



Proposed Rule to List the Big Creek Crayfish
& St. Francis River Crayfish with a
Section 4(d) Rule & Proposed Designation of
Critical Habitat



Welcome!

The meeting will begin momentarily.
Thank you for your patience as we wait for
others to join.

- *Please join using computer audio
- *For Closed Captioning, click on the
Closed Caption icon at the
bottom of your Zoom screen



Meeting Agenda

- 1) Meeting Ground Rules
- 2) USFWS Presentation (approximately 30 minutes)
- 3) Question-and-Answer Session (approximately 45 minutes)
- 4) Brief 15-minute break
- 5) Public Hearing (1.5 hours)

Ground Rules

- 1) The meeting is being recorded; and will be posted to <https://www.fws.gov/midwest/endangered/index.html/>
- 2) Microphones and videos of participants will be automatically muted for the duration of the meeting unless the moderator unmutes you during the Question-and-Answer session or verbal public hearing portion.
- 3) Questions will be addressed during the Question-and-Answer session at the end of the PowerPoint presentation.
- 4) Verbal public comments can be provided after the Question-and-Answer session. Written comments can also be submitted electronically at <http://www.regulations.gov> under Docket # FWS-R3-ES-2019-0020 or hardcopy via U.S. mail to Public Comments Processing, Attn: FWS-R3-ES-2019-0020, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

USFWS Staff

Trisha Crabill	Species Lead for the Crayfishes, Missouri Ecological Services Field Office
John Jaka	Project Manager for the Crayfishes' Species Status Assessments and Proposed Rules
Karen Herrington	Field Supervisor, Missouri Ecological Services Field Office
Barb Hosler	Regional Listing Coordinator, Interior Region 3
Alisa Schull	Endangered Species Program Coordinator, Interior Region 3
Lori Nordstrom	Ecological Services Assistant Regional Director, Interior Region 3



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.

Big Creek Crayfish



St. Francis River Crayfish



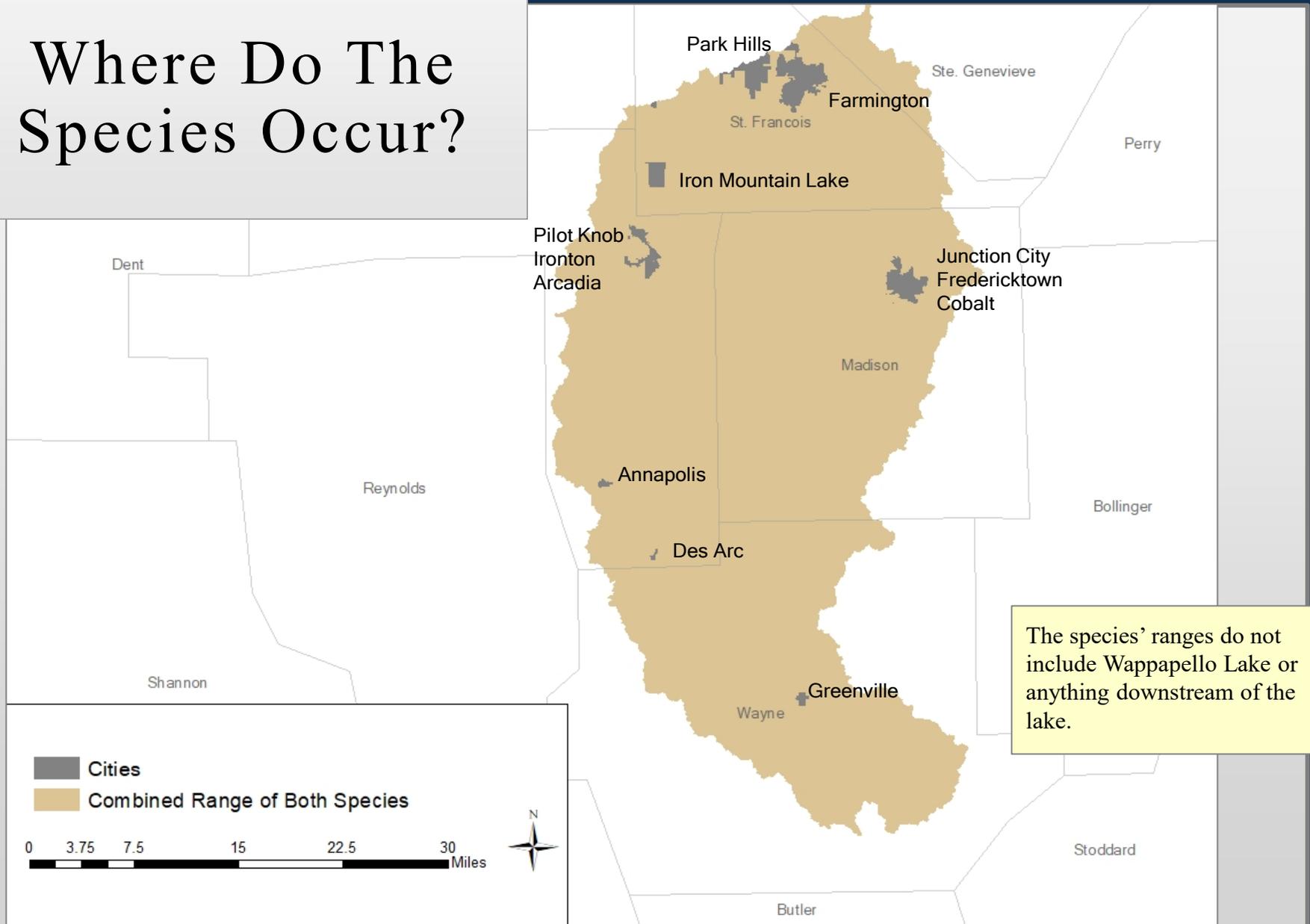
Photos by Chris Lukhaup, Missouri Dept. of Conservation

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 to List these Crayfishes?

- 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 is defined as a species likely to become endangered* within the foreseeable future. (*endangered = in danger of extinction).

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 or through formal consultation with the Service:
 - Import or export of the species
 - Intentional take* the species
 - Incidental take of the species, including from activities that impact the species' habitat
 - Possessing, selling, offering to sell, delivering, carrying, transporting, or shipping, the species
 - Conducting 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.

*Take = to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct

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 a threatened 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 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 take from conservation efforts, so long as the activities are otherwise conducted in a lawful manner and result in a net benefit to the species (e.g., streambank stabilization, heavy metal remediation).
- A full list of exemptions to the prohibitions are included in the proposed 4(d) rule as published in the *Federal Register* proposed rule (85 FR 58192).

What Do These Actions Mean?

- Proposed Rule to Designate Critical Habitat -

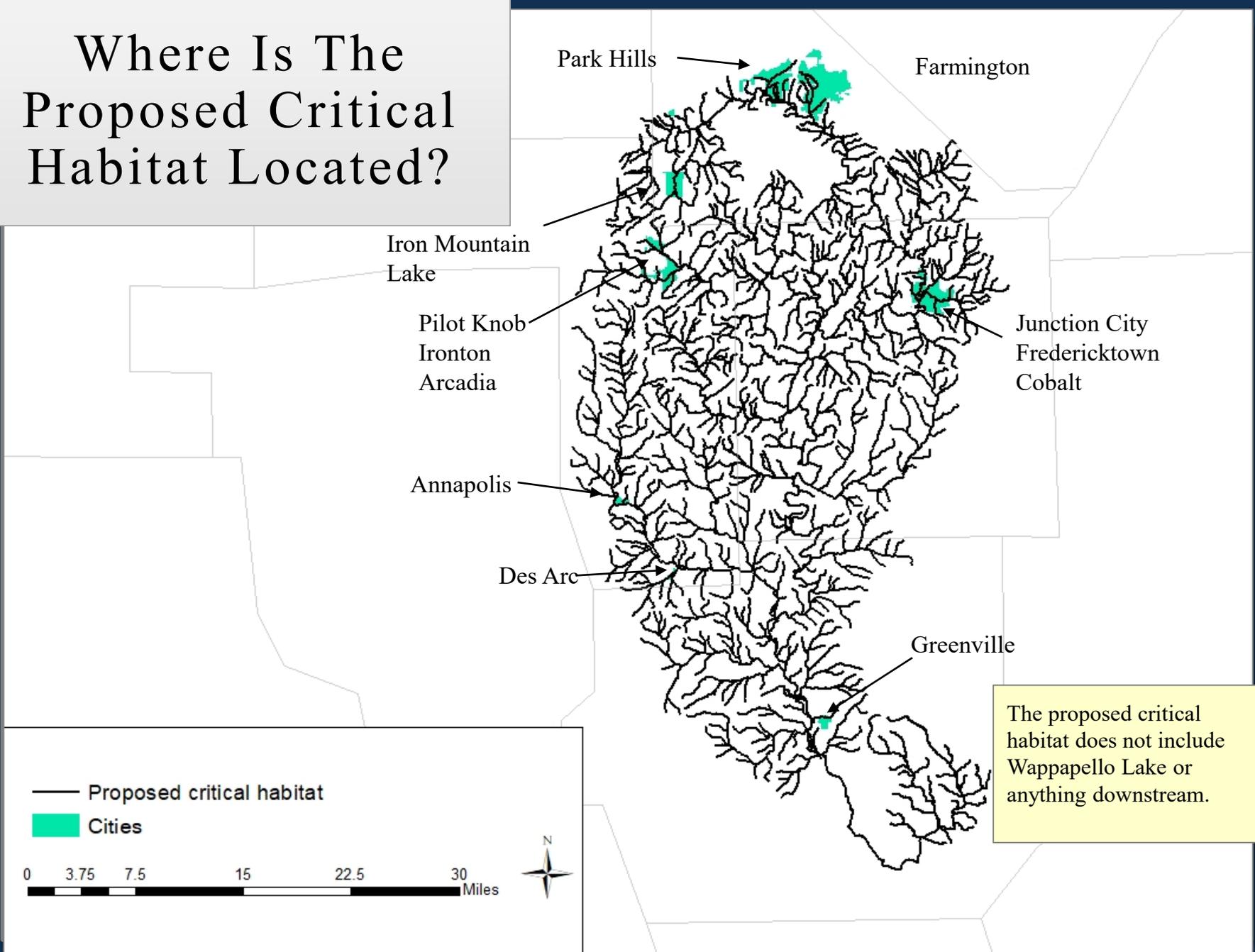
- Critical habitat is defined in the ESA as “...*an area that contains habitat features that are essential for the survival and recovery of a listed species, which may require special management considerations or protections.*”
- For the Big Creek Crayfish and St. Francis River Crayfish, the habitat features we consider essential include certain water temperatures, stream depths, stream flow velocities, a low level of stream embeddedness (or sedimentation) and other stream conditions necessary for the species to persist.
- 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 (i.e., those with a Federal “nexus”). **Critical habitat designations do not affect activities by private landowners if there is no Federal “nexus.**

What Do These Actions Mean?

- Proposed Rule to Designate Critical Habitat -

- Examples of activities by private landowners that would be affected by the designation include instream projects requiring a U.S. Army Corps of Engineers permit and projects funded or subsidized by the Farm Service Agency or the Natural Resource Conservation Service. However, consultation would only be required if the projects would impact the habitat features that are essential to the survival and recovery of the two crayfish species.
- In most cases, if a project requires projects requiring consultation for critical habitat, the relevant Federal agency will already be consulting on potential impacts to the species themselves.
- For more information about critical habitat, see http://www.fws.gov/endangered/esa-library/pdf/critical_habitat.pdf.

Where Is The Proposed Critical Habitat Located?



The proposed critical habitat does not include Wappapello Lake or anything downstream.

Find Out if Your Property is Within the Ranges or Proposed Critical Habitat

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.

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.
- 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. 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, on the left side of the screen and 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

3) Provide a comment during the public hearing portion of this meeting.

How to Submit Comments (cont.)

The Service will accept and consider comments and information that is received or is postmarked on or before **May 26, 2021**. We accept comments submitted electronically using the federal eRulemaking Portal by 11:59 p.m. Eastern Time on the closing date.

Please provide your comments **only** by the methods described previously. 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.

What Are The Next Steps?

- Once the public comment period closes, we will review all of the comments and make a final listing determination based on the best available science. 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; a final rule could be published September 2021.
- The Service also intends to develop a programmatic consultation to streamline the consultation process for the species and their critical habitat.



Photos by Chris Lukhaup, Misosuri Dept. of Conservation

How to Get Additional Information

Information is available online at www.fws.gov/midwest/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
Karen_Herrington@fws.gov

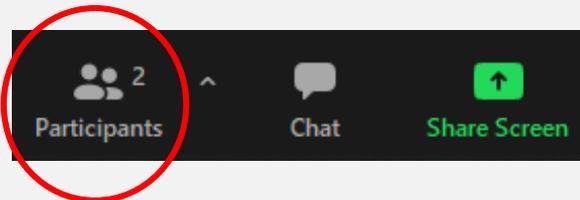
If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

Question-and-Answer Session: Instructions



Using the Zoom Web Platform or App

- Click on the “chat” icon at the bottom of your Zoom screen to write and send your question to the host of the meeting ([Amy Lewis](#)).



- The moderator will read questions aloud for all participants to hear and a USFWS staff member will respond to questions aloud.
- We will try to answer questions in the order they are received.



Using Your Phone

- Press *9 to “raise your hand” to let staff know you have a question. The moderator will then unmute you so that you can ask your question.
- You can unmute yourself by pressing *6 on your phone keypad.
- You will be identified by the last four digits of your phone number.

Great Questions!

Next: Verbal Public Hearing Portion

We are going to take a brief 15-minute break and will return shortly.

We will return at 7:30pm CT.



Verbal Public Hearing: Ground Rules

The USFWS wants to hear from all members of the public. We will be using the following guidelines:

- Be mindful of the length of your comment, so that everyone can speak
- Please be respectful of others
- Refrain from profanity
- If guidelines are not followed, your microphone will be muted, and we will move to the next person.

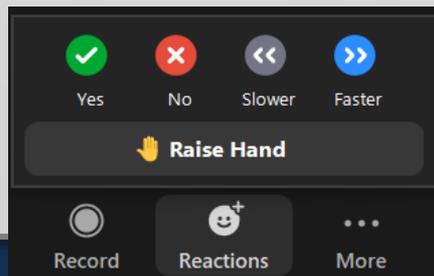
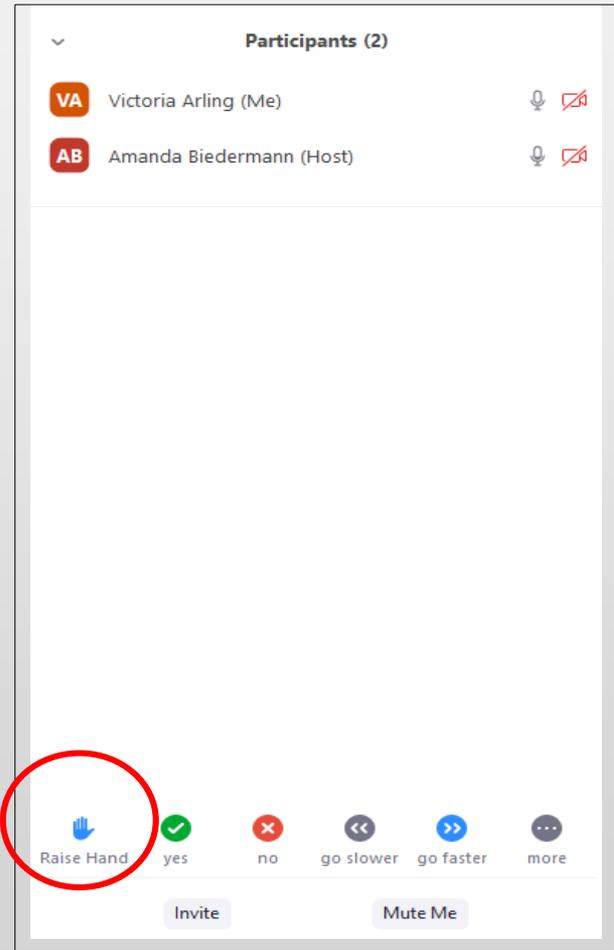
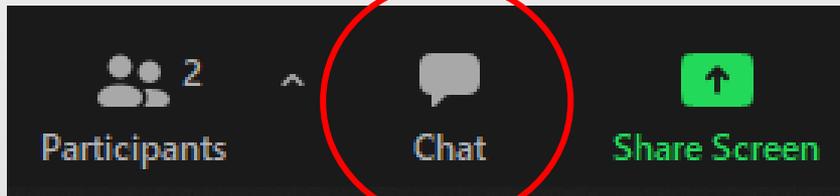


Verbal Public Hearing: Instructions for Commenters

- Verbal public comments will be accepted in order of registration.
- When it is your turn, the moderator will call out your name and display your name on the screen.
- Use the “raise hand” feature at the bottom of your participants list or, if you are calling in through the phone, press *9 to “raise your hand.”
- The moderator will then unmute you.
- Please spell out your full first and last name for the record before you provide your comment.
- Your comment will be included in the project record

Step 1

Step 2



To access the raise hand feature, click on the participants list icon at the bottom of your Zoom screen, then click on the raise hand button at the bottom of your participants list. If you are calling in using your phone, press ***9** on your keypad.

If you are having issues with your computer microphone, please dial in to the meeting: **Phone:**
346 248 7799 ; **Meeting ID:** 977 9946 2034

Current Commenter:

Next Commenter:

If you are unable to offer or complete your verbal public comment during the meeting today, the USFWS encourages you to submit your comment electronically at <http://www.regulations.gov> under Docket # FWS-R3-ES-2019-0020 or hardcopy via U.S. mail to Public Comments Processing, Attn: FWS-R3-ES-2019-0020, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Thank you!

The USFWS is available to accept verbal public comments until 9:00pm Central Time.

*If you would like to offer a verbal public comment, please let us know by accessing the raise hand feature at the bottom of your participants list, in your Zoom reactions icon, or by pressing *9 on your phone keypad. You can also chat directly to Amy Lewis.*

Written public comments can also be submitted electronically at <http://www.regulations.gov> under Docket # FWS-R3-ES-2019-0020 or hardcopy via U.S. mail to Public Comments Processing, Attn: FWS-R3-ES-2019-0020, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.