



Questions and Answers

Proposal to Reintroduce Topeka Shiners In Missouri

1. What action is the U.S. Fish and Wildlife Service taking?

The U.S. Fish and Wildlife Service, in partnership with the Missouri Department of Conservation and The Nature Conservancy, plan to reintroduce Topeka shiners into areas in Missouri where the fish occurred historically but has been extirpated. The Topeka shiner is federally-listed as endangered under the Endangered Species Act. To facilitate the reintroductions, the U.S. Fish and Wildlife Service is proposing to designate three “nonessential experimental populations” under section 10(j) of the Endangered Species Act. The proposed rule to designate the “nonessential experimental populations” was published in the Federal Register on January 23, 2013. Publication of the proposed rule opened a 60-day public comment period that will close on March 25, 2013.

Two public meetings will be held to provide information and answer questions about the proposed rule. See the answer to Question 13 for details on the time and locations of the meetings.

2. Why do the Topeka shiner reintroductions require designating “nonessential experimental populations?”

Reintroduction of an endangered species into a new area means that Endangered Species Act regulations then go into effect. Concerns that the reintroductions may result in restrictions on land use often prompt negative public reaction, especially from private landowners who fear their normal activities will be prohibited or regulated. Congress added the provision for experimental populations under section 10(j) of the Endangered Species Act to relieve those concerns. A reintroduction under the 10(j) rule allows relaxation of some Endangered Species Act provisions.

3. What is a nonessential experimental population?

A nonessential experimental population is a group of reintroduced plants or animals that is geographically isolated from other populations of the species and is not considered essential to the survival of the species as a whole.

4. What characteristics allow these reintroduced populations to be designated as nonessential experimental?

These reintroduced populations will be considered *experimental* because they will be reintroduced into suitable habitat that is outside of the Topeka shiner’s current range but within its historical range. They will be designated *nonessential* because the likelihood of the Topeka shiner surviving, as a species, would not be reduced if this reintroduction is not successful. Survival of the Topeka shiner, as a species, is reliant on maintenance and improvement of existing populations within its current range, rather than expansion of its range into unoccupied areas within Missouri. The nonessential experimental population

status will protect these Topeka shiner populations as appropriate, while still allowing the presence of the fish to be compatible with routine activities in the reintroduction area. We believe the nonessential experimental designation will allow us to retain the full support of the public, which will be critical to the success of the project.

5. Specifically, what Endangered Species Act provisions will be relaxed within the nonessential experimental populations as a result of the 10(j) rule?

Section 9 of the Endangered Species Act prohibits the “take” of endangered species, whether intentional or not. The term 'take' is defined in the Act to include “. . . wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” If this proposed rule is finalized, within the nonessential experimental populations “take” of Topeka shiners that is incidental to otherwise legal activities, such as farming, forestry and wildlife management, land development, recreation, and other activities, is allowed. Therefore, if a landowner conducts legal activities and Topeka shiners are killed, he or she is not violating the Endangered Species Act. The intentional “take” of Topeka shiners would violate the Endangered Species Act.

6. Will activities be prohibited because of the reintroduced populations?

No, while it would be illegal to deliberately “take” (kill or harm) Topeka shiners in the nonessential experimental populations, there are no additional prohibited activities because that would go against the purpose of the nonessential experimental population classification, which is specifically to avoid restricting land management and recreational activities. Federal projects would not be altered or stopped to protect the reintroduced Topeka shiner populations. No federal agency or its contractors will be in violation of the Endangered Species Act for harming or killing Topeka shiners as a result of authorized agency actions. Missouri’s sport fishing regulations would apply just like any other area of the state, with no new regulations to protect the reintroduced Topeka shiner populations, including no changes to bait collection regulations.

7. Where are the proposed nonessential experimental populations for the Topeka shiner in Missouri?

There are three proposed nonessential experimental population areas. They are located in the Big Muddy Creek, Little Creek and Spring Creek watersheds of Adair, Gentry, Harrison, Putnam, Sullivan, and Worth Counties. All the reintroduction sites within these areas will be on lands owned by the Missouri Department of Conservation or The Nature Conservancy. Maps that show the specific locations are attached to this fact sheet.

8. Do you expect the Topeka shiner to expand into waters on private lands?

Yes, for the reintroduction to be successful, Topeka shiners will survive, reproduce, and expand their distribution from the introduction areas. We do not expect them to expand beyond the nonessential experimental population areas.

9. If predatory game fish are a threat to Topeka shiners, does the USFWS or Missouri Department of Conservation expect that future management will include removing game fish from streams within the nonessential experimental populations?

No, predatory game fish (especially largemouth bass) are more of a threat on streams and rivers with large impoundments. The nonessential experimental population areas were

partially selected because there are no large impoundments with significant sport fisheries in the headwaters and numbers of largemouth bass are not expected to be high enough to prevent success of the reintroduction. In addition, methods for removing bass and other game fish would also harm Topeka shiners and thus are not practical.

Game fish were removed from ponds that will be used for captive-rearing Topeka shiners. This is a management action that will not be taken outside of those ponds.

10. Why are Topeka shiners being reintroduced?

Although the Topeka shiner is stable in southwest Minnesota and South Dakota, viable populations in Missouri can be found in only two streams with populations that are small and isolated. The purpose of the reintroductions is to restore Topeka shiners in a manner that, if successful, would mean the species is no longer vulnerable to extirpation in Missouri. New stable Topeka shiner populations in Missouri, although not essential to the species' recovery, will support recovery by providing resiliency and improved health for the species as a whole.

11. How will the reintroduction be monitored?

The Missouri Department of Conservation will monitor reintroduction efforts by periodically evaluating the status of Topeka shiner populations. To assess changes in distribution within each watershed, personnel will sample captive-rearing ponds and streams within the nonessential experimental population areas.

12. How do I comment on the proposal to establish Topeka shiner nonessential experimental populations in Missouri?

You may submit comments by one of the following methods:

Electronically:

Go to the Federal eRulemaking Portal: <http://www.regulations.gov>.

In the Search field, enter FWS–R3–ES–2012–0087 (which is the docket number for this rulemaking).

On the search results page, under the Comment Period heading in the menu on the left side of your screen, check the box next to "Open" to locate this document.

Please ensure you have found the correct document before submitting your comments.

If your comments will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

By hard copy:

Submit by U.S. mail or hand-delivery to:

Public Comments Processing
Attn: FWS–R3–ES–2012–0087
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

We will not accept comments by email or fax. The comment period closes on March 25, 2013.

13. Where can I find more information about the proposal to designate nonessential experimental populations for the Topeka shiner in Missouri?

Information on the proposal to designate three nonessential experimental populations for the Topeka shiner in Missouri can be found on our website at www.fws.gov/midwest/endangered/. A copy of the proposed rule is also available online at <http://www.regulations.gov>.

The Missouri Department of Conservation's Topeka Shiner Recovery Plan is available online at <http://go.usa.gov/4rcJ>.

You may also request information by calling or writing:

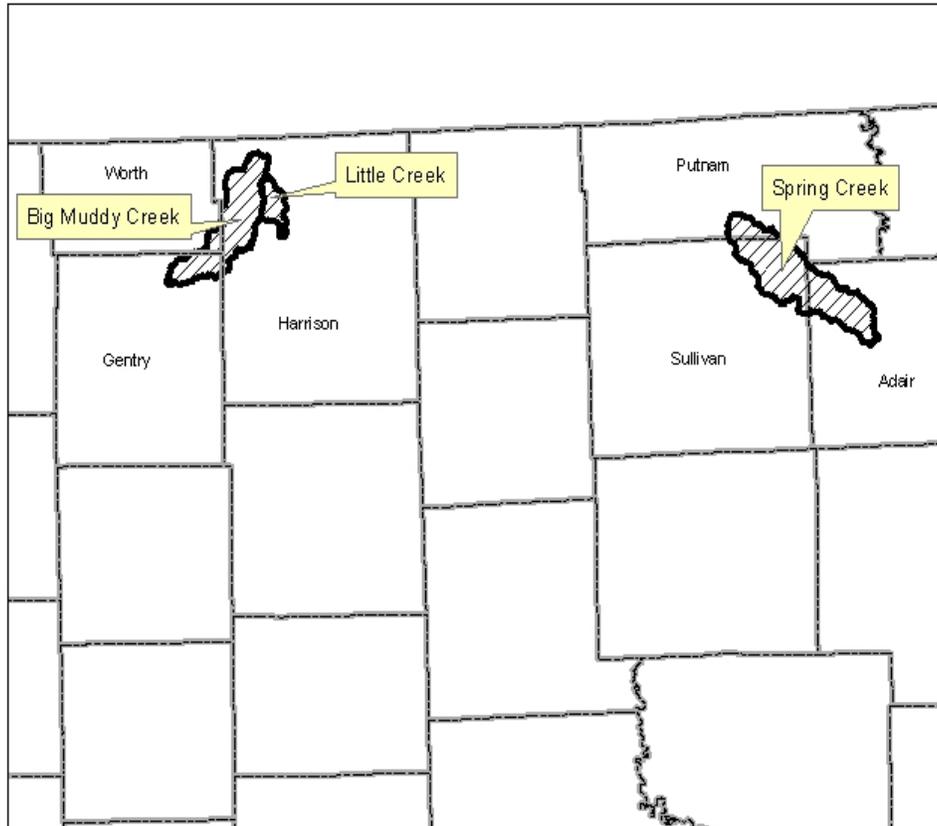
TOPEKA SHINER QUESTIONS
U.S. Fish and Wildlife Service
Ecological Services Field Office
101 Park DeVille Dr., Suite B
Columbia, MO 65203

We will hold two public meetings to provide information about the proposal and to answer questions. The public meetings will be held:

February 19, 2013, from 6 pm to 8:30 pm at the Eagleville Community Center, 10028 10th St., Eagleville, Missouri 64442, and

February 21, 2013, from 6 pm to 8:30 pm at the Green City City Hall, 4 South Green St., Green City, Missouri 63545.

Figure 1. Map of the proposed Topeka shiner nonessential experimental population areas in Missouri.



County Boundaries



Figure 2. Map of the proposed Topeka shiner nonessential experimental population area in Little Creek watershed, Harrison County.

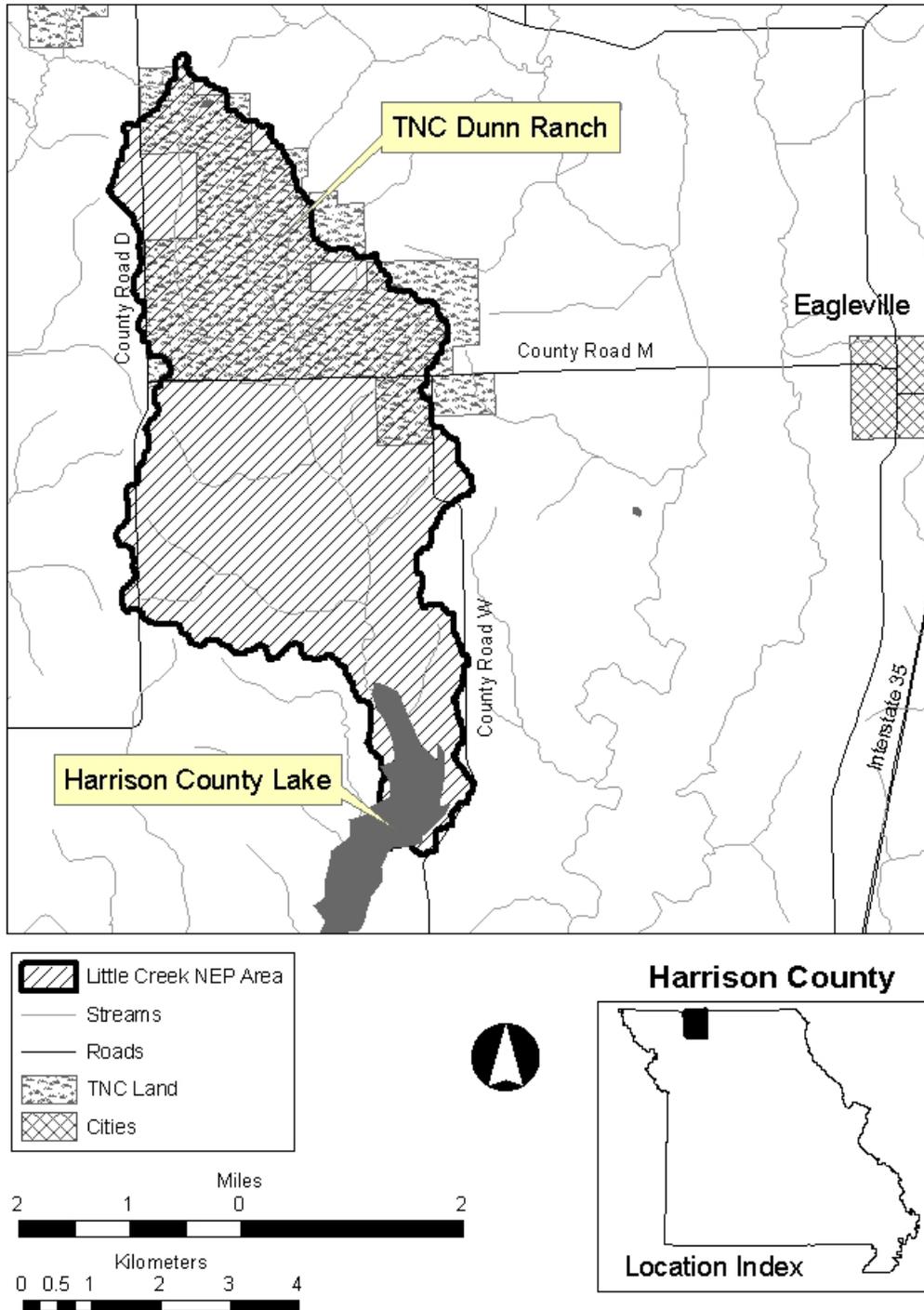


Figure 3. Map of the proposed Topeka shiner nonessential experimental population area in Big Muddy Creek watershed, Gentry, Harrison, and Worth Counties.

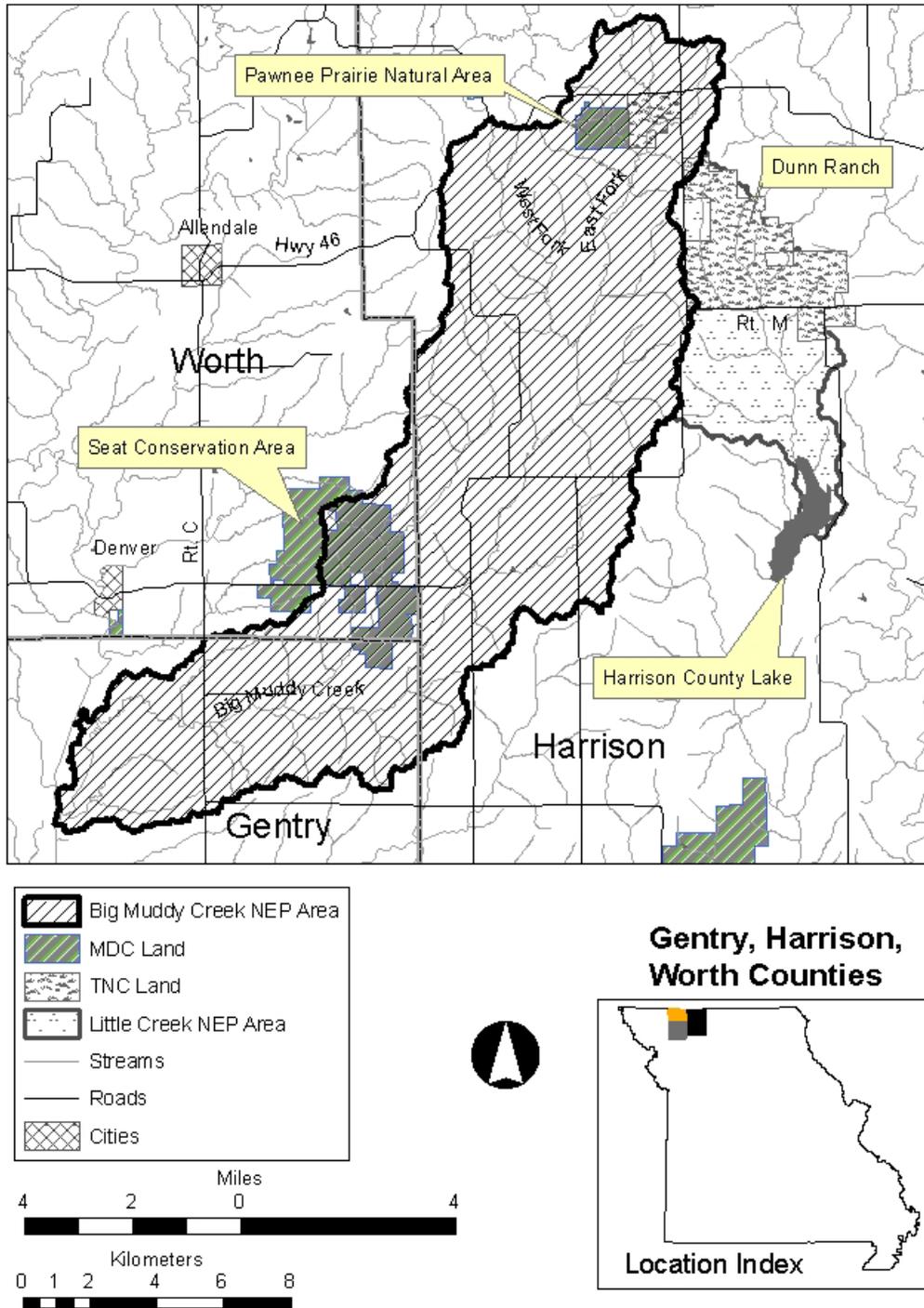


Figure 4. Map of the proposed Topeka shiner nonessential experimental population area shiner in Spring Creek watershed, Adair, Putnam, and Sullivan Counties.

