

**PROCEDURES FOR STOCKING NONNATIVE FISH SPECIES  
IN THE UPPER COLORADO RIVER BASIN**

**Colorado Division of Wildlife  
Utah Division of Wildlife Resources  
Wyoming Game and Fish Commission  
U.S. Fish and Wildlife Service**

**U.S. DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
DENVER, COLORADO**

**Revised April 14, 2009**

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## I. BACKGROUND

The Upper Colorado River Endangered Fish Recovery Program (Recovery Program; U.S. Department of the Interior 1987; <http://coloradoriverrecovery.org/documents-publications/foundational-documents/1987BlueBook.pdf>) was initiated in 1988 with the signing of a cooperative agreement by the Governors of Colorado, Utah, and Wyoming; Secretary of the Interior; and Administrator of Western Area Power Administration (<http://coloradoriverrecovery.org/documents-publications/foundational-documents/cooperativeagreement&extension.pdf>). The goal of the Recovery Program is to recover populations of endangered<sup>1</sup> humpback chub (*Gila cypha*), bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), and razorback sucker (*Xyrauchen texanus*) in the Upper Colorado River Basin (Upper Basin) in Colorado, Utah, and Wyoming while water use and development continues to meet human needs.

One of five elements of the Recovery Program is nonnative fish species and sportfishing management to reduce the threat of certain nonnative fishes while maintaining sportfishing opportunities. A requirement of the Recovery Program is for the States of Colorado, Utah, and Wyoming (States) and the U.S. Fish and Wildlife Service (Service) to "...develop procedures, including studies, for reviewing and for resolving disagreements with any proposed [fish] introductions into the upper basin drainage" (U.S. Department of the Interior 1987).

Interim procedures for stocking nonnative fishes were implemented on a trial basis during the spring, summer, and fall of 1994 by application to lake management plans (i.e., stocking proposals) that were developed for 12 ponds and reservoirs by the Colorado Division of Wildlife. A review team composed of biologists from the Service and the fish and wildlife agencies in Colorado, Utah, and Wyoming reviewed the lake management plans and evaluated the interim procedures. On December 20, 1996, the Service issued a policy for conserving species listed under the 1973 Endangered Species Act, as amended (ESA) while providing for and enhancing recreational fisheries opportunities (National Policy Issuance #96-07; [http://www.fws.gov/policy/npi96\\_07.html](http://www.fws.gov/policy/npi96_07.html)).

The original Procedures for Stocking Nonnative Fish Species in the Upper Colorado River Basin (Stocking Procedures) was developed cooperatively by the States and the Service in September 1996, with the commitment by all involved parties to conduct 5-year reviews of the adequacy and efficacy of the Stocking Procedures and to make revisions as needed (U.S. Fish and Wildlife Service 1996a; <http://coloradoriverrecovery.org/general-information/program-elements/nna/nonnativestockpro.pdf>).

Beginning in summer 2006, the States and the Service again worked cooperatively to review and revise the 1996 Stocking Procedures. This version, dated April 14, 2009, retains the original purpose, objectives, and fundamental requirements of the 1996 Stocking Procedures, but incorporates necessary and appropriate updates and clarifications to provide for a more understandable and straightforward implementation process.

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<sup>1</sup> An endangered species, as defined in Section 3(6) of the 1973 Endangered Species Act, as amended, is "any species which is in danger of extinction throughout all or a significant portion of its range".

## **II. PURPOSE AND INTENT OF THE STOCKING PROCEDURES**

The purpose of the Stocking Procedures is to ensure that all future stocking of nonnative fish are consistent with recovery of the endangered fishes within critical habitat<sup>2</sup> of the Upper Basin in Colorado, Utah, and Wyoming (Figure 1; 59 FR 13374 [[http://ecos.fws.gov/docs/federal\\_register/fr2545.pdf](http://ecos.fws.gov/docs/federal_register/fr2545.pdf)]). The Stocking Procedures will help to enhance existing fisheries, provide for additional future recreational fishing, and contribute to the recovery of the endangered Colorado River fishes. The general intent of the Stocking Procedures is to reduce the potential for negative impacts on the endangered fishes in the Upper Basin by controlling stocking and escapement of stocked nonnative fishes to ensure that recovery of the endangered fishes is not inhibited. The Stocking Procedures integrates nonnative fish stocking for recreational fishery management with ongoing recovery efforts.

## **III. PRINCIPLES RELATED TO THE STOCKING PROCEDURES**

- A. The Stocking Procedures will be implemented by a cooperative agreement among the Service and State fish and wildlife agencies in Colorado, Utah, and Wyoming. The roles and responsibilities of each agency will be clearly described in the cooperative agreement.
- B. Both the Service and the States have statutory responsibilities that cannot be abrogated. The States have the responsibility for managing fish and wildlife resources that includes threatened and endangered species occurring within their boundaries. The Service has certain legislated responsibilities for conserving fish and wildlife resources through administration of the ESA, including enforcement of section 9 "take" violations.
- C. The goal of the Service and the States is to reach consensus on issues related to stocking of nonnative fishes so that neither the Service nor the State fish and wildlife agencies have to independently assert their authority. The Service and the States will make a concerted effort to resolve any disagreements that may arise from a stocking proposal.
- D. The Service and the States recognize that nonnative fish stocking is an important component of public and private recreational sport fisheries management and commercial aquaculture in the Upper Basin. As such, an important objective of these agencies is the establishment and maintenance of sport fisheries and aquaculture activities that do not conflict with recovery efforts for the endangered Colorado River fishes.

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<sup>2</sup> Critical habitat refers to river reaches formally designated as critical in accordance with the Endangered Species Act of 1973, as amended, including portions of the Colorado, Green, Duchesne, White, Yampa, and Gunnison rivers and portions of the associated 100-year floodplains that contain areas essential to recovery of the endangered fishes.

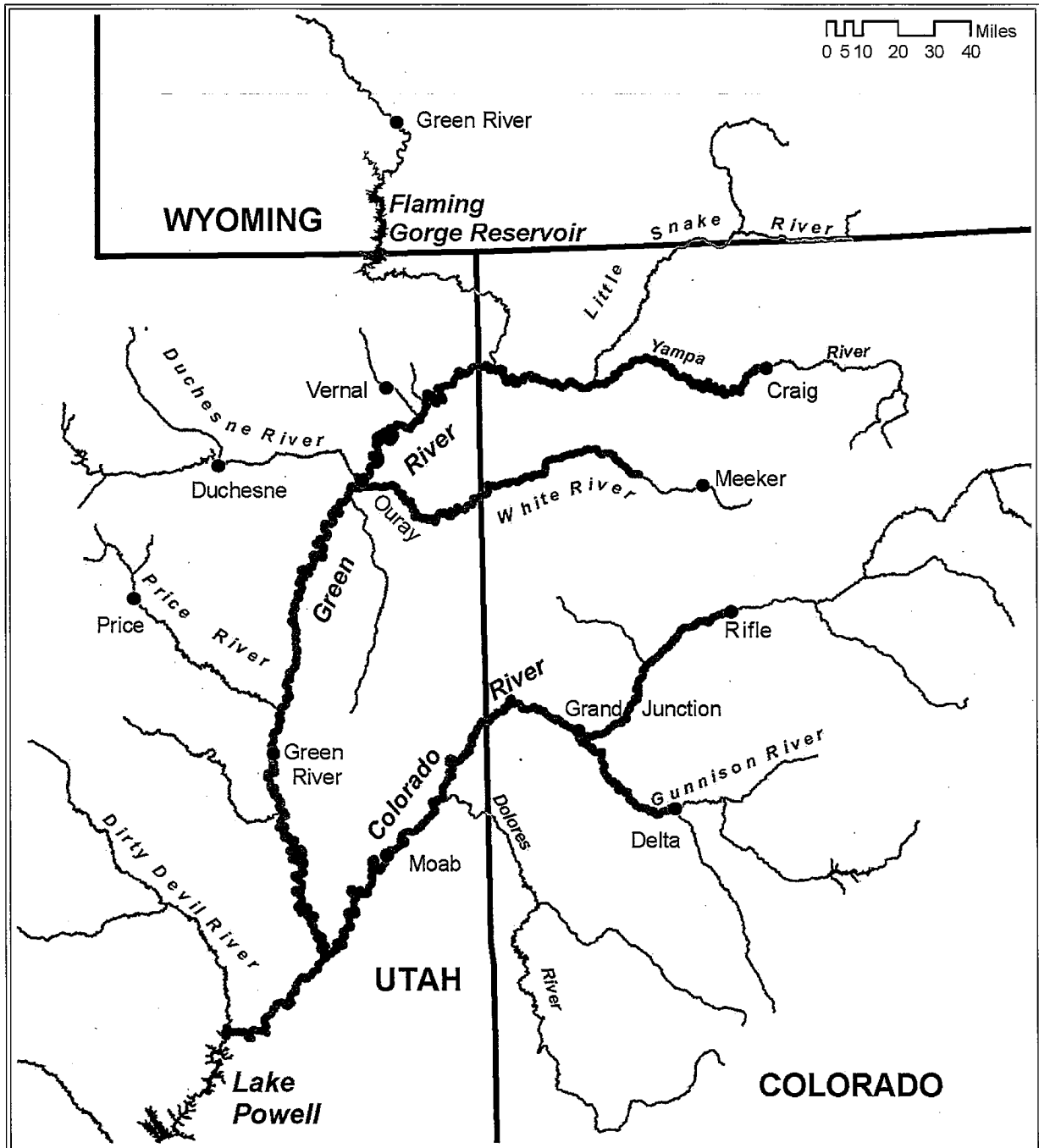


Figure 1.—River reaches designated as critical habitat (shaded) for endangered fishes in the Upper Colorado River Basin, Colorado, Utah, and Wyoming.

- E. The States also have certain authorities for regulating/overseeing aquaculture activities and fish introductions by private landowners. The States will work within their respective commissions or boards to promote compliance with the Stocking Procedures through policy, administrative directive, or regulations.
- F. The Service will ensure that all stocking from Federal hatcheries is in compliance with the Stocking Procedures.
- G. Ponds are considered to be outside a designated floodplain<sup>3</sup> if they are naturally above the floodplain in question or if they are located in the floodplain in question but have Federal Emergency Management Agency (FEMA) approved dikes<sup>4</sup> functionally separating the pond from the floodplain.
- H. The Recovery Program and its participating partners recognized the need to manage nonnative fish populations to achieve and maintain endangered fish recovery in a Nonnative Fish Management Policy (Upper Colorado River Endangered Fish Recovery Program 2004; <http://coloradoriverrecovery.org/general-information/program-elements/naa/FinalNonnativeFishPolicy020404.pdf>), which includes the need for regulation of nonnative fish stocking in the Upper Basin.

#### **IV. STOCKING NONNATIVE FISHES IN THE UPPER COLORADO RIVER BASIN**

The States and the Service recognize that introducing nonnative fish species into an ecosystem can result in unanticipated impacts on native fishes. For this reason, the Stocking Procedures are intended to minimize access by stocked nonnative, nonsalmonid fishes to critical habitat where they may adversely affect endangered Colorado River fishes.

1. Salmonids can be routinely stocked directly into riverine, lake, and/or reservoir habitats upstream of critical habitat. Stocking of trout into private floodplain ponds is also allowed. Stocking of trout within riverine portions of critical habitat is not allowed under the Stocking Procedures.

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<sup>3</sup> Floodplain is a flat region of a valley floor located on either side of a river channel. A floodplain is built of sediments deposited by the river that flows through it and is covered by water during floods when the river overflows its banks. In most years, a portion of the floodplain is covered with water and only during infrequent, very large floods is the whole floodplain covered. The 100-year floodplain refers to that portion of the floodplain that is covered by a flow with a recurrence frequency of 100 years.

<sup>4</sup> Dikes built to isolate ponds from flooding must have a minimum of 3 feet of freeboard above the base-flood elevation. They must have a minimum of one additional foot of freeboard if the dike is within 100 feet of an area where the water is constricted. The upstream end of the dike must have a minimum of an additional one-half foot elevation of dike. The dike must be designed and constructed in accordance with recognized and accepted engineering methodologies. The dike must be "watertight, substantially impermeable to the passage of water, and be capable of withstanding hydrodynamic and hydrostatic forces and the effects of buoyancy." For existing dikes to qualify, they must be certified via a written report by a qualified engineer. The report will consider depth of flooding, floodplain elevation, duration of flooding, embankment geometry, embankment and foundation materials, embankment compaction, penetrations, other design factors affecting penetration, channel constriction, and any other factors that may effect the ability of the dike to withstand flood events.

2. Stocking of nonnative, nonsalmonid fishes and their management in public waters will require evaluation by the State fish and wildlife agencies and the Service on a case-by-case basis to ensure that the proposed stocking of these fishes will not adversely affect the endangered fishes. The intent here will be to address escapement potential and potential impacts if stocked fish were to gain access to critical habitat.

Use of triploid or hybrid fish (sterile) may be considered as a management tool to control nonnative fish species. Stocking proposals, as a component of broader lake management plans<sup>5</sup>, at a minimum will include:

- A. purpose and location of the proposed stocking;
  - B. species, sizes, numbers, and rationale for selecting the species;
  - C. an assessment of the potential for escapement, potential for survival in critical habitat if escapement occurs, and measures that could be implemented to reduce the risk of escapement;
  - D. an assessment of the potential for impact to the endangered fishes and the specific measures available to remedy any impacts that may occur including their feasibility and likelihood of success; and
  - E. a protocol to prevent the potential spread of aquatic invasive species, particularly quagga and zebra mussels, between source and receiving waters when translocating fish.
3. Stocking of nonnative, nonsalmonid fish species within critical habitat, within the 100-year flood plain, or in a body of water having a direct connection<sup>6</sup> to critical habitat of the Upper Basin is unacceptable, except as permitted below.

The following conditions apply to stocking of nonnative fishes within the 100-year floodplain or in bodies of waters having a direct connection to critical habitat.

- A. Private Waters: The stocking of nonnative, nonsalmonid fish species approved by the States will require that the ponds be bermed to FEMA standards to the 100-year floodplain and the outlet screened prior to stocking. The stocking plan, screening, and berming must be approved

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<sup>5</sup> The States refer to their fishery management documents differently (e.g., Lake Management Plans; Hydrologic Unit Plans; etc); they are referred to generically as "management plans" throughout the Stocking Procedures. Management plans developed and approved by a State fish and wildlife management agency describe the management of aquatic species in a specific body of water (e.g., pond, lake, reservoir, stream reach, drainage or portion of a drainage or hydrologic unit).

<sup>6</sup> Direct connection refers to waters that flow directly into critical habitat. This does not include waters above reservoirs where escapement has been addressed in accordance with the Stocking Procedures.

by the appropriate State fish and wildlife agency and the Service. Once approved, future stocking of that pond is considered routine, not requiring further approval under these procedures. If berming or screening fails to control escapement of nonnative fishes, then the stocking of that pond will require review and new approval prior to any additional stocking.

B. Public Waters: Stocking of nonsalmonid, nonnative fishes in public waters will not occur except for the following conditions.

- (1). Specific waters in the Upper Basin for which the State fish and wildlife agencies have developed lake management plans that have been approved according to the Stocking Procedures since 1996 or by the Service since the inception of the Recovery Program. Stocking of approved species into those waters will be routine.
  - (2). Public waters that have a direct connection to rivers in the Upper Basin will be equipped or managed with an anti-escapement device or practice acceptable to the Service and the State fish and wildlife agencies. Management plans will be prepared or revised and approved by the Service and the State fish and wildlife agencies before the continued stocking of nonnative, nonsalmonid fish species will be allowed.
4. Isolated public and isolated private waters, having no direct connection to critical habitat and that are above the 100-year floodplain, can be routinely stocked with species in accordance with State regulations.
  5. Nonnative, nonsalmonid species may be stocked into standing waters above existing reservoirs where populations of that species exist and are managed according to a management plan approved by the State fish and wildlife agencies and the Service. In addition, channel catfish (*Ictalurus punctatus*) and smallmouth bass (*Micropterus dolomieu*) may be stocked in any water above Flaming Gorge Dam.
  6. Nonnative, nonsalmonid sportfish that are removed from the river or other problem areas can be transplanted to waters that comply with the Stocking Procedures and already contain these species.

## V. **STEPS IN THE REVIEW OF STOCKING PROPOSALS AND MANAGEMENT PLANS**

The steps or process for reviewing stocking proposals and the associated draft management plans are explained below.

Step 1. Formal Stocking Proposal. The review process is initiated with a formal stocking proposal as a component of a management plan. The review process is also



initiated when a management plan is developed for a water body where nonnative, nonsalmonids species already exist, or when an existing management plan is revised.

Proposals to stock and manage nonnative fishes will be founded on sound biological evaluations and contain sufficient information to allow for an objective and complete evaluation (see Section IV.2). Proposals to stock private waters should be submitted through the appropriate State agency.

Step 2. Agency Review. Stocking proposals/management plans will be submitted to the Service and the States for review and comment for a 60-day period. Evaluations by the Service and the States will be based on sound scientific data relevant to the proposal. Furthermore, if the Service or State agency objects to a stocking proposal/management plan, that agency will make a concerted effort to identify reasonable alternatives (e.g., different species, screening, berming, different location, etc.).

Step 3. Review of Approved Stocking Proposals/Management Plans. Once stocking proposals and the associated management plan have been approved, then implementation of that management plan can be considered routine. If problems occur, such as escapement into critical habitat or evidence of an illicit introduction, then the management plan will be revisited by the Service and the States.

Step 4(A). Proposals Not Subject to Section 7, ESA Consultation. Stockings of nonnative fishes that are approved and thus classified as routine, and are initiated by State or private parties and do not require Federal approval, authorization, funding, etc., would not require a review pursuant to section 7 of the ESA. Reviews of stocking proposals that do not require section 7 consultation would be in accordance with the following process.

Step 4(A)(1). At the conclusion of the 60-day comment period, the Service and the States would review the comments and within 30 days indicate whether they support or oppose the proposed stocking. These parties will make a concerted effort to resolve any disagreements or objections to the proposal. If none of these parties object to the proposal, if disagreements over the proposal are resolved, or the proposal is modified sufficiently to address the concerns, then the proponent can proceed to implement the proposal. The proponent of the proposal may also elect to withdraw the proposal based on identified concerns.

Step 4(A)(2). In the event that an agency(s) still objects to a proposal and the proponent still desires to proceed, the proposal and the review comments will be submitted to the Regional Director of the Service and the Directors of the State fish and wildlife agencies. Within 30 days, these parties will make a concerted effort to resolve any disagreements or objections to the proposal. The Regional Director of the Service and the Directors of the State fish and wildlife agencies may, at

their discretion, meet as a panel to discuss the proposal and accept public comment. If objections are resolved, or the proposal is modified sufficiently to address the concerns, then the proponent can proceed to implement the proposal.

The proponent of the proposal may also elect to withdraw the proposal based on identified concerns.

Step 4(A)(3). In the event that the disagreements cannot be resolved and the proponent still desires to proceed, the stocking proposal and all agency comments on the proposal will be distributed to the appropriate State Wildlife Commission for final review and decision. The States, Service, other participants in the Recovery Program, and other interested parties will be notified of the State Wildlife Commission meeting and be invited to provide comments to the Commission before taking action on the stocking proposal. The Service will advise the Commission if there is a potential for "take" as defined by the ESA, as amended. The basis for the final decision by the State Wildlife Commission will be documented and distributed to the public.

Step 4(B) Proposals Subject to Section 7, ESA Consultation. Section 7 consultation will only be required prior to proceeding with any stocking in cases where the Service, in consultation with the lead Federal agency, determines that there is a Federal action and/or Federal discretionary involvement in the stocking proposal that "may affect" an endangered fish or result in "an adverse modification" to its critical habitat. Examples of proposals that may require section 7 consultation include projects where a Federal permit is needed to stock fish on Federal lands, the stocking is paid for partially or wholly with Federal funds, and/or the fish are being provided from a Federal fish hatchery.

## **VI. RECORD-KEEPING, REPORTING, AND REVIEW**

### **1. Record-keeping and reporting**

- A. Nonsalmonid, nonnative fish species that are stocked into the Upper Basin, according to the Stocking Procedures, must be reported to the Service (who will then forward a copy to the Recovery Program Director) by the respective State fish and wildlife agency no later than December 31 of the year in which the stocking occurs. The report will include all nonsalmonid, nonnative fishes stocked in routine stocking covered in Section IV and any waters approved after case-by-case review.
- B. The reporting on nonnative fish species that are stocked into the Upper Basin at a minimum will include:
  - (1). species;
  - (2). location;

- (3). number stocked; and
- (4). size of fish stocked (mean total length or numbers/pound).

2. Review

After implementation of these Stocking Procedures, a 10-year review will be conducted by the States and the Service to determine the adequacy of the Stocking Procedures to protect the endangered fishes.

**VII. MODIFICATION OF THE STOCKING PROCEDURES**

The States of Colorado, Utah, and Wyoming or the Service can request a review or revision of the Stocking Procedures at any time.

**VIII. REFERENCES**

- Upper Colorado River Endangered Fish Recovery Program. 2004. Nonnative fish management policy; adopted by the Implementation Committee on February 2, 2004. Upper Colorado River Endangered Fish Recovery Program, Denver, Colorado.
- U.S. Department of the Interior. 1987. Recovery implementation program for endangered fish species in the Upper Colorado River Basin. U.S. Fish and Wildlife Service, Region 6, Denver, Colorado.
- U.S. Fish and Wildlife Service. 1996a. Procedures for stocking nonnative fish species in the Upper Colorado River Basin. Upper Colorado River Endangered Fish Recovery Program, Denver, Colorado.
- U.S. Fish and Wildlife Service. 1996b. Final environmental assessment for procedures for stocking nonnative fish species in the Upper Colorado River Basin. U.S. Fish and Wildlife Service, Grand Junction, Colorado.

## ATTACHMENT A

### COOPERATIVE AGREEMENT FOR IMPLEMENTATION OF PROCEDURES FOR STOCKING NONNATIVE FISH SPECIES IN THE UPPER COLORADO RIVER BASIN

– April 14, 2009 –

#### 1. PURPOSE

The Upper Colorado River Endangered Fish Recovery Program (Recovery Program; U.S. Department of the Interior 1987) was initiated in 1988 with the signing of a cooperative agreement by the Governors of Colorado, Utah, and Wyoming; Secretary of the Interior; and Administrator of Western Area Power Administration. The goal of the Recovery Program is to recover populations of endangered humpback chub (*Gila cypha*), bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), and razorback sucker (*Xyrauchen texanus*) in the Upper Colorado River Basin (Upper Basin) while water use and development continues to meet human needs.

One of five elements of the Recovery Program is nonnative fish species and sportfishing management to reduce the threat of certain nonnative fishes while maintaining sportfishing opportunities. A requirement of the Recovery Program is for the States of Colorado, Utah, and Wyoming (States) and the U.S. Fish and Wildlife Service (Service) to "...develop procedures, including studies, for reviewing and for resolving disagreements with any proposed [fish] introductions into the upper basin drainage" (U.S. Department of the Interior 1987). On December 20, 1996, the Service issued a policy for conserving species listed under the Endangered Species Act (ESA) while providing for and enhancing recreational fisheries opportunities (National Policy Issuance #96-07).

The original Procedures for Stocking Nonnative Fish Species in the Upper Colorado River Basin (Stocking Procedures) was developed cooperatively by the States and the Service in September 1996, with the commitment by all involved parties to conduct 5-year reviews of the adequacy and efficacy of the Stocking Procedures and to make revisions as needed (U.S. Fish and Wildlife Service 1996a). This document amends the 1996 Stocking Procedures by incorporating necessary and appropriate updates and clarifications to provide for a more understandable and straightforward implementation process without changing the original purpose, objectives, and fundamental requirements of the Stocking Procedures.

The purpose of the Stocking Procedures is to ensure that all future stocking of nonnative fish are consistent with recovery of the endangered fishes within the Upper Basin to fulfill the requirement established by the Recovery Program. The provisions of the Stocking Procedures work to minimize conflicts between recreational fisheries and the ESA, and will help to enhance existing fisheries, provide for additional future recreational fishing, and contribute to the recovery of the endangered Colorado River fishes.

A Nonnative Fish Management Policy was adopted by the Recovery Program and its participating partners on January 4, 2004 (Upper Colorado River Endangered Fish Recovery Program 2004). The policy recognizes that management of nonnative fish populations is an essential element of the many management actions necessary to achieve and maintain recovery of the endangered fishes, and that failure to adequately manage nonnative fishes may nullify the positive effects of other Recovery Program actions. The intent of the Stocking Procedures is to help reduce the likelihood of additional nonnative fish gaining access to critical habitat of the endangered fishes, and implementation of the Stocking Procedures is part of the broader efforts to manage nonnative fish populations in the Upper Basin.

The parties hereto agree to participate in and implement the procedures as specified in the document Procedures for Stocking Nonnative Fish Species in the Upper Colorado River Basin, dated April 14, 2009.

**2. INVOLVED PARTIES**

Colorado Division of Wildlife  
6060 Broadway  
Denver, CO 80216

Utah Division of Wildlife Resources  
1594 West North Temple  
Salt Lake City, UT 84114

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

U.S. Fish and Wildlife Service  
134 Union Boulevard  
Lakewood, CO 80228

**3. GEOGRAPHIC SCOPE**

The Stocking Procedures and this cooperative agreement apply only to the Upper Colorado River Basin above Glen Canyon Dam, excluding the San Juan River Subbasin. The San Juan River Subbasin was not included because it is being covered under a separate recovery effort.

**4. TERM**

This cooperative agreement shall remain in effect through the life of the Recovery Program, unless terminated per paragraph 5.

**5. AMENDMENT**

This cooperative agreement and the Stocking Procedures may be extended, amended, or terminated by agreement of the parties, or any party may withdraw from this cooperative agreement upon written notice to the other parties.

**6. AUTHORITIES AND RESPONSIBILITIES**

- A. States: Will work within their respective commissions or boards to promote compliance with the Stocking Procedures through policy, administrative directive, or regulations.
- B. Service: Will ensure that all stocking from Federal hatcheries is in compliance with the Stocking Procedures.

**7. NO DELEGATION OR ABROGATION**

All parties to this cooperative agreement recognize that they each have statutory responsibilities that cannot be delegated, and that this cooperative agreement does not and is not intended to abrogate any of their statutory responsibilities.

**8. CONSISTENCY WITH APPLICABLE LAW**

This cooperative agreement is subject to and is intended to be consistent with all applicable State and Federal laws and interstate agreements.

**9. FUNDING**

This cooperative agreement shall be contingent upon the availability of funding in the respective jurisdictions to carry out its purposes. The liabilities of the parties to this cooperative agreement and to each other shall be governed by applicable laws and regulations now and hereafter in force.

**10. SOVEREIGN IMMUNITY**

The State of Colorado, Colorado Division of Wildlife; State of Utah, Utah Division of Wildlife Resources; and the State of Wyoming, Wyoming Game and Fish Commission do not waive their sovereign immunity by entering into this cooperative 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 cooperative agreement.

*for* Mike Stempel  
Stephen D. Guertin  
Director  
Mountain-Prairie Region  
U.S. Fish and Wildlife Service

Thomas E. Remington  
Thomas E. Remington  
Director  
Colorado Division of Wildlife

James F. Karpowitz **ACTING DIRECTOR**  
James F. Karpowitz  
Director  
Utah Division of Wildlife Resources

*for* Steve K. Ferrell, Deputy Director  
Steve K. Ferrell  
Director  
Wyoming Game and Fish Commission

Approved as to form:

C. L. Martin  
Levi Martin  
Attorney General Representative  
Wyoming Game and Fish Commission

## ATTACHMENT B

### U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE FINDING OF NO SIGNIFICANT IMPACT

The U.S. Fish and Wildlife Service (Service) analyzed the impacts of implementing the original (1996) Procedures for Stocking Nonnative Fish Species in the Upper Colorado River Basin (Stocking Procedures) in an environmental assessment using the best available data and assumptions (Final Environmental Assessment; U.S. Fish and Wildlife Service 1996b; <http://coloradoriverrecovery.org/general-information/program-elements/mna/FinalEANNFStockingProcedures1996.pdf>). The following is a summary of impacts considered.

1. Aquatic Biological Resources: The Stocking Procedures will reduce the escapement of nonnative fish into the rivers of the Upper Colorado River Basin.
2. Recreation: The Stocking Procedures will increase recreational fishing opportunities above existing levels while providing increased protection for the endangered fishes.
3. Recovery of Endangered Fishes: The Stocking Procedures will contribute to the reduction of escapement of nonnative fish into critical habitat of the endangered fishes. This action will help to facilitate recovery of the endangered fishes.
4. Economy and Human Environment: Limits on stocking of nonnative, nonsalmonid fishes in floodplain ponds will have some impact on the aquaculture industry. However, because most nonnative fish species reproduce in private ponds, annual stocking has not been required. Trout may still be stocked in any floodplain ponds and rivers above critical habitat. Largemouth bass (*Micropterus salmoides*), black crappie (*Pomoxis nigromaculatus*), bluegill (*Lepomis macrochirus*), and triploid grass carp (*Ctenopharyngodon idella*) can be routinely stocked above the 100-year flood plain in locations that have no direct or indirect connection to critical habitat. These represent, other than trout, the most often stocked fish supplied by the aquaculture industry. Private ponds below the 100-year floodplain that are bermed and screened also can be stocked with these species.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Council on Environmental Quality's regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500-1508), the Service determined that an environmental impact statement was not required to enter into a cooperative agreement with the States of Colorado, Utah, and Wyoming to implement the Stocking Procedures because the Service's participation in the Stocking Procedures did not constitute a major Federal action having a significant effect on the human environment.



The Service has determined that the revised Stocking Procedures, dated April 14, 2009, does not change the 1996 "finding of no significant impact" (<http://coloradoriverrecovery.org/general-information/program-elements/nna/FinalEANNFStockingProceduresFONSI1996.pdf>) because the original purpose, objectives, and fundamental requirements of the Stocking Procedures are retained.

*for*  
Mike Stempel

Director, Mountain-Prairie Region  
U.S. Fish and Wildlife Service  
Denver, Colorado

4/22/9

Date