



# Big Creek Crayfish & St. Francis River Crayfish Proposed Rules



# Who Is Proposing The Actions?

The U.S. Fish and Wildlife Service (Service)



# What Actions Are Being Proposed?

- 1) List the Big Creek Crayfish (*Faxonius peruncus*) and the St. Francis River Crayfish (*Faxonius quadruncus*) as threatened under the Endangered Species Act (ESA)
- 2) Prohibit only those activities that are necessary and advisable for the conservation of each species (through a 4(d) rule)
- 3) Designate critical habitat for each species

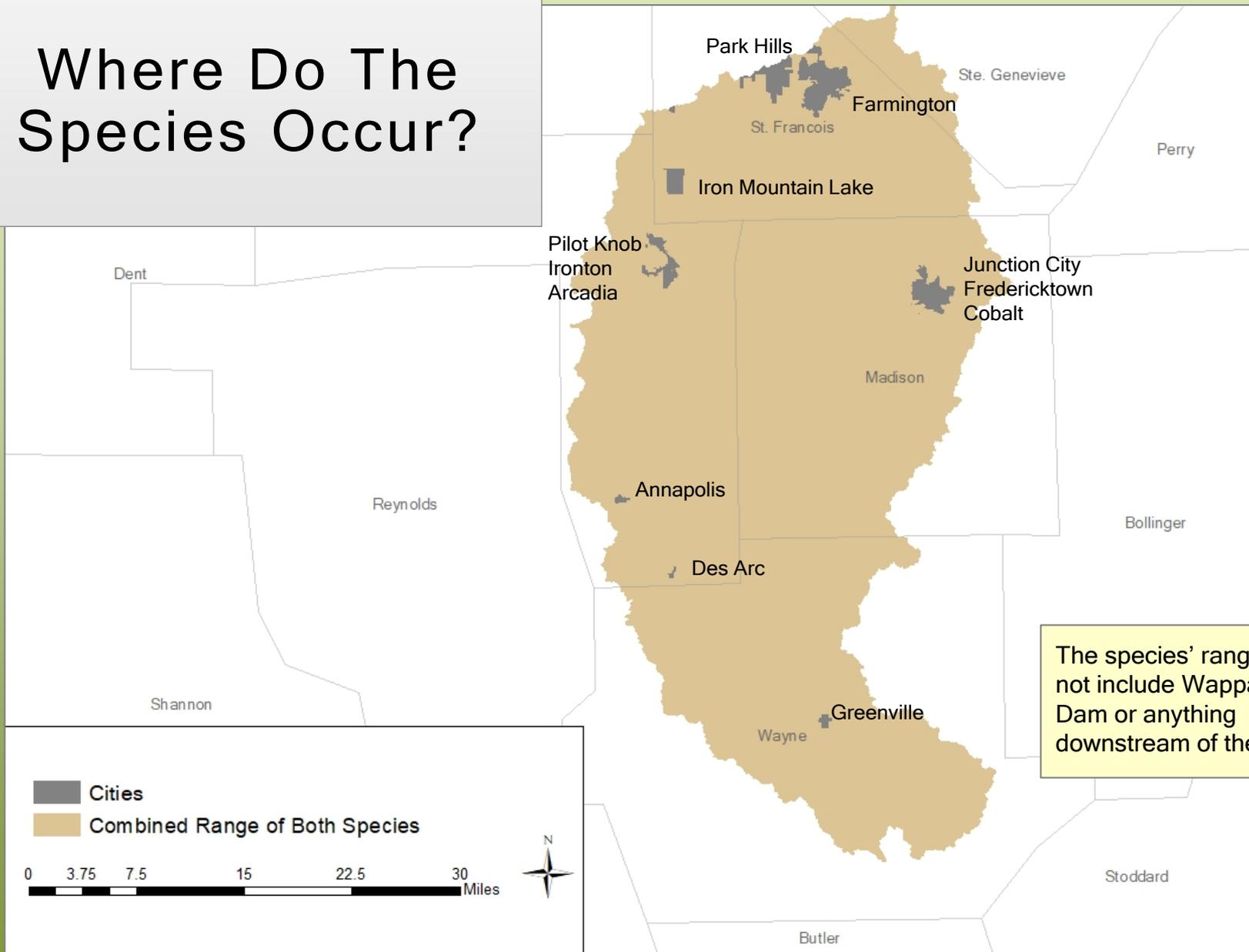


# Where in Missouri Do The Species Occur?



Both species occur only in Upper St. Francis River Watershed in southeastern Missouri.

# Where Do The Species Occur?



# Why is the Service Proposing These Actions?

- We are proposing to list the Big Creek Crayfish and St. Francis River Crayfish because both species are being impacted by an invasive crayfish not native to the Upper St. Francis River watershed - the Woodland Crayfish (*Faxonius hylas*).
- The Big Creek Crayfish and St. Francis River Crayfish are also being impacted by heavy metal contamination in the watershed.
- Because of these impacts, the Service has determined that both species meet the definition of a threatened species, which means that they are likely to become endangered within the foreseeable future.

# What Do These Actions Mean?

## - Proposed Listing Rule -

- If the listing rule for the Big Creek Crayfish and St. Francis River Crayfish is finalized as proposed, the following actions would be prohibited, except as identified in the 4(d) rule (see next slide):
  - Import or export the species
  - Intentionally take the species
  - Incidentally take of the species, including from activities that impact the species' habitat
  - Bait bucket dumping or other activities that would help spread the Woodland Crayfish
  - Possess, sell, offer to sell, deliver, carry, transport, or ship, the species
  - Conduct interstate or foreign commerce with the species
- If the species are listed, Federal agencies would need to consult with the Service on any activities that could affect the species or any area designated as critical habitat.

# What Do These Actions Mean?

## - Proposed 4(d) Rule -

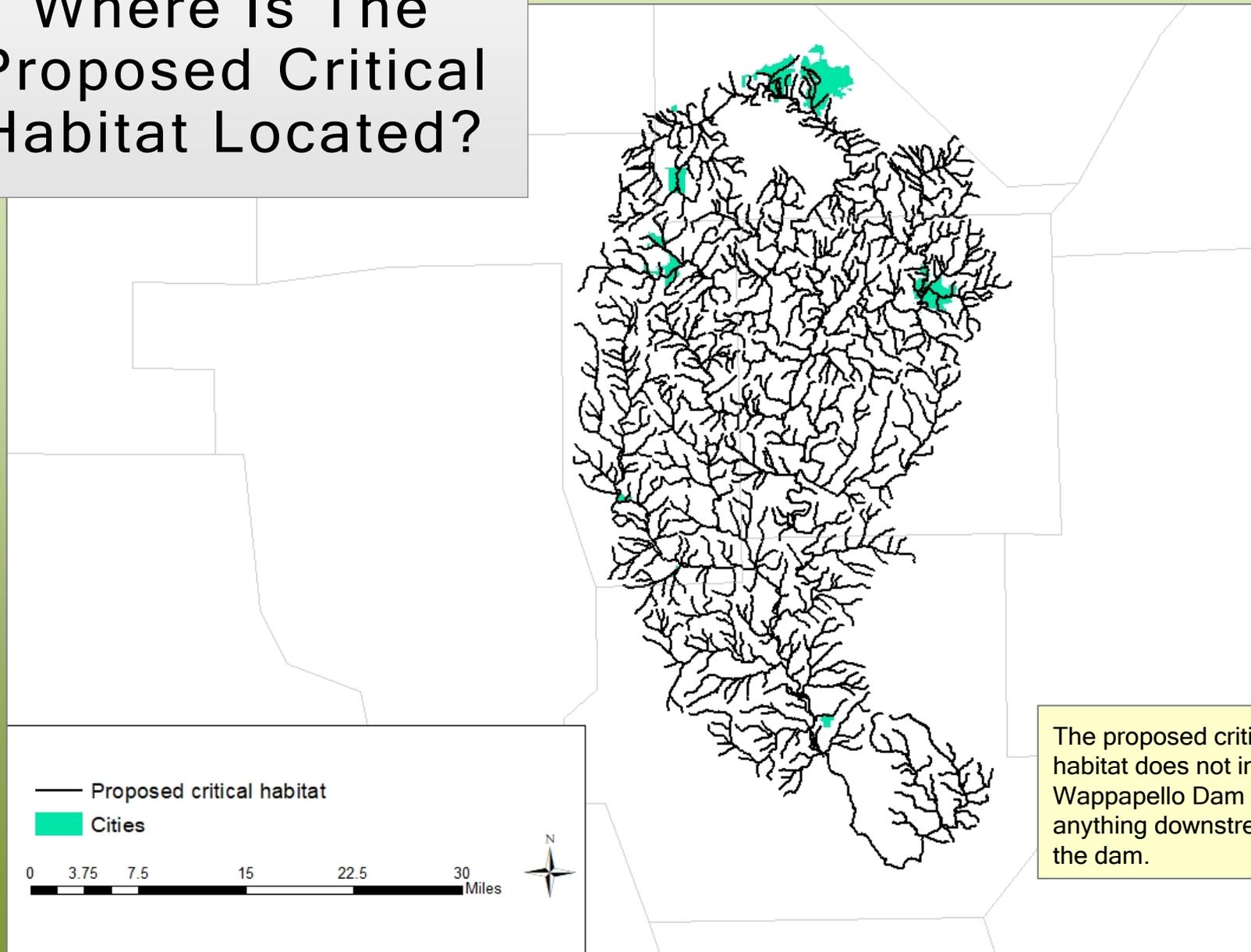
- 4(d) rules are special rules under section 4(d) of the ESA which allow the Service to prohibit only those activities that are necessary and advisable for the conservation of the species. 4(d) rules can allow incidental (unintentional) take of the species under certain circumstances, so long as it doesn't impede the conservation of the species.
- The Service uses 4(d) rules to 1) encourage positive conservation actions and 2) streamline the regulatory process for minor impacts to a species. As a part of those goals, a 4(d) rule is often used to clarify or simplify what forms of take (killing, harming, harassing) of a threatened species are allowed and those that are prohibited.
- The proposed 4(d) rule for the crayfish species would allow incidental (unintentional) take of the species when: collecting the crayfish for use as bait (up to 25), collecting for educational purposes, or if the species are impacted during conservation efforts, so long as the activities are otherwise conducted in a lawful manner.
- Additional exemptions to the prohibitions are included in the proposed 4(d) rule as published in the *Federal Register* (85 FR 58192) proposed rule.

# What Do These Actions Mean?

## - Proposed Rule to Designate Critical Habitat -

- Critical habitat is defined in the Endangered Species Act as “...*an area that contains habitat features that are essential for the survival and recovery of a listed species, which may require special management considerations or protections.*”
- Regulation of critical habitat is limited to the requirement under section 7 of the ESA that *federal agencies* consult with the Service on any actions that may affect critical habitat. Designations affect only federal agency actions or federally funded or permitted activities. Critical habitat designations do not affect activities by private landowners if there is no Federal “nexus”—that is, no federal funding or authorization. The Service can then recommend ways to minimize adverse effects.
- A critical habitat designation imposes no requirements on state or private actions on state or private lands where no federal funding, permits or approvals are required.
- For more information about critical habitat, see [http://www.fws.gov/endangered/esa-library/pdf/critical\\_habitat.pdf](http://www.fws.gov/endangered/esa-library/pdf/critical_habitat.pdf)

# Where Is The Proposed Critical Habitat Located?



# Find Out if Your Property is Within the Ranges (continued)

Go to the Service's Information for Planning and Consultation (IPaC) website at <https://ecos.fws.gov/ipac/>

Select "Get Started"

- 1) Enter an address or a city close to your area and then zoom in on the map OR upload a shapefile
- 2) Define the area by one of 3 methods: 1) sketching your area, 2) drawing a polygon of your area, or 3) drawing a line.
- 3) Once your area has been defined, select "Continue" to verify your area

A list will be generated of all the federally listed species, species proposed for listing, designated critical habitat, and proposed critical habitat that occur within your area.

# What Are The Next Steps?

- The Service is requesting comments on the proposed rules and will receive comments until November 16, 2020 (see later slide for an explanation on how to comment).
- We will review the comments and if appropriate, finalize the rule. Substantive comments will either be incorporated or responses to the comments will be published in the final rule. Final rules are generally published within 12 months of the proposed rule.
- The Service also intends to develop a programmatic consultation to streamline the consultation process for the species and their critical habitat.

# How to Learn More about the Proposed Rules

- The proposed rules and supporting documents are online at <https://www.regulations.gov>.
- Enter the docket number FWS-R3-ES-2019-0020 in the Search panel and click on the Search button or go directly to the docket folder at: <https://www.regulations.gov/document?D=FWS-R3-ES-2019-0020-0001>
- A window with the proposed rule and links to supporting documents will open.

# How to Submit Comments

We intend that any final action resulting from the proposed rule is based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we are requesting comments or information concerning the proposed rules on or before **November 16, 2020**. You may submit comments by one of the following methods:

1) Electronically through the Federal eRulemaking Portal

Go to <https://www.regulations.gov>. In the Search box, enter FWS-R3-ES-2019-0020, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment Now!”

2) Submit hard copies by U.S. mail or hand-delivery to:

Public Comments Processing  
Attn: FWS-R3-ES-2019-0020  
U.S. Fish & Wildlife Headquarters, MS: BPHC  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

# How to Submit Comments (cont.)

The Service will accept and consider comments and information that is received or is postmarked on or before November 16, 2020. We accept comments submitted electronically using the federal eRulemaking Portal by 11:59 p.m. Eastern Time on the closing date.

Please send your comments only by the methods described above. Verbal comments left on phone voicemail or comments sent to other postal or email addresses will not be accepted. The Service will post all information received on <http://www.regulations.gov>. This generally means that the Service will post any personal information you provide.

# How to Get Additional Information

Information is available online at [www.fws.gov/midwest/endangered/](http://www.fws.gov/midwest/endangered/) and [www.fws.gov/endangered](http://www.fws.gov/endangered) or you may contact the U.S. Fish and Wildlife Service's Columbia, Missouri Field Office at:

Karen Herrington, Field Supervisor  
Missouri Ecological Services Field Office,  
101 Park DeVille Drive, Suite A  
Columbia, Missouri 65203  
Phone: 573-234-2132.

If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.