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Media Contacts:

Tennessee: Geoff Call, geoff_call@fws.gov, 931/528-6481, ext. 213

Federal Finding Means Berry Cave Salamander Status Merits Further Review

The Berry Cave salamander may warrant federal protection as an endangered species, the U.S. Fish and Wildlife Service announced today, following an initial review of a petition seeking to protect the species under the Endangered Species Act (ESA).

The Service will undertake a more thorough status review of the species to determine whether to propose adding the species to the federal list of endangered and threatened wildlife and plants.

Today's decision, commonly known as a 90-day finding, is based on scientific information about the species provided in the petition requesting listing of the species under the ESA. The petition finding does not mean that the Service has decided it is appropriate to give the Berry Cave salamander federal protection under the ESA. Rather, this finding is the first step in a long process that triggers a more thorough review of all the biological information available.

To ensure this status review is comprehensive, the Service is soliciting scientific and commercial data and other information regarding listing the Berry Cave salamander as an endangered species.

Based on the status review, the Service will make one of three possible determinations:

- 1) Listing is not warranted, in which case no further action will be taken.
- 2) Listing as threatened or endangered is warranted. In this case, the Service will publish a proposal to list, solicit independent scientific peer review of the proposal, seek input from the public, and consider the input before a final decision about listing the species is made. In general, there is a one-year period between the time a species is proposed and the final decision.
- 3) Listing is warranted but precluded by other, higher priority activities. This means the species is added to the Federal list of candidate species, and the proposal to list is deferred while the Service works on listing proposals for other species that are at greater risk. A warranted but precluded finding requires subsequent annual reviews of the finding until such time as either a listing

proposal is published, or a not warranted finding is made based on new information.

Anyone wishing to submit information regarding the Berry Cave salamander may do so via one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R4-ES-2009-0029; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made “solely on the basis of the best scientific and commercial data available.”

Information must be received by May 17, 2010.

The Berry Cave salamander is currently known from four locations in Eastern Tennessee. This salamander is an aquatic species and usually found only in caves. The Berry Cave salamander and other closely related species are unusual among salamanders in that they normally do not mature into the adult form, but rather reach reproductive maturity in their larval form.

For more information about the Berry Cave salamander and this finding, please visit the Service’s web site at <http://www.fws.gov/cookeville>.

U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. Visit us online at <http://www.fws.gov>.