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Service Proposes to Protect the Fluted Kidneyshell and Slabside Pearlymussel under the Endangered Species Act

Agency Seeks Information from the Public, Scientific Community Before Making Final Decision

Current evidence suggests that the fluted kidneyshell and slabside pearlymussel are in danger of becoming extinct in the foreseeable future, the U.S. Fish and Wildlife Service announced today. As a result, the Service has proposed to protect the species under the Endangered Species Act (ESA), and is seeking new information from the public and the scientific community that will assist the agency in making a final determination.

The fluted kidneyshell and slabside pearlymussel are found only in portions of the Cumberland and Tennessee River systems of Alabama, Kentucky, Mississippi, Tennessee, and Virginia. The Service is proposing to list them both as endangered and designate critical habitat.

The Service first identified the fluted kidneyshell as a candidate for ESA protection in 1999 and the slabside pearlymussel in 1984, due to the threats posed by impoundments, mining, oil and gas exploration, sedimentation, chemical contaminants, temperature alterations, recurring drought and flooding, population fragmentation and isolation, loss of fish hosts, and competition from the introduced Asian clam. Both species have been eliminated from 60 percent or more of the total number of streams where they historically existed, and they continue to experience habitat loss due to the threats listed above.

The ESA requires the Service to identify the location of habitat essential for the conservation of the species, which the ESA terms “critical habitat.” This identification helps federal agencies identify actions that may affect listed species or their habitat, and to work with the Service to avoid or minimize those impacts. Identifying this habitat also helps raise awareness of the habitat needs of imperiled species and focus the conservation efforts of other partners such as state and local governments, non-governmental organizations, and individual landowners.

Service biologists have identified 1,380 river miles in Alabama, Kentucky, Mississippi, Tennessee, and Virginia that may contain habitat essential to the conservation of the fluted kidneyshell and slabside pearlymussel. Some of the units overlap and are critical habitat for both species. These areas are already occupied by other listed aquatic species, and in many cases, critical habitat has previously been designated.

For the fluted kidneyshell, the Service is proposing 24 critical habitat units with 1,182 miles of stream channel in Kentucky, Tennessee, and Virginia. For the slabside pearlymussel, the Service is proposing 13 critical habitat units with roughly 971 miles of stream channel in Alabama, Mississippi, Tennessee, and Virginia.

Although non-federal lands have initially been included in these areas, activities on these lands are not affected now, and will not necessarily be affected if the species is protected under the ESA in the future. Only if an activity is authorized, funded or carried out by a federal agency will the agency need to work with the Service to help landowners avoid, reduce or mitigate potential impacts to listed species or to ensure actions do not adversely modify critical habitat. Because these rivers already contain other listed aquatic species and their critical habitat, this consultation requirement has been met.

In addition, public and private landowners still must comply with other provisions of the ESA to protect threatened and endangered species on their lands. The Service relies on a number of voluntary, non-regulatory conservation programs to provide willing landowners with assurances to protect them for the work they do on their lands.

Today's proposal is part of the Service's efforts to implement a court-approved work plan that resolves a series of lawsuits concerning the agency's ESA Listing Program. The intent of the agreement is to significantly reduce litigation-driven workloads and allow the agency to focus its resources on the species most in need of the ESA's protections over the next five years.

The final decision to add the fluted kidneyshell and slabside pearl mussel to the Federal List of Endangered and Threatened Wildlife and Plants, as well as the final identification of areas containing habitat essential to these species, will be based on the best scientific information available. In addition, the Service will utilize an economic analysis to inform and refine its identification of this habitat. Only areas that contain habitat essential to the conservation of the species, and where the benefits of this habitat outweigh potential economic impacts, will be included in the final identification.

The Service will open a 60-day public comment period to allow the public to review and comment on the proposal and provide additional information. All relevant information received from the public, government agencies, the scientific community, industry, or any other interested parties will be considered and addressed in the agency's final listing determination for the species and identification of habitat essential to its conservation.

Comments and information may be submitted by mail to Public Comments Processing, Attn: FWS-R4-ES-2012-0004; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203. Comments also can be filed electronically at <http://www.regulations.gov>, using the docket number listed above.

Comments must be received on or before December 3, 2012. Requests for a public hearing concerning the proposed critical habitat designations for these species must be made in writing by November 19, 2012 to the Arlington, VA, address shown above.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and

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