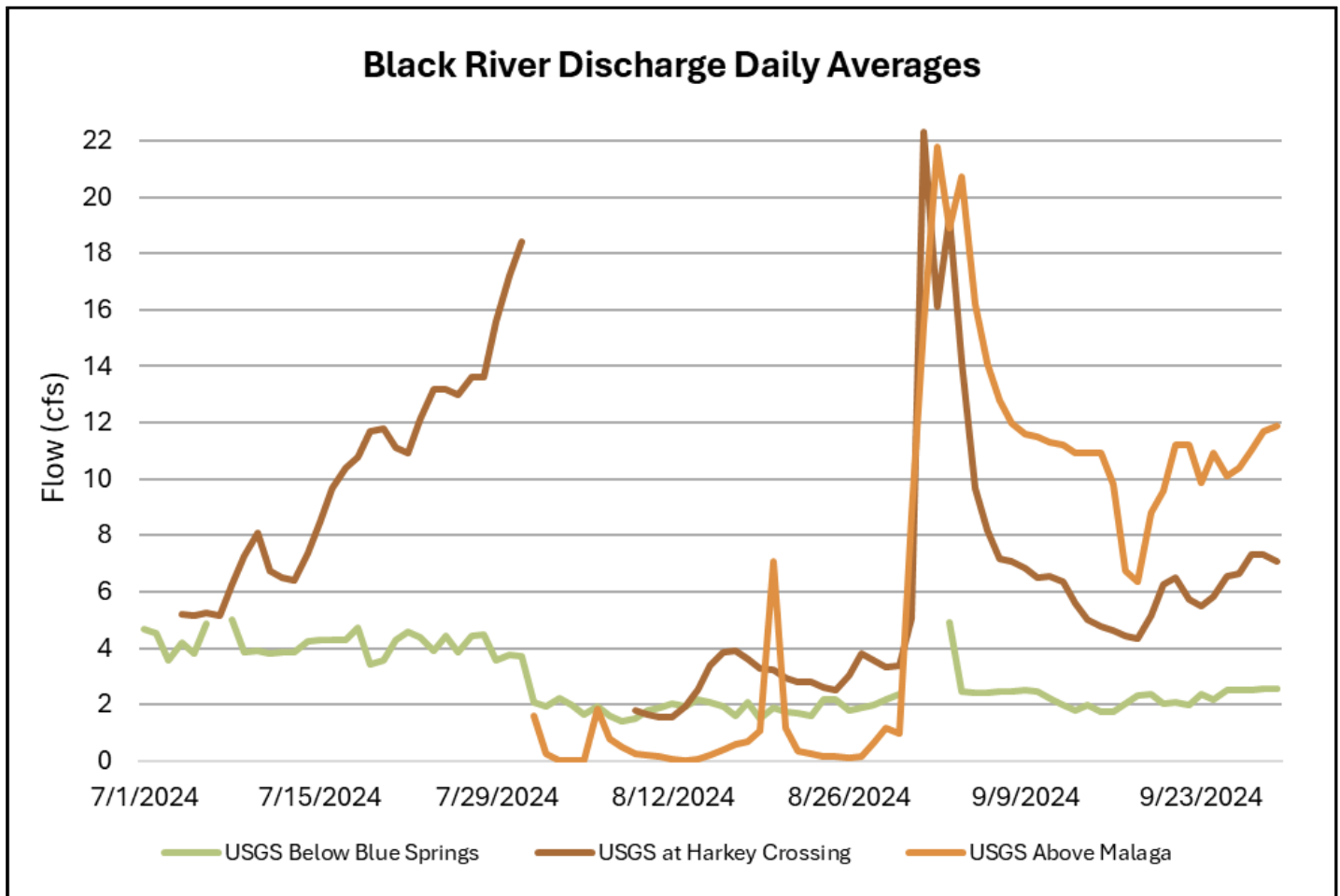
## V. River Monitoring

### Black River Monitoring

CEHMM staff utilizes three United States Geological Survey (USGS) gages to monitor the daily flow of the Black River. In order from the most upstream to the most downstream, the USGS gages that are monitored in the Black River are:

- [Black River Below Blue Springs NR Whites City, NM - 08405350](#)
- [Black River at Harkey Crossing NR Malaga, NM – 08405400](#)
- [Black River Above Malaga, NM – 08405500](#)

CEHMM staff has set alarms for all gages in the Black River; when flows are nearing or below 3.0 cubic feet per second (cfs), they are notified and can monitor the river more closely. During periods of low flow which may pose a threat to the THM, Participants in the CCA/A who withdraw water from or near the Black River are notified to implement pumping curtailment conservation measures contained in their CIs/CPs. During quarter three, one low flow notice was sent out. The USGS gages did not provide data for extended time periods during this quarter, but physical observations confirmed the Black River was flowing. Along with USGS gage monitoring, CEHMM physically monitored the Black River bi-weekly during quarter three. See Figure 2 for the third quarter daily average flow rates.

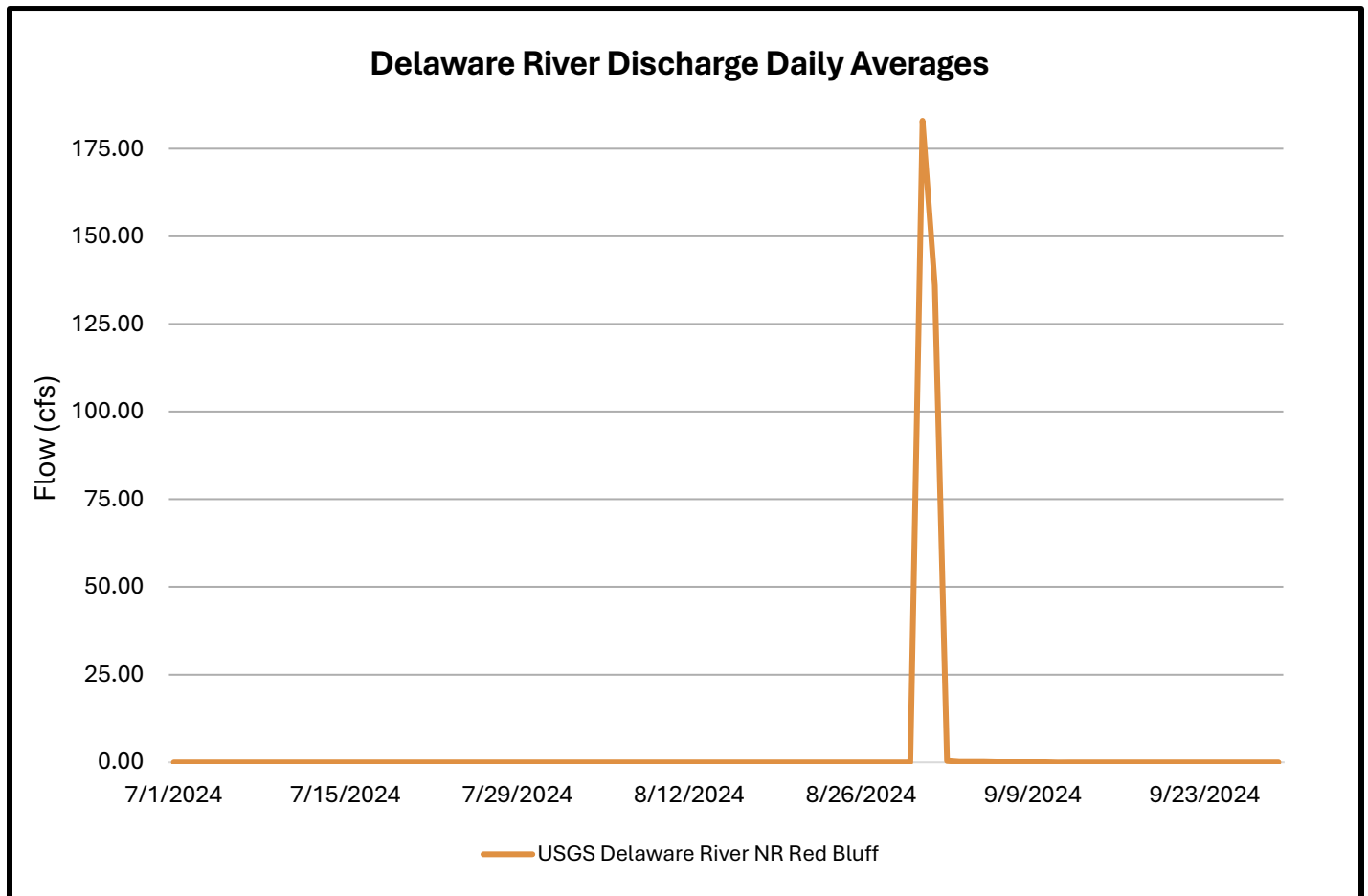


**Figure 2.** Black River Daily Average Discharge according to USGS Stream Gage Data.



### **Delaware River Monitoring**

CEHMM staff utilizes the Delaware River NR Red Bluff, NM USGS gage to monitor the daily flow of the Delaware River. Along with USGS gage monitoring, CEHMM physically monitored the Delaware River bi-weekly during quarter three. See Figure 3 for the third quarter daily average flow rates.



**Figure 3.** Delaware River Daily Average Discharge according to USGS Stream Gage Data.



## VI. Species Surveys

### **Texas Hornshell Mussel Surveys**

In September of 2024, CEHMM staff, the New Mexico Department of Game and Fish (NMDGF), and the University of Miami-OH, conducted annual transect mussel surveys as part of an ongoing THM population study (Figure 4). These tactile surveys involved manually searching for mussels by feeling the substrate of the undercut banks as well as the midchannel of the Black River. The surveys took place at historically surveyed riffle and pool locations within the occupied stretch of the Black River. By comparing current data with historical records, we aim to monitor changes in THM population size, distribution, and health, contributing to conservation efforts for this endangered species.



**Figure 4.** CEHMM Staff and NMDGF Staff Conduct Annual Mussel Surveys.

## VII. Grants

### **Instream Flow Program Initiative for the THM**

In 2020, CEHMM and the SLO partnered on a proposal to the National Fish and Wildlife Foundation (NFWF) to fund the development of an instream flow program to protect the endangered THM and other at-risk species in the Black and Delaware rivers. The NFWF awarded the grant in 2021. This funding requires an in-kind matching contribution from the CCA/A program, and in 2021, the Executive Committee (EC) set aside \$250,000.00 for the match. Some or all of the match is being provided through in-kind contributions from the SLO and CEHMM, but the set-aside amount ensures the matching fund requirement is met. The overall objective of the initiative is to provide instream flow for the THM in the Black and Delaware rivers. This may be achieved through the purchase or lease of water rights, or through alternative mechanisms such as forbearance agreements or strategies that make water available for instream flow during otherwise dry periods or when high flows are needed for life history requirements.

**Progress:** During the third quarter, CEHMM, the Consulting Team, and the SLO executed a memorandum of agreement (MOA) with a water user; the user is currently working with the Consulting Team on the development of a water user agreement. The water user agreement aims to encourage cooperative conservation and ensure that water flows through the occupied reach of THM in the Black River.

### **Texas Habitat Conservation Plan**

In 2023, CEHMM applied for the US Fish and Wildlife Service (FWS) Cooperative Endangered Species Conservation Fund Grant, which provides funding for the development of habitat conservation plans. In October 2023, CEHMM was selected for funding and was awarded \$562,500 for the development of the Texas Hornshell Habitat Conservation Plan (HCP). An executed MOA for this grant was completed on June 11, 2024. Using the grant funds, CEHMM plans to hire one full-time technical writer for a two-year period to assist in developing the HCP. The current timeline for the HCP completion is December 2026.

**Progress:** In the third quarter, CEHMM hired a wildlife biologist to help develop the HCP. Additionally, CEHMM and the Texas Parks and Wildlife Department (TPWD) held a kickoff meeting to discuss the development of the HCP. CEHMM has started working on developing the HCP. Currently, CEHMM is focused on constructing the introduction section of the HCP, which includes the purpose and need, permittees and participants, and covered species.

## VIII. Project Updates

### **Bounds Riparian Restoration**

During the third quarter, CEHMM planted 50 native trees and shrubs along the banks of the Black River to restore the riparian zone. This initiative aims to stabilize the riverbank and rehabilitate the natural functions of the riparian habitat. Sedimentation has been identified as a significant threat to the endangered Texas hornshell, and this project is designed to reduce the amount of sediment entering the river, particularly in areas where the hornshell is found. The newly planted vegetation will help anchor the riverbanks, reducing the risk of new head-cuts forming. Additionally, the shade provided by these trees and shrubs will help lower water temperatures during the scorching summer months, further benefiting the aquatic ecosystem.

## IX. Outreach

### **CEHMM Trash Cleanup**

On July 10, 2024, CEHMM employees organized a successful trash cleanup along the banks of the Black River. The team dedicated the day to removing litter and debris from the river and its surrounding areas, collecting over 320 pounds of trash at the John D. Forehand low-water crossing. These efforts play a crucial role in keeping our river systems and wildlife habitats clean, preserving the local ecosystem, and ensuring a healthier environment for the community.

### **Black River Tour with the BLM and the Department of Energy**

On July 30, 2024, CEHMM hosted a tour of the Black River Watershed for representatives from the BLM and the Department of Energy (DOE) (Figure 5). During the visit, CEHMM highlighted its collaborative efforts with the SLO, industry partners, and private landowners to protect endangered species and restore wildlife habitats within the Black River Watershed and surrounding areas. The tour provided an opportunity to showcase the impactful conservation work being done to safeguard biodiversity and preserve ecosystems.



**Figure 5.** CEHMM, DOE, and BLM Employees Tour the Black River Watershed.

### **Carlsbad Current Argus Newspaper Tour**

On September 12, 2024, CEHMM hosted Adrian Hedden, a reporter from the *Carlsbad Current-Argus*, on a field visit. During this trip, CEHMM staff provided Mr. Hedden with an in-depth look at the Texas hornshell mussel (THM) and demonstrated how population surveys for the species are conducted using transect methods. They also emphasized their collaborative work with SLO, industry partners, and private landowners to protect endangered species and restore vital wildlife habitats in the Black River Watershed and surrounding areas. Following his visit, Mr. Hedden published two articles in the *Carlsbad Current-Argus*, educating the public on these conservation efforts. The link to these articles can be found below.

- <https://www.currentargus.com/2024/09/working-with-wildlife/>
- <https://www.currentargus.com/2024/09/biologists-search-the-permian-basin-sand-dunes-for-rare-lizard/>

### **North Carolina State University Presentation**

CEHMM gave a presentation to students at North Carolina State University. The presentation covered the management and development of conservation agreements for the Texas hornshell and lesser prairie-chicken and described how stakeholders are involved in conservation practices. The objective was to shed light on the differences between how conservation is conducted in the field versus how it is instructed in school.

## **X. Meetings**

### **Implementation Committee (IC)**

The IC is comprised of members of the following agencies:

- CEHMM
- New Mexico State Land Office
- Bureau of Land Management
- New Mexico Department of Game and Fish
- US Fish and Wildlife Service

The IC met on July 17, 2024, and discussed the following:

- CCA/A Updates
- Current Status of the Black and Delaware Rivers
- Current Project Updates
- Grant Opportunities
- Incident Response Plan
- CEHMM Trash Cleanup Dates

## XI. Signature

If you have any questions, please contact Matt Ramey at (575)-885-3700.

Signed: Emily K. Wirth

Emily K. Wirth  
Executive Director

Date: 11/7/2024



## XII. Appendix A – USGS Discharge Gages in the CCA/A Boundary

