

In 1989, the U.S. Fish and Wildlife Service (FWS) was petitioned to list the Texas Hornshell mussel (*Popenaias popeii*) as “endangered” under the authority of the Endangered Species Act of 1973, as amended. In 2001, the FWS ruled that listing of the Texas Hornshell was warranted, but precluded, because of other higher priority species. In 2016, the Texas Hornshell was proposed for listing as an endangered species. In 2018, the Texas Hornshell was listed as endangered by the FWS, effective March 12, 2018.

The Candidate Conservation Agreement (CCA) for the Texas Hornshell and other Covered Species represents a collaborative effort between the FWS, the Bureau of Land Management (BLM), and the Center of Excellence (CEHMM). The CCA is a voluntary agreement administered by CEHMM. Certificates of Participation (CPs) will be used by CEHMM pursuant to the CCA in order to facilitate voluntary cooperation of the oil and gas operators, solid minerals mining companies, water withdrawers, agriculture and ranching, Carlsbad Irrigation District, and other interested stakeholders that hold Federal leases, permits, or other authorizations, thereby providing conservation benefits to the Texas Hornshell and other Covered Species (Rio Grande River Cooter, Gray Redhorse, Blue Sucker, and Pecos Springsnail). When fully implemented, it will provide guidance for the conservation and management of these species and their habitat by reducing or eliminating threats to the species.

On Federal lands, neither the BLM nor the FWS can provide a Participant with absolute assurance that additional requirements resulting from amendments to the governing RMP or result of a decision to Federally list the Covered Species would not apply. However, this CCA provides the best mechanism to ensure the continuation of Participants’ existing operations on Federal lands and minerals managed by the BLM in the event that one or more Covered Species are listed as threatened or endangered under the Endangered Species Act (ESA).

The Candidate Conservation Agreement with Assurances (CCAA) for the Texas Hornshell and other Covered Species represents a collaborative effort between the FWS and the Center of Excellence (CEHMM). The CCAA is a voluntary agreement administered by CEHMM. Certificates of Inclusion (CIs) will be used by CEHMM pursuant to the CCAA in order to facilitate voluntary cooperation of the oil and gas operators, solid minerals mining companies, water withdrawers, agriculture and ranching, Carlsbad Irrigation District, and other interested stakeholders, thereby providing conservation benefits to the Texas Hornshell and other Covered Species (Rio Grande River Cooter, Gray Redhorse, Blue Sucker, and Pecos Springsnail). When fully implemented, it will provide guidance for the conservation and management of these species and their habitat by reducing or eliminating threats to the species.

Participants in both the CCA and CCAA will implement Conservation Measures and contribute funding or provide in-kind services for conservation as part of their CIs and CPs. Funds contributed as part of the CCA or CCAA may or may not be used on the Enrolled Property since other habitat areas may be a higher priority for implementation of Conservation Measures. The Conservation Measures implemented by Participants would consist of avoidance and minimization measures, and conservation of habitat to preclude or reduce threats to the Covered Species.

To date, CEHMM has enrolled four industry companies in the CCAA and three industry companies in the CCA, totaling 152,757.13 acres. In addition to the companies listed below, CEHMM has received 20 interest forms from industry companies, four from solid minerals companies, eight from water withdrawers, 14 from landowners, and one other. Some of these interest forms overlap in activity; for instance, a water withdrawer may also be a landowner. Of these interested parties, 12 have been sent their CI or CP for review and signature. In addition, CEHMM has received verbal notification of interest

from one additional landowner, and is also working on CIs for Interstate Streams Commission and Carlsbad Irrigation District (CID). Eddy County has also verbally indicated they would enroll in the program. CEHMM is considering all verbal notifications as participants.

All interested parties, both industry and landowner, were notified on February 20th that the flow in Black River, based on the gage at the CID dam location, was getting close to the minimum flow of 9.3 cfs as designated in the CCA and CCAA agreements. At that time, flow rate was 9.84 cfs. The flow has since dropped, and instantaneous readings for February 27th (the time this report was written) show a flow of 9.36 cfs. CEHMM will continue notifications to all Participants and interested parties per our roles and responsibilities in the agreements.

Once the listing decision goes into effect, per our roles and responsibilities, CEHMM will begin the process of developing the technical committee and the stakeholder committee based on interest forms received.

Please contact CEHMM with any additional questions at 575-885-3700.