

**CONSERVATION AGREEMENT FOR
COLORADO RIVER CUTTHROAT TROUT**
(Oncorhynchus clarkii pleuriticus)

in the States of
Colorado, Utah, and Wyoming

June 2006

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Acknowledgments

Preparation of the original 2001 Conservation Agreement and Strategy (CRCT Task Force 2001) was coordinated by Mary McAfee, Colorado Division of Wildlife (CDOW), with assistance from Tom Nesler (CDOW), Ron Remmick, Wyoming Game and Fish Department (WGFD), and Tom Pettengill, Utah Division of Wildlife Resources (UDWR). This 2006 Agreement and its associated Strategy was revised by Kevin Rogers (CDOW), with assistance from writing team members Dirk Miller (WGF), Paul Birdsey (UDWR), Jay Thompson, Bureau of Land Management (BLM), and Dirk Renner, United States Forest Service (USFS). Biologists, researchers and administrators from all signatory agencies provided significant input to this document.

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CONSERVATION AGREEMENT

COLORADO RIVER CUTTHROAT TROUT (*Oncorhynchus clarkii pleuriticus*)

This Conservation Agreement (Agreement) has been developed to expedite implementation of conservation measures for Colorado River cutthroat trout (CRCT) in Colorado, Utah, and Wyoming as a collaborative and cooperative effort among resource agencies. Threats that warrant CRCT listing as a special status species by state and federal agencies and might lead to listing under the Endangered Species Act of 1973, as amended, will be eliminated or reduced through implementation of this Agreement and the associated Conservation Strategy (Strategy).

I. INVOLVED PARTIES

Colorado Department of Natural Resources
Division of Wildlife
6060 Broadway
Denver, CO 80216

United States Department of Interior
Bureau of Land Management
Colorado State Office
2850 Youngfield St.
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Salt Lake City, UT 84146

Wyoming Game and Fish Department
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Bureau of Land Management
Wyoming State Office
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Cheyenne, WY 82003

Ute Indian Tribe
Fish and Wildlife Department
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Fort Duchesne, UT 84116

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Denver Federal Center
Denver, CO 80225

United States Department of Agriculture
US Forest Service
Region 2
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Lakewood, CO 80225

National Park Service
Intermountain Region
12795 West Alameda Parkway
Denver, CO 80225

US Forest Service
Region 4
324 25th St.
Ogden, UT 84401

Separate cooperative agreements may be developed with other jurisdictions of federal land management agencies such as the U.S. Forest Service, Bureau of Land Management, and National Park Service and other additional, supporting entities as necessary to ensure implementation of specific conservation measures. In addition, interested government agencies and conservation groups will be given opportunity to review and provide input on specific actions.

II. STATUS AND DISTRIBUTION OF COLORADO RIVER CUTTHROAT TROUT

Colorado River cutthroat trout historically occupied portions of the Colorado River drainage in Wyoming, Colorado, Utah, Arizona, and New Mexico (Behnke 1992; Behnke 2002), probably including portions of larger streams, such as the Green (Simon 1935), Yampa, White, Colorado, and San Juan rivers. Widespread introductions of non-native salmonids over the last century however, have served to limit current distributions of CRCT primarily to isolated headwater streams and lakes. Declines in CRCT distribution have been documented in a number of reports (Behnke and Zarn 1976, Binns 1977, Martinez 1988, Young 1995). Young (1995) determined most lotic populations reside in streams with average daily flows less than 0.85 m³/s (30 cfs). Stream gradients usually exceeded 4%, and all populations were found above 2,290 m (7,500 ft). Behnke (1979) stated that CRCT occupy less than 1% of its historical range, though a more rigorous assessment indicates that the true number lies closer to 14% (Hirsch et al. 2006). Early reviews were based on summaries of information contained in various agency reports. Their authors, however, did not conduct range-wide population or field surveys to generate the reports. The information contained in them, therefore only gives a general overview of the decline of the subspecies but not specific information on the subspecies status throughout its range. To quantify the current distribution in a more rigorous fashion, the CRCT Conservation Team worked with agency experts to develop a spatially referenced Geographic Information System (CRCT GIS) that contains all available information on the abundance, genetic integrity, and distribution of the subspecies relative to its historic range (Hirsch et al. 2006). The status assessment (Hirsch et al. 2006) used the best scientific information available, along with a strict decision making protocol to develop the most rigorous estimate of current and historic range available. This recent assessment identified 3,022 miles of occupied stream habitat (14% of historically occupied habitat).

Colorado River cutthroat trout have hybridized with non-native salmonids in many areas, reducing the genetic integrity of this subspecies. As such, hybridization is clearly recognized as having a major influence upon CRCT status. Although there is still some disagreement about the role that hybridized populations should play in status determinations and conservation strategies, the CRCT Conservation Team has adopted a position paper on genetic considerations associated with cutthroat trout management (UDWR 2000) to guide establishing genetic purity definitions for CRCT. It suggests that populations with less than 10% introgression provide a practical and meaningful framework for assessing the status of the species. Populations meeting this genetic criterion are defined as conservation populations for this Agreement and in the CRCT GIS. Two hundred eighty five conservation populations are identified in the CRCT GIS, including 153 “core” conservation populations based on genetic testing and information indicating no record of non-native stocking and no contaminating species being present (Hirsch et al. 2006).

The CRCT is designated as a species of special concern by Colorado and Wyoming, and a Tier I species in Utah (those species that are either federally listed or for which a conservation agreement has been implemented). Prior to 1995, this fish was a Federal Category 2 candidate species, but does not occur in the candidate list proposed by the U.S. Fish and Wildlife Service in 1996 (50 CFR Part 17, 61 FR 7600), as use of categories 1, 2, etc. was eliminated in that proposed rule. Regions 2 and 4 of the USFS and the BLM in Colorado, Wyoming, and Utah all classify the CRCT as a sensitive species. This Agreement is a collaborative effort among state and federal resource agencies designed to provide a framework for the long-term conservation of CRCT.

III. GOALS

To assure the long-term viability of CRCT throughout their historic range. Areas that currently support CRCT will be maintained, while other areas will be managed for increased abundance. New populations will be established where ecologically and economically feasible, while the genetic diversity of the species is maintained. The cooperators envision a future where threats to wild CRCT are either eliminated or reduced to the greatest extent possible.

IV. OBJECTIVES

Objective 1: Identify and characterize all CRCT core and conservation populations

Identify all waters with CRCT populations and monitor known populations to detect changes. Complete genetic analyses on known or potential CRCT populations.

Objective 2: Secure and enhance conservation populations

Secure and if necessary enhance all known and suspected genetically pure CRCT populations. These efforts might include, but are not limited to:

- Restricting introduction of non-native fish species
- Restricting spread of disease and invasive species
- Removing non-native fish species
- Regulating angling and enforcing regulations
- Constructing in-channel barriers
- Maintaining sources of genetically pure CRCT

Objective 3: Restore populations

Increase the number of stream populations by restoring CRCT within their native range. Local restoration goals and approaches will be developed to meet this objective.

Objective 4: Secure and enhance watershed conditions

Strive to improve watershed conditions for CRCT, including development of protocols for monitoring.

Objective 5: Public outreach

Develop and implement a public outreach effort specifically addressing CRCT conservation.

Objective 6: Data sharing

Continue to build and maintain the CRCT GIS so that information can readily be shared between and among jurisdictions.

Objective 7: Coordination

Maximize effectiveness of CRCT conservation efforts by coordinating signatory agency efforts toward achieving a common goal.

These goals and objectives will be reached by implementing specific management actions detailed in CRCT Conservation Strategy and in existing and future conservation agreements/strategies and management plans developed between the signatory agencies and other federal, state, local and nongovernmental agencies. Upon signing, the signatories agree to commit resources in terms of personnel and operational funding to conservation activities described herein to the extent that progress toward Strategy objectives from the baseline condition is measurable and documented. They also agree to ensure the implementation of those conservation actions detailed in the Strategy. The Strategy will be evaluated annually, and modified as necessary to address newly identified conservation issues and to ensure program effectiveness. A range-wide status assessment will be conducted every five years, and results from that assessment will be used to update the Agreement, which will also be revised at five-year intervals until it is no longer deemed necessary.

V. OTHER SPECIES INVOLVED

The primary focus of this Agreement is the conservation and enhancement of CRCT and the watersheds in Colorado, Utah, and Wyoming upon which they depend; however, other species occurring within or adjacent to CRCT habitat should also benefit. Some of these species include bluehead sucker (*Catostomus discobolus*), roundtail chub (*Gila robusta*), mountain sucker (*Catostomus platyrhynchus*), mottled sculpin (*Cottus bairdi*), and boreal toad (*Bufo boreas*). Since the Strategy focuses on ecosystem health, the CRCT Agreement will potentially ameliorate threats facing several of these species.

VI. AUTHORITY

- This Agreement is subject to and is intended to be consistent with all applicable Federal, Tribal and State laws and interstate compacts. The signatory parties hereto enter into this Conservation Agreement under federal, state and tribal law, as applicable.

- All parties to this Agreement recognize that they each have specific statutory responsibilities that cannot be delegated, particularly with respect to the management and conservation of wildlife, its habitat and the management, development and allocation of water resources. Nothing in this Agreement or the associated Strategy is intended to abrogate any of the parties respective responsibilities.
- This instrument in no way restricts the parties involved from participating in similar activities with other public or private agencies, organizations or individuals.
- All parties to this Agreement do not waive any immunity provided by federal, state, local or tribal laws by entering into this Agreement, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Agreement.
- The Ute Indian Tribe maintains jurisdictional authority relative to species, habitat and land use management on tribal trust lands.
- Modifications to this Agreement must be mutually agreed upon by all signatories to the Agreement. Such changes shall be executed as an addendum to the original Agreement.

VII. CONSERVATION ACTIONS

The Conservation Strategy clearly outlines the actions to be implemented for the conservation of CRCT over the next five years. In addition, four general administrative actions outlined below, will be implemented.

Coordinating Conservation Activities

- Administration of the Agreement will be conducted by the CRCT Conservation Team. The team shall consist of one designated representative from each state and tribal wildlife agency, one from the Fish and Wildlife Service, one each from the Bureau of Land Management and the Forest Service. The team may also include technical and legal advisors and other members as deemed necessary by the signatories.
- The designated team leader may rotate annually among the representatives from the three state wildlife agencies involved.
- Authority of the Conservation Team shall be limited to making recommendations for the conservation of CRCT to the administrators of the signatory agencies.
- The Conservation Team will meet at least annually to develop range-wide priorities, review the annual conservation work plans developed for each state, coordinate tasks and agency resources to most effectively implement the work plan, and review and revise the Strategy as needed. Updates to the CRCT GIS will also occur on an annual basis.
- The Conservation Team will produce a range-wide status assessment during the last year of this agreement. It will include information on the current distribution, genetic status, presence of competing and hybridizing species, disease and other threats to CRCT. This

information will be used to evaluate the foreseeable risks and general population health of existing conservation populations. The status assessment will also discuss progress towards meeting objectives in the Conservation Strategy. Based on the assessment the Conservation Team will make recommendations on need for extending the Agreement and revisions to the Strategy.

- Conservation Team meetings will be open to the public. Meeting decision summaries and progress reports will be available to the Conservation Team and other interested parties.

Implementing a Conservation Schedule

- The Status Assessment (Hirsch et al. 2006) will be updated at five-year intervals. The need to extend the Agreement for another five-year cycle will be driven by results summarized in that document.
- Conservation actions and information will be shared annually at Conservation Team meetings. Activities to be conducted during the next five years are listed in the Strategy. The Strategy is a flexible document and will be revised as necessary.
- Each signatory to the Agreement will coordinate, implement and monitor conservation actions they and their cooperators are responsible for. Accomplishments will be reviewed at Conservation Team meetings to establish progress toward Strategy goals and objectives that will be summarized in the subsequent five-year status assessment.

Funding Conservation Actions

- Funding for the Agreement will be provided by a variety of sources. Federal, State and local sources will need to provide or secure funding to initiate procedures and tasks of the Agreement and Strategy.
- It is understood that all funds required for and expended in accordance with this Agreement are subject to approval by the appropriate local, state or Federal appropriations. This instrument is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures, including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive awards to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

Conservation Progress Assessment

- The Conservation Team will provide a five-year status assessment to the signatory agencies. Copies will be made available to cooperators and interested parties upon request. Annual progress toward achieving Strategy goals will be compiled from Conservation Team meetings, and all new relevant information will be incorporated into the CRCT GIS annually.

VIII. DURATION OF AGREEMENT

The term of this Agreement shall be five years. Prior to the end of each 5-year period, an analysis of actions implemented for the species will be conducted by the Conservation Team and incorporated in the Status Assessment. If all signatories agree that continued progress would benefit conservation of CRCT, this Agreement may be extended for an additional 5 years. Any party may withdraw from this Agreement with sixty days written notice to the other parties.

IX. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

Signing this Agreement is covered under authorities outlined in section VI listed above. We anticipate that any survey, collection or non-land disturbing research activities conducted through this Agreement will not entail significant Federal actions under NEPA and will be given a categorical exclusion designation. However, each signatory agency holds the responsibility to review planned actions for their area of concern to ensure conformance with existing land use plans and to insure NEPA compliance.

X. FEDERAL AGENCY COMPLIANCE

- During the performance of this Agreement, the participants agree to abide by the terms of Executive Order 11246 on non-discrimination and will not discriminate against any person because of race, color, religion, sex or national origin.
- No member or delegate to Congress or resident Commissioner shall be admitted to any share or part of this Agreement, or to any benefit that may arise there from, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

XI. SIGNATORIES

Colorado Department of Natural Resources
Division of Wildlife
6060 Broadway, Denver, CO 80216

Utah Department of Natural Resources
Division of Wildlife Resources
1594 West North Temple,
Salt Lake City, UT 84116

Bruce McCloskey 6/9/06
Bruce McCloskey Date
Director

James F. Karpowitz 11/1/06
James F. Karpowitz Date
Director

Wyoming Game and Fish Commission
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U.S.D.I. Fish and Wildlife Service
P.O. Box 25486, DFC, Denver, CO 80225

Terry Cleveland 8-7-06
Terry Cleveland Date
Director

J. Mitch King 6/26/06
J. Mitch King Date
Acting Regional Director

U.S.D.I Bureau of Land Management
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U.S.D.I. Bureau of Land Management
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Sally Wisely 7/11/06
Sally Wisely Date
Colorado State Director

Vacant Acting 10/27/06
Utah State Director Date

U.S.D.I Bureau of Land Management
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U.S.D.A. Forest Service
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Robert Bennett Date
Wyoming State Director

Rick Cables 29 June 06
Rick Cables Date
Region 2 Regional Forester

Ute Indian Tribe
Fish and Wildlife Department
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U.S.D.A. Forest Service
324 25th St., Ogden, UT 84401

Carlos E. Reed 12/04/06
~~Everett Manning~~ Carlos E. Reed Date
Director

Jack G. Troyer 11/7/06
Jack G. Troyer Date
Region 4 Regional Forester

THE AUTHORITY AND FORMAT OF THIS INSTRUMENT
HAS BEEN REVIEWED AND APPROVED FOR SIGNATURE
Noris Mackey 11/6/06
AGREEMENTS COORDINATOR DATE

U.S.D.I National Park Service
12795 West Alameda Parkway,
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Mike Snyder 7/05/06
Mike Snyder Date
Director, Intermountain Region

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5400 Bishop Blvd, Cheyenne, WY 82006

Ron Arnold 7/31/06
Ron Arnold Date
Chief Fiscal Officer

Wyoming Game and Fish Commission
5400 Bishop Blvd, Cheyenne, WY 82006

Levi Martin 8/1/06
Levi Martin Date
Attorney Generals Representative

Name Date
Title

XII. SUPPORTING ORGANIZATIONS

Colorado Trout Unlimited
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Boulder, CO 80302

Utah Trout Unlimited
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Salt Lake City, UT 84103

Steve Craig 10/3/2006
Steve Craig Date
Council Chairman

Don Duff 11/20/06
Don Duff Date
Council Chairman

Wyoming Trout Unlimited
P.O. Box 1022, Jackson, WY, 83001

Jay Buchner 10/16/06
Jay Buchner Date
Council Chairman

XIII. LITERATURE CITED

- Behnke, R. J. 1979. Monograph of the native trouts of the genus *Salmo* of western North America. USDA Forest Service, Rocky Mountain Region, Denver, Colorado.
- Behnke, R. J. 1992. Native trout of western North America. American Fisheries Society Monograph 6.
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- Behnke, R. J., and M. Zarn. 1976. Biology and management of threatened and endangered western trouts. USDA Forest Service, Rocky Mountain Forest and Range Experiment Station, Fort Collins, Colorado. General Technical Report RM-28.
- Binns, N. A. 1977. Present status of indigenous populations of cutthroat trout, *Salmo clarki*, in southwest Wyoming. Wyoming Game and Fish Department, Cheyenne. Fisheries Technical Bulletin 2.
- CRCT Task Force. 2001. Conservation agreement and strategy for Colorado River cutthroat trout (*Oncorhynchus clarki pleuriticus*) in the states of Colorado, Utah, and Wyoming. Colorado Division of Wildlife, Fort Collins, Colorado.
- Hirsch, C. L., S. E. Albeke, and T. P. Nesler. 2006. Range-wide status of Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*):2005. Colorado River cutthroat trout Conservation Team Report. Colorado Division of Wildlife, Fort Collins, Colorado.
- Martinez, A. M. 1988. Identification and status of Colorado River cutthroat trout in Colorado. American Fisheries Society Symposium 4:81-89.
- Simon, J. R. 1935. A survey of the waters of the Wyoming National Forest. U.S. Department of Commerce, Bureau of Fisheries, Washington, D.C.
- UDWR. 2000. Genetic considerations associated with cutthroat trout management. Publication Number 00-26. Utah Division of Wildlife Resources. Salt Lake City, Utah. 9 pp.
- Young, M. K., tech. ed. 1995. Conservation assessment for inland cutthroat trout. General Technical Report RM-256. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station. 61 pp.