



## Questions and Answers

# Topeka Shiner Reintroduction in Missouri and Designation of Non-essential Experimental Population

### 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 designated three “nonessential experimental populations” under section 10(j) of the Endangered Species Act. The final rule to designate the “nonessential experimental populations” published in the Federal Register on July 17, 2013.

### 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 are designated *nonessential* because the likelihood of the Topeka shiner surviving, as a species, would not be reduced if this reintroduction is not successful. This is so because several existing populations of Topeka shiner are considered secure and there are ongoing recovery actions for this fish in other areas of its range.

In addition, the nonessential experimental population status protects these Topeka shiner populations, while still allowing the presence of the fish to be compatible with routine activities in the reintroduction area. We believe the nonessential experimental designation allows us to retain the full support of the public, which is critical to the success of the project.

**5. Specifically, what Endangered Species Act provisions are 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.” 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 does violate the Endangered Species Act.

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

No, while it is 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 will 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 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 nonessential experimental populations for the Topeka shiner in Missouri?**

Three nonessential experimental population areas are designated; 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 are on lands owned by the Missouri Department of Conservation and The Nature Conservancy. Maps attached to this fact sheet show the specific locations.

**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, game fish were removed from ponds that will be used for captive-rearing Topeka shiners; this management action will not be taken outside of those ponds. Predatory game fish (especially largemouth bass) are more of a threat on streams and rivers with large impoundments. The nonessential experimental population areas were selected, in part, 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 successful reintroduction. In addition, methods for removing bass and other game fish would also harm Topeka shiners and thus are not practical.

**10. Why are Topeka shiners being reintroduced?**

Although there are several stable populations of Topeka shiner outside of Missouri, viable populations in Missouri can be found in only two streams with populations that are small and

isolated. These reintroductions, if successful, will 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?**

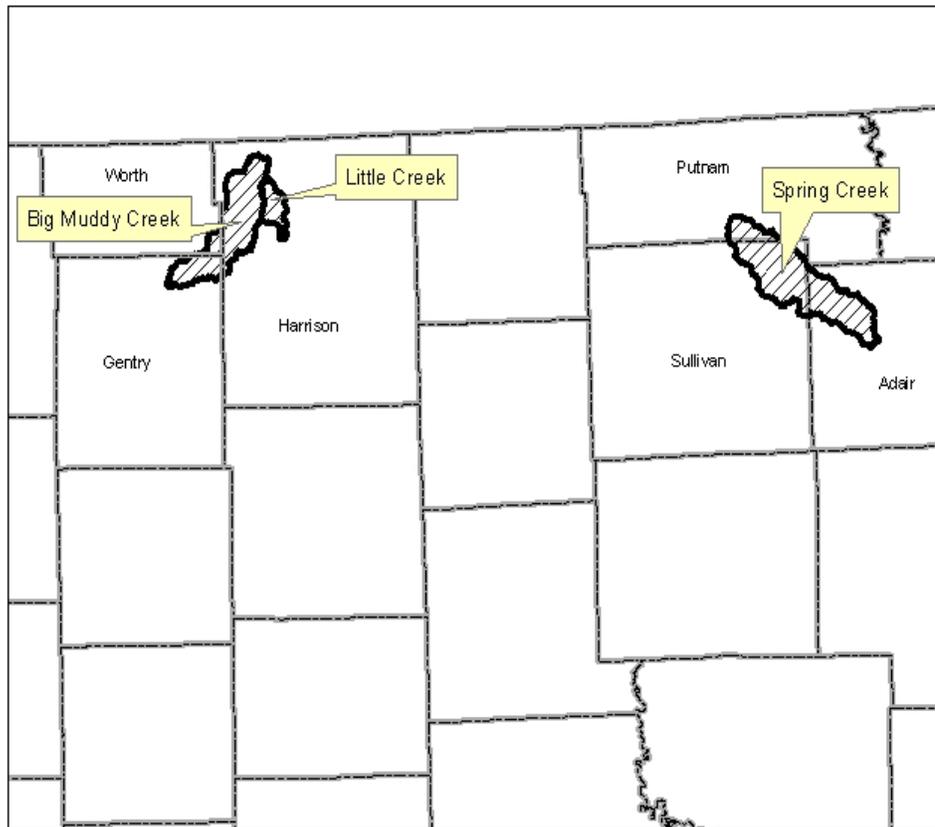
The Missouri Department of Conservation will monitor reintroduction efforts by periodically evaluating the status of Topeka shiner populations. To assess changes in distribution within each watershed, personnel will sample captive-rearing ponds and streams within the nonessential experimental population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

**12. Where can I find more information about the nonessential experimental populations for the Topeka shiner in Missouri?**

Information on the three Topeka shiner nonessential experimental populations in Missouri and a copy of the final rule can be found on our website at [www.fws.gov/midwest/endangered/](http://www.fws.gov/midwest/endangered/).

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

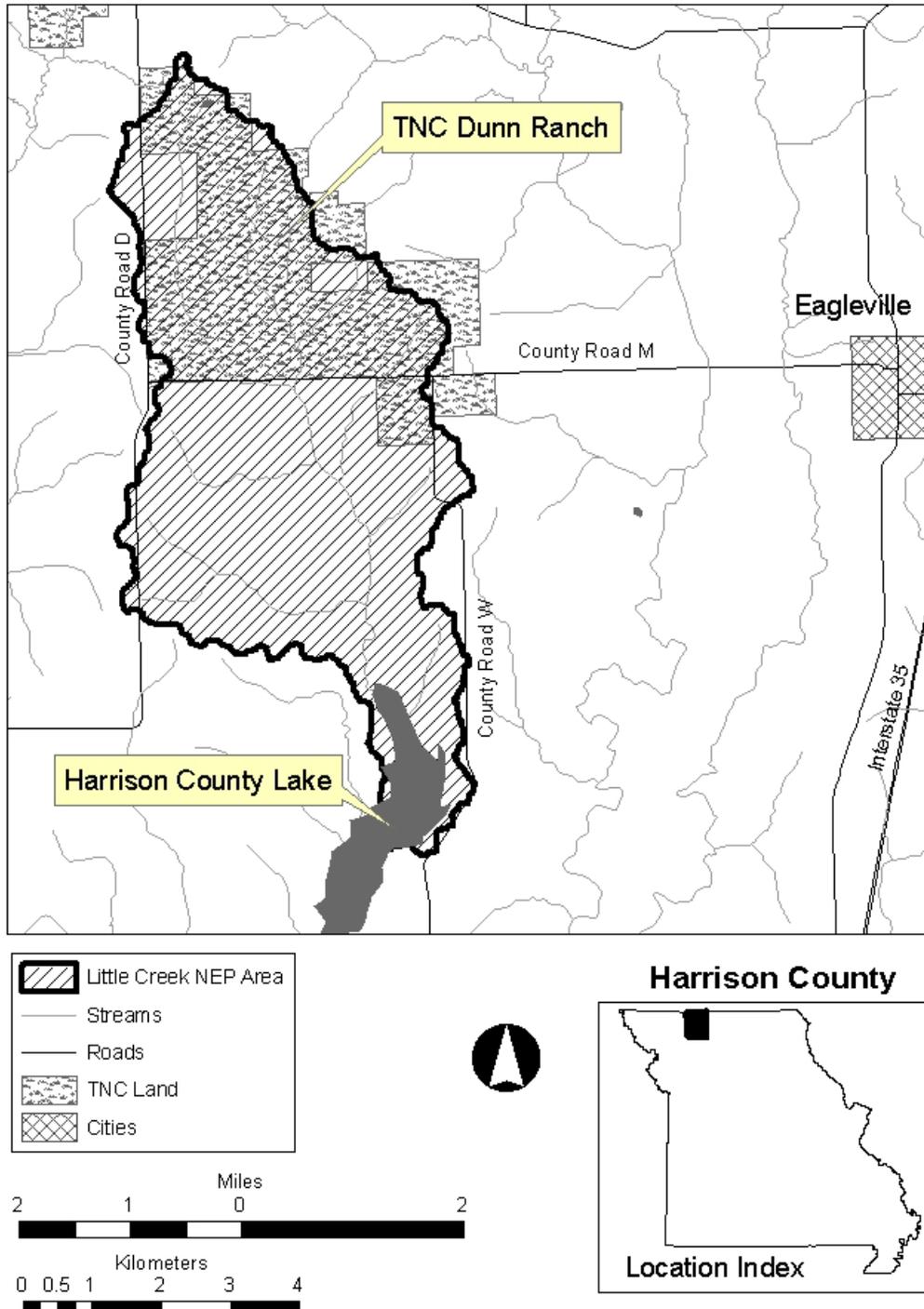
**Figure 1. Map of the Topeka shiner nonessential experimental population areas in Missouri.**



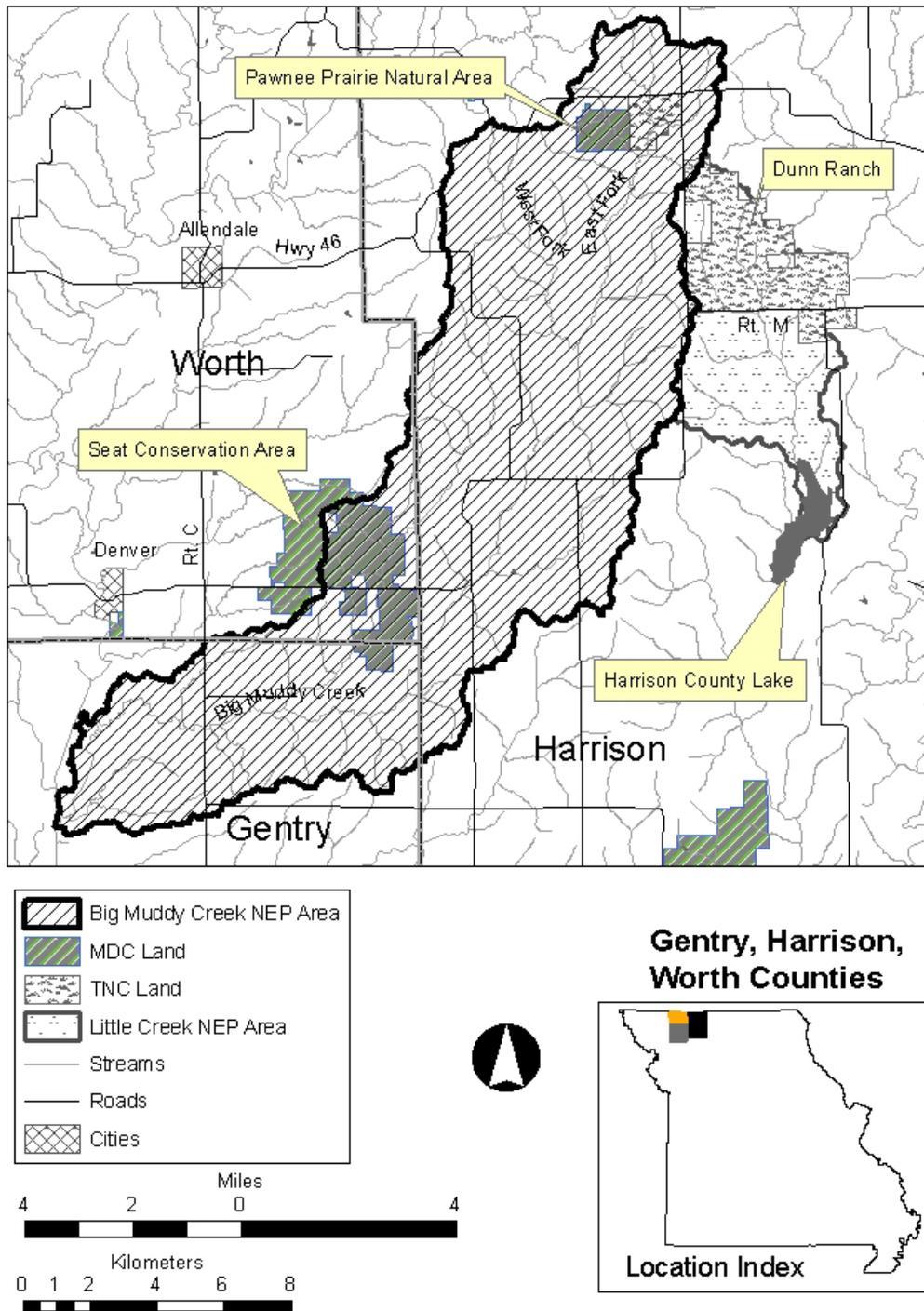
County Boundaries



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



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



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

