



Proposed Rule to List Headwater Chub and Lower Colorado River Basin Roundtail Chub DPS as Threatened

Southwest Region

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Frequently Asked Questions

Q: What action is the U.S. Fish and Wildlife Service (Service) taking?

A: The Service is proposing to list the headwater chub (*Gila nigra*) and a distinct population segment (DPS) of the roundtail chub (*Gila robusta*) in the lower Colorado River basin as threatened under the Endangered Species Act (ESA). This action follows the completion of a comprehensive review of both species. Results from the review indicate the risk of extinction of the two chubs is sufficiently high in the foreseeable future that it meets the definition of a threatened species under the ESA. The headwater chub and lower Colorado River basin roundtail chub DPS have been candidates for listing under the ESA since 1982 and 1985, respectively.

Q: How does the Service determine if a species needs ESA threatened or endangered status?

A: The ESA requires the Service to use five factors to evaluate the level of threats and to determine whether species are threatened or endangered. These are: 1) present or threatened destruction, modification, or curtailment of the species' habitat or range, 2) overutilization for commercial, recreational, scientific, or educational purposes, 3) disease or predation, 4) inadequacy of existing regulatory mechanisms, and 5) other natural or manmade factors affecting the species' continued existence.

Q: What are roundtail and headwater chubs and where are they found?

A: The **headwater chub** (*Gila nigra*) is a minnow that typically grows up to 8-inches in length. It is dark gray to brown with silvery sides and lives in the upper and middle reaches of moderately sized streams. Headwater chub occurred in a number of tributaries of the Verde River, most of the Tonto Creek drainage, much of the San Carlos River drainage, and parts of the upper Gila River in New Mexico. Today, they occur in the same drainages, but have a smaller distribution. The 9 to 14-inch **roundtail chub** (*Gila robusta*) is an olive-gray to silver minnow with a lighter belly. The species was historically considered common in deep pools and eddies of large streams throughout its range in the upper and lower Colorado River basins in Wyoming, Utah, Colorado, New Mexico and Arizona. The Service received a petition singling out the lower basin – Arizona and New Mexico – population for protection. This population today occupies about 52¹ percent of its

¹ This number was incorrectly reported in the FAQs initially issued 10/5/2015

historical range and is limited to Arizona's Little Colorado, Bill Williams, Salt, San Carlos, and Verde river drainages and Aravaipa Creek, and New Mexico's upper Gila River.

Q: What are the threats to the roundtail and headwater chubs?

A: Threats to these species are primarily predation by non-native fishes and habitat destruction due to dewatering, impoundment construction and channelization, as well as the effects of mining, livestock overgrazing, roads, water pollution, urban and suburban development, groundwater pumping and climate change. More information about the species biology, habitat, and threats, and the current Species Status Assessment are available on our website at:

- www.fws.gov/southwest/es/arizona/Headwater_Chub.htm
- www.fws.gov/southwest/es/arizona/Roundtail.htm

Q: How would the headwater and roundtail chubs benefit from an ESA listing?

A: Species listed as endangered or threatened under the ESA benefit from conservation measures that include recognition of threats to the species, completion of recovery plans and implementation of recovery actions, and federal protection from harmful practices that result in 'take' (defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct). Recognition under the ESA results in public awareness and conservation by federal, state, tribal and local agencies, private organizations and individuals. The ESA encourages cooperation with the states and other partners to conserve listed species. The Service develops and implements these plans in partnership with the species experts; other federal, state and local agencies, tribes, nongovernmental organizations, academia and other stakeholders. See the *Federal Register* notice to learn more.

Q: Doesn't the regulatory burden that comes with listing a species dissuade private landowners from enhancing habitat on their land?

A: The ESA supports the Service in working directly with landowners, states and industry to conserve species, provide regulatory certainty and incentivize voluntary landowner conservation. To ensure this proposed listing will not deter landowners from volunteering to enhance habitat on their land, we can exercise the flexibility of the Act to devise a special rule under section 4(d) of the ESA. This rule will allow operational and maintenance activities on state, private and tribal lands and waterways (including canals and stock tanks) to continue without the usually required permits authorizing "take" of a listed species, should the permitted activities incidentally harass, harm, or kill a headwater or roundtail chub. In addition, there are other programs under the Act through which we can work with willing landowners and others to improve the habitat and populations on private or state lands.

Q: Will listing these species affect the States' sportfish stocking programs?

A: State fish hatcheries and stocking programs are supplemented by federal tax revenues distributed by the Service. Should sportfish stocking be proposed for an area where either of the

species exist, the Service would consult with the appropriate state agency on potential effects of sportfish stocking. The Service has already consulted with the Arizona Game and Fish Department on the effects of its current sportfish stocking program specific to these two chubs. Arizona Game and Fish Department continues to implement the proactive terms and conditions to minimize and avoid effects to the chubs.

Q: What are the efforts to conserve these two species?

A: The Utah Department of Natural Resources developed a “Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).” This agreement was signed by all the Colorado River Basin states in 2004. The Agreement and Strategy relies upon individual state plans to conserve the species. Since then, the New Mexico Department of Game and Fish developed a recovery plan for the roundtail chub, as well as an investigation into state-listing the headwater chub. The Arizona Game and Fish Department also developed a conservation agreement and strategy for both the roundtail and headwater chub. The Service is working with both states to ensure that these efforts will be as effective as possible.

In addition, there are currently four newly established sites for the roundtail chub in the lower Colorado River basin. The four new populations are: Blue River, Ash Creek, Gap Creek, and Roundtree Creek. In Fossil Creek, removal of nonnatives has been used as a securing action for both the headwater and Lower Colorado River Basin DPS of the roundtail chub. These efforts have demonstrated success, but securing the sites takes significant time and resources. Consequently, there is uncertainty regarding the continued success of these sites.

Q: Only a portion of the roundtail chub was petitioned for listing; under what authority is this permitted and how is it being evaluated?

A: In the petition to list both species, the petitioners asked the Service to consider designating a DPS for the Lower Colorado River Basin roundtail chub. Under the ESA, the Service must consider listing any species, subspecies, or, for vertebrates, any DPS of these taxa, if warranted. To implement the measures prescribed by the ESA and its Congressional guidance, the Service and the National Marine Fisheries Service developed a policy to clarify interpretation of the phrase “distinct population segment of any species of vertebrate fish or wildlife” for the purposes of listing, delisting, and reclassifying species under the ESA. Under the policy, three elements are considered in a decision regarding the status of a possible DPS as endangered or threatened. The elements are: (1) the population segment’s discreteness from the remainder of the taxon to which it belongs; (2) the population segment’s significance to the taxon to which it belongs; and (3) the population segment’s conservation status in relation to the ESA’s standards for listing (i.e., when treated as if it were a species).

Q: What prompted the Fish and Wildlife Service to make this finding at this time?

A: In 2006, the Service published its 12-month finding that listing was warranted for the headwater chub, but precluded by higher priority listing actions. In 2009, the Service published a 12-month finding on a petition to list a DPS of roundtail chub and found that the population segment satisfies the discreteness and significance elements of our DPS policy and qualifies as a

DPS. We further concluded that listing of the Lower Colorado River Basin DPS of the roundtail was warranted but precluded due to higher priority listing actions at the time. In 2010, the U.S. District Court for the District of Columbia approved as settlement of multiple legal challenges a work plan that will enable the agency to systematically, over a period of six years, review and address the needs of more than 250 candidate species to determine whether they should be added to the federal list of endangered and threatened species. Under that work plan, listing decisions for the two chubs must be made by September 30, 2015.

Q: How can the public submit information on the proposal?

A: Comments must be received within 60 days, on or before December 7, 2015. Written comments may be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>, Submit comments on the listing proposal to Docket No. FWS–R2–ES–201X–XXXX; or
- By hard copy: Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike MS: BPHC, Falls Church, VA 22041–3803

The Service will post all comments on <http://www.regulations.gov>
To learn more, visit our website at: www.fws.gov/southwest/es/arizona