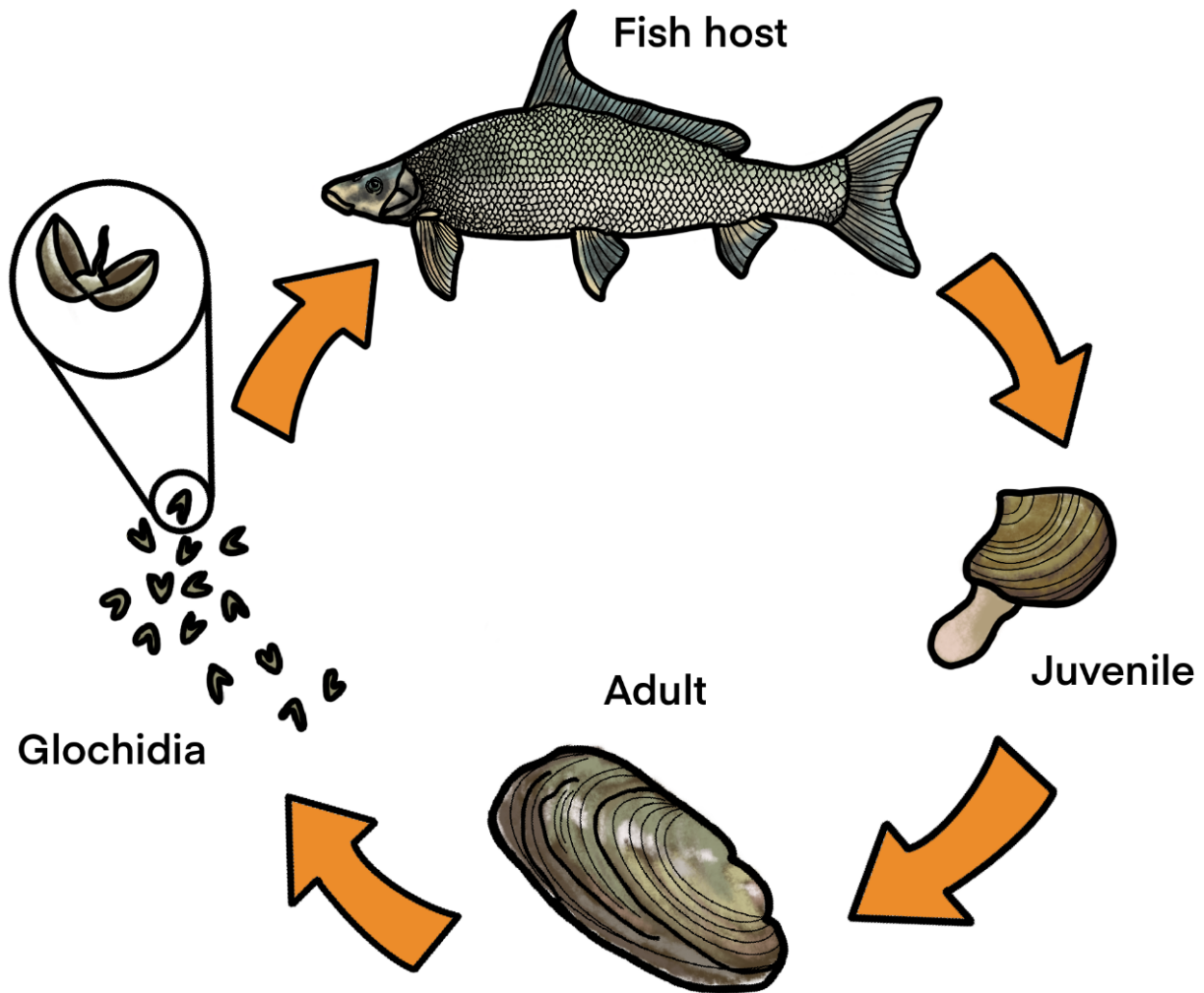




2024

Quarterly Report

January 1, 2024 – March 31, 2024



Candidate Conservation Agreements Texas Hornshell (*Popenaias popeii*)

Creating Conservation Through Partnerships



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I. Program Overview

This report describes the activities conducted in the first 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.

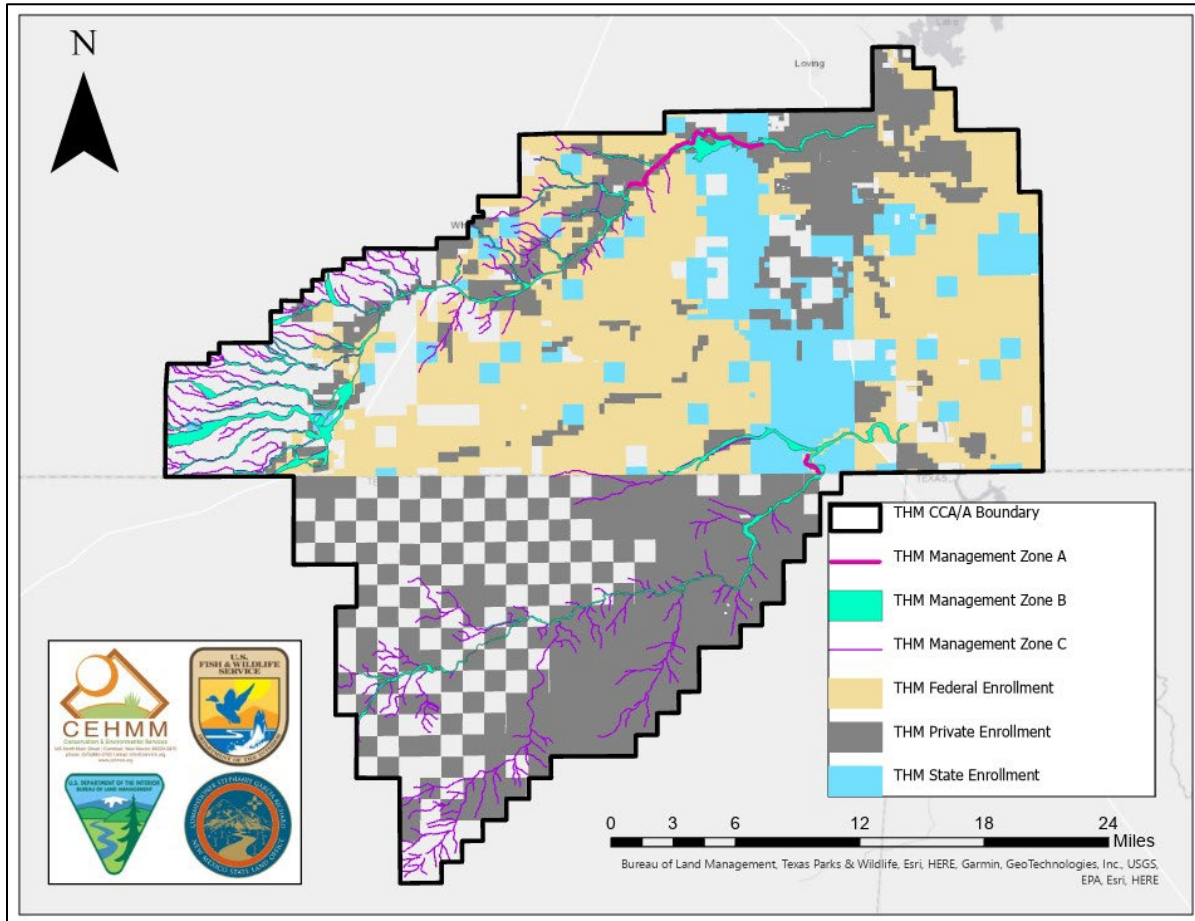


Figure 1. CCA/A Boundary, CCA/A Management Zones, and Land Ownership.

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
CEHMM	42	33	391,278.49	293,504.34
SLO	28	N/A	N/A	112,284.17
TOTAL	70	33	391,278.49	405,788.51

III. Mitigation of Impacts to Habitat

During the first quarter of 2024, CEHMM received a total of 62 notices of new surface disturbances from industry, with 201.30 acres of new surface disturbances documented. These disturbances equated to \$166,831.61 in Habitat Conservation Fees earned under the CEHMM CCA and CCAA. The SLO received 27 notices of new surface disturbances from industry, with 90.51 acres of new surface disturbances documented during the first quarter of 2024. These disturbances earned the SLO CCAA \$126,347.35 in Habitat Conservation Fees. All of these disturbances 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 First Quarter of 2024.

	Well Pads	ROWs	Infrastructure	Total
CEHMM				
Notifications of New Surface Disturbances	14	35	13	62
Acres Disturbed	74.43	94.57	32.30	201.30
SLO				
Notifications of New Surface Disturbances	0	23	4	27
Acres Disturbed	0	63.33	27.18	90.51
COMBINED				
Notifications of New Surface Disturbances	14	58	17	89
Acres Disturbed	74.43	157.90	59.48	291.81

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 one, 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 first quarter, CEHMM conducted six days of field compliance monitoring to verify if projects had been built at that time. Through these efforts, 14 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 allow them to implement any pumping curtailment conservation measures contained in their CIs/CPs. There were no low flow notifications sent out during quarter one. Along with USGS gage monitoring, CEHMM physically monitored the Black River bi-weekly during quarter one. See Figure 2 for the first quarter daily average flow rates.

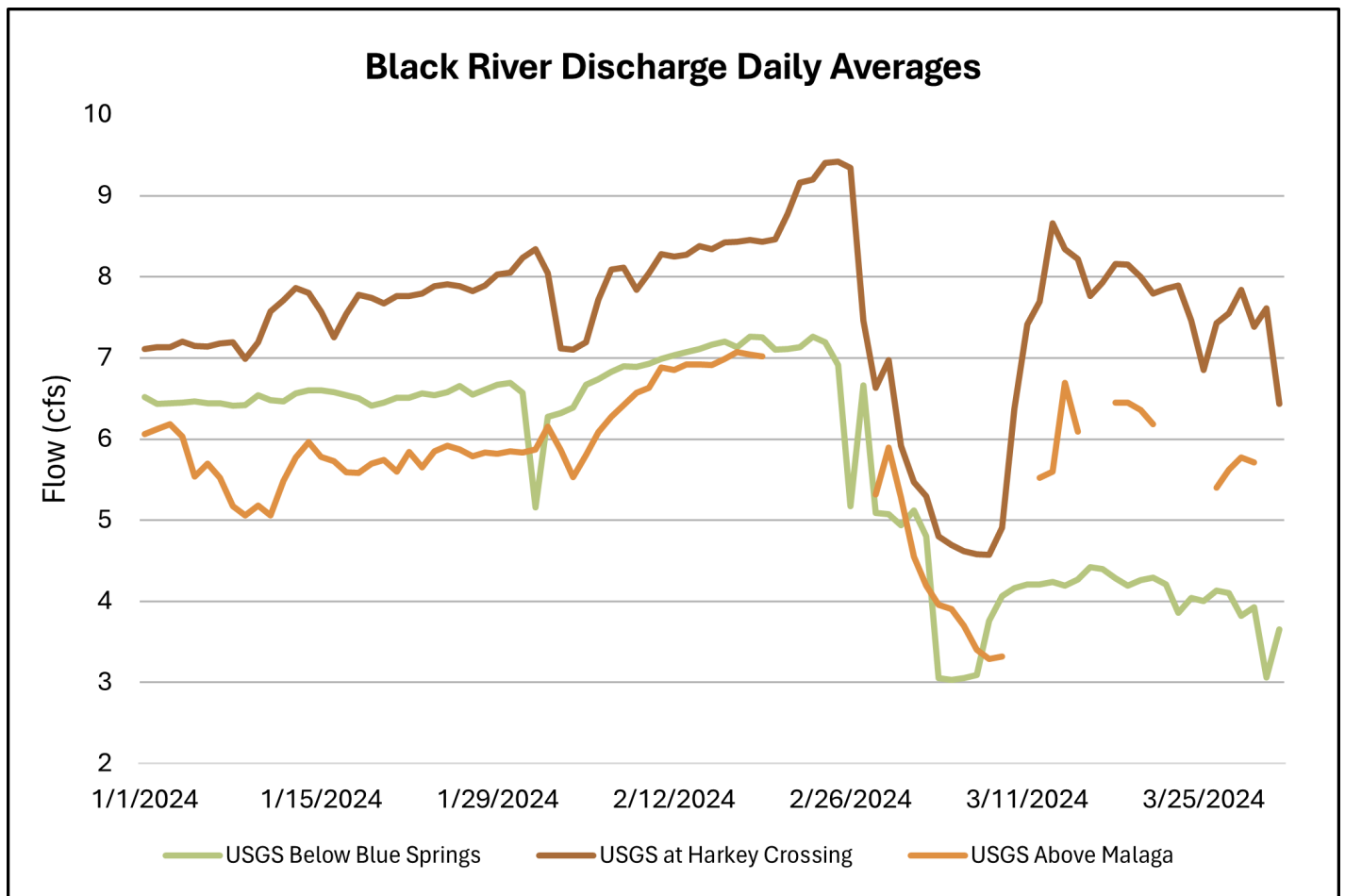


Figure 2. Black River Daily Average Discharge according to USGS stream gage data.



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 one. See Figure 3 for the first quarter daily average flow rates.

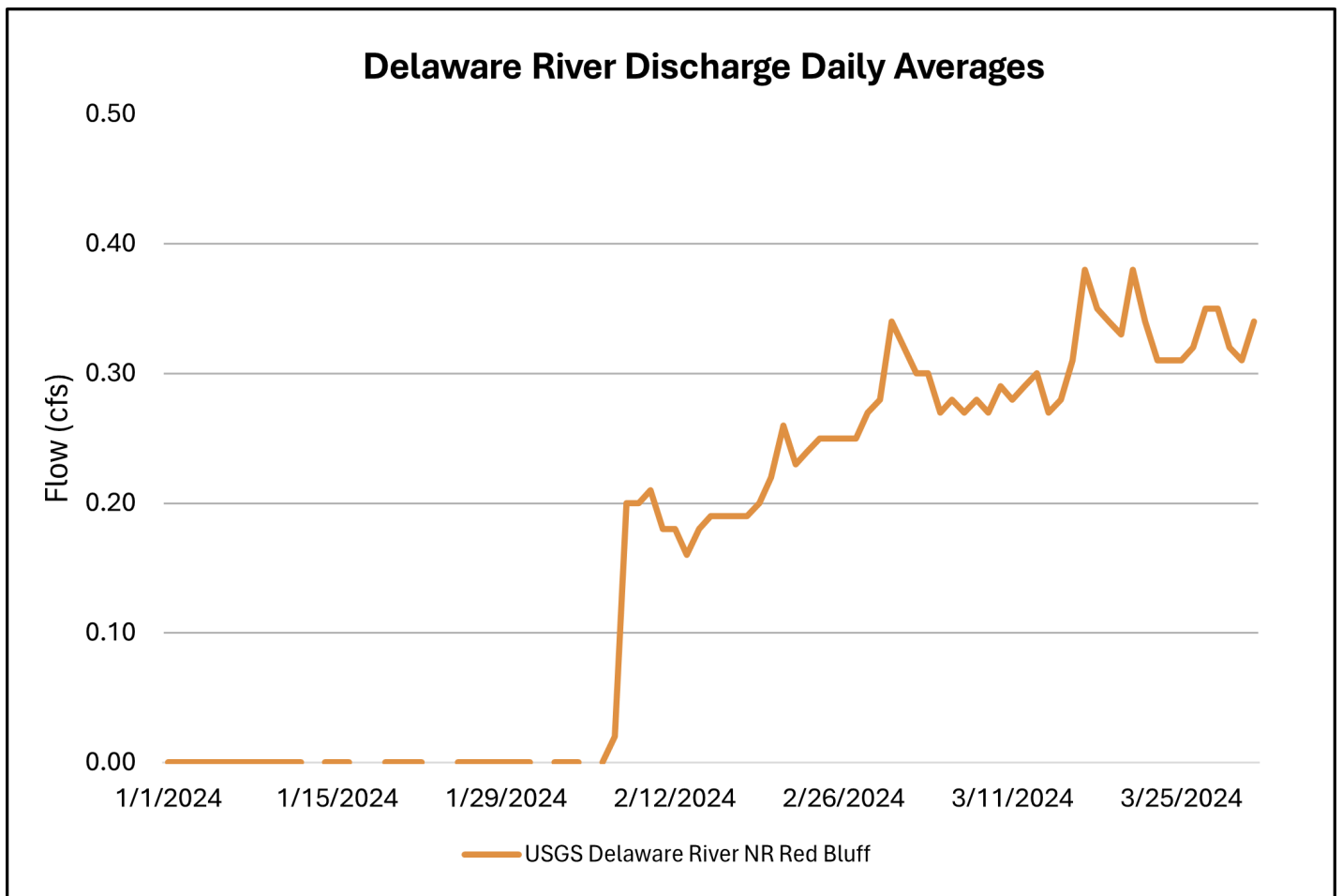


Figure 3. Delaware River Daily Average Discharge according to USGS stream gage data.

VI. Grants

Sensor Array Study

In 2021, CEHMM submitted a grant proposal to the National Fish and Wildlife Foundation (NFWF) to fund a Sensor Array Study to better understand in situ conditions experienced by the endangered THM in the Black River. The NFWF awarded the grant in June 2022. The Sensor Array grant was approved by the Implementation and Executive committees. This funding requires an in-kind matching contribution of \$24,784.30 from the CCA/A program. CEHMM proposed a project to establish a sensor array within the occupied reach of the Black River in southeastern New Mexico. The water quality data loggers will allow CEHMM to monitor and



Figure 4. CEHMM staff cleaning data logger housing units.

better understand the water quality conditions endured by the endangered THM. Through the establishment of the sensor arrays, CEHMM will be able to further monitor and gain data to determine if, when, and for what period of time the THM are enduring intolerable environmental conditions. The results of this data collection are expected to provide key insights into environmental gradients among microhabitats, especially as we prepare for further climate driven variation.

Progress: Due to unforeseen issues during sensor cap replacement in quarter four of 2023, two of the loggers had to be removed. To resolve this issue, in March 2024, CEHMM staff deployed two new data loggers that were donated by the University of Miami-Ohio. These loggers were calibrated and placed in the locations that the malfunctioning loggers had previously occupied. Also, during this trip, CEHMM assessed and cleaned out the other data logger housing units to ensure that proper data was being collected (Figure 4). The sensor caps will be replaced, and data will be extracted from the loggers again during quarter two.

Benjamin P. Duke Memorial Grant

In April 2022, CEHMM submitted a proposal to the Carlsbad Community Foundation for the Benjamin P. Duke Memorial Grant to fund the creation of environmental education exhibits. The Carlsbad Community Foundation awarded the grant in June of 2022. This funding requires an in-kind contribution from the CCA/A program for up to \$5,000. The environmental exhibits will address aquatic species of concern in the lower Pecos River Drainage, educating the public to foster knowledge and appreciation of the species, ultimately promoting the wellbeing of wildlife and their habitats.

Progress: On January 26, 2024 CEHMM staff completed the final stage of the Benjamin P. Duke grant with the installation of the educational exhibits at Cottonwood Day Use Area. These exhibits raise awareness about the importance of conservation and provide a great opportunity for the public to learn about the

Texas hornshell mussel, Rio Grande river cooter, blue sucker, and gray redhorse. The exhibits also promote better environmental stewardship practices to serve our local environment, community, and wildlife.

Instream Flow Program Initiative for the THM

In 2020, CEHMM and the SLO partnered on a proposal to the 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 quarter one, CEHMM requested and received a one-year extension from the NFWF. This extension was requested to provide adequate time to facilitate the development and completion of one or more short- or long-term water transactions. To assist in this transaction process, the EC approved the issuance of a contract with a consulting firm that specializes in water transactions and water management strategies. On March 18, 2024 CEHMM and the contractor held a kickoff meeting to identify tasks, data needs, and future steps for the development of a water strategy program.

VII. Project Updates

Black River Salt Cedar Spray

During quarter one, CEHMM received approval from the Implementation and Executive committees to fund a salt cedar spray on the Black River. This hand treatment of three acres was approved and funded for \$5,740. Salt cedar is a species of concern since it can be highly invasive, reduce water availability, and increase salt content within riparian areas. The Service has approved the use of chemical treatment on salt cedar within the riparian area.

VIII. Outreach

RiverBlitz 2024

In March 2024, CEHMM staff participated in the annual RiverBlitz cleanup. CEHMM, along with members of ConocoPhillips and the Carlsbad High School Business Professionals of America (BPA), cleaned up trash along the Black River at Higby Hole and the surrounding area (Figure 5). This annual cleanup is organized by the City of Carlsbad and helps keep our river systems and wildlife habitats clean.



Figure 5. CEHMM staff along with ConocoPhillips and BPA at RiverBlitz 2024.

Northern Wetlands Roundtable

In March 2024, CEHMM attended the New Mexico Environment Department (NMED) Northern Wetlands roundtable to learn about projects, regulatory updates, and environmental efforts taking place in New Mexico. A few projects of interest included the Tijeras Creek Watershed Restoration Project, the New Mexico Water Data Initiative, and the Surface Water Quality Bureau Harmful Algal Blooms Program. For additional information about these projects, please visit New Mexico Environment Department website:

- <https://www.env.nm.gov/surface-water-quality/wetlands-projects/>



IX. Meetings

Joint Executive Committee

The joint EC is comprised of members from the following agencies:

- CEHMM CCA/A: Service, CEHMM, and BLM
- SLO CCAA: Service and SLO

The EC met on January 29, and discussed the following:

- Minimum Flow Research
 - The EC discussed the need for an amendment to the agreements, based on new science on the effects of temperature on hornshell survival. The team discussed 1) adding a temperature provision to the minimum flow curtailment guidance and 2) whether an amendment to the parent documents would be required.
- Instream Flow Next Steps
 - The EC discussed the need to develop a water use agreement through short- or long-term water transaction strategies. Utilizing the remaining funds from the NFWF grant, the EC recommended that a contractor be brought in to help facilitate the development of one or more water use agreements.

X. Signature

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

Signed: Emily K. Wirth

Emily K. Wirth
Executive Director

Date: 4/22/2024



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

