



## 90-Day Substantial Petition Findings on 5 Midwestern Reptiles and Amphibians

### Questions and Answers

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

The Service is initiating status reviews for 20 species of amphibians and reptiles and 1 plant as a result of 90-day findings on petitions from the Center for Biological Diversity. Five of the species with substantial findings are found in the Midwest. We published a notice of the findings in the *Federal Register* on July 1, 2015. The notice begins a 60-day information request period, which closes on August 31, 2015. Although the *Federal Register* notice announced all 21 species in a single *Federal Register* notice, each species will be assessed separately. Before making a finding on whether listing any of these species is warranted, we must gather and analyze available information including new information received during this open information request period.

#### 2. What is a petition?

A petition is a request filed under the Endangered Species Act by an interested party asking that a species be listed on, delisted from, or reclassified on the Federal List of Endangered and Threatened Wildlife and Plants. The Endangered Species Act requires that we make and publish specific findings on the petition. We must make a finding within 90 days of receiving a petition (to the extent practicable) as to whether or not there is “substantial information” indicating that the petitioned listing *may be* warranted. If this preliminary finding is positive, a status review is conducted.

#### 3. What is a 90-day Finding?

The Endangered Species Act requires the Service to determine if a petition to list a species contains substantial information to support the requested action. Findings are based on information contained in the petition, supporting information submitted with the petition, and other readily available information in the Service’s files.

#### 4. Who petitioned the Service and what did they request?

The Center for Biological Diversity submitted a petition on July 11, 2012, to the Service to list 53 species of amphibians and reptiles as threatened or endangered and to designate critical habitat to ensure their recovery.

#### 5. What did the Service conclude as its 90-day findings?

The Service made 90-day findings on 27 of the species included in the Center for Biological Diversity’s petition to list 53 reptiles and amphibians and findings on 4 species that were included in other petitions by the Center and other petitioners. We found that the information provided in the petitions, supporting information submitted with the petitions, and information otherwise available in our files at the time the petitions were received did provide substantial scientific or commercial information indicating that listing 20 of the reptiles and amphibians and 1 plant identified in the petitions may be warranted, but there was not substantial information in the petitions for 10 of the species. This 90-day findings notice is our initial findings on the

petitions for these species. The finding for each is provided in the July 1, 2015, *Federal Register* notice.

#### **6. What species with substantial 90-day petition findings are found in the Midwest?**

Five species in the 90-day finding have ranges that include parts of the Midwest. These are the species and states where they are found:

Alligator snapping turtle (*Macrochelys temminckii*; previously *Macrochelys temminckii*):  
AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MS, MO, OK, TN, TX

Blanding's turtle (*Emydoidea blandingii*):  
IL, IA, IN, ME, MA, MI, MN, MO, NH, NY, NE, OH, PA, SD, and WI; Ontario, Quebec, and Nova Scotia, Canada.

Green Salamander (*Aneides aeneus*):  
AL, GA, IN, MD, MS, OH, PA, NC, and SC

Illinois chorus frog (*Pseudacris illinoensis* or *Pseudacris streckeri illinoensis*):  
IL, MO, AR

Spotted Turtle (*Clemmys guttata*):  
CT, DE, FL, GA, IL, IN\*, ME, MD, MA, MI, PA, NH, NY, NC, OH, SC, VT, VA, and WV

\*Indiana was not included in the range identified in the 90-day finding, but the range of the spotted turtle includes Indiana, which will be included in the status review.

#### **7. What did the Service consider in reaching its conclusion and finding?**

In making this finding, the Service evaluated the information provided by the petitioners. The process of coming to a 90-day finding is limited to a determination of whether the information provided in the petition(s), supporting information submitted with the petition(s), and information otherwise available in Service files meets the "substantial information" threshold. The Service does not conduct additional research at this point, nor does the Service subject the petition(s) to rigorous critical review or solicit information from parties outside the Service.

#### **8. What is the next step?**

The Service will conduct status reviews of the 21 species, including the 5 Midwestern species, for which we determined that the petition provided "substantial information" indicating that listing *may be* warranted.

#### **9. Is there a difference between a 90-day finding and a status review?**

Yes. A 90-day finding is not a status assessment of the species and does not constitute a status review under the Endangered Species Act. A substantial 90-day finding simply states that a petitioned action (i.e., listing, delisting or reclassification) **may be** warranted. Our final determination of whether a petitioned action is warranted is not made until we have completed a thorough status review of the species, which is only conducted after a positive 90-day finding. A

positive 90-day finding does not mean that the finding that results from status review will be positive.

#### **10. What options does the Service have when making a status review determination following a 90-day finding?**

Based on the status review, the Service will make one of three possible findings:

- Listing is not warranted, in which case no further action will be taken. This finding will be published and the petitioner notified.
- Listing as either endangered or threatened is warranted. The Service will publish a proposed rule, solicit scientific peer review, seek input from the public, and consider the input before a final decision about listing is made.
- Listing is warranted but precluded.

#### **11. What is being done to conserve imperiled reptiles and amphibians?**

Many state natural resource agencies and non-governmental conservation organizations are studying reptiles and amphibians to understand threats to and management for these animals and implementing land management actions. To find out more, please visit our website at [www.fws.gov/midwest/es/soc](http://www.fws.gov/midwest/es/soc). On this webpage each species is listed with links to information about its current status and ongoing conservation.

#### **12. What can I do to conserve reptiles and amphibians?**

Whether you own a small urban lot or large rural acreage, you can provide habitat for reptiles and amphibians and you can help protect water quality. These documents offer information and advice.

Homeowner's Guide to Protecting Frogs -

[http://www.fws.gov/contaminants/Documents/homeowners\\_guide\\_frogs.pdf](http://www.fws.gov/contaminants/Documents/homeowners_guide_frogs.pdf)

Habitat Management Guidelines for Amphibians and Reptiles of the Midwestern United States -

<http://www.privatelandownernetwork.org/pdfs/MWherpmgmtguidelinesreview.pdf>

#### **13. Is the Service seeking information from the public for the status review?**

Yes; publication of the substantial petition findings opens a 60-day information request period, which will close on August 31, 2015.

#### **14. What information is the Service seeking from the public?**

We are seeking information from the public about the status of the species included in the substantial 90-day finding. Please note, however, that submissions merely stating support for or opposition to a potential listing, without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Endangered Species Act mandates that listing decisions must be made "solely on the basis of the best scientific and commercial data available."

The Service specifically is seeking information regarding:

- species biology, range and population trends, including:
  - habitat requirements;
  - genetics and taxonomy;
  - historical and current range, including distribution patterns;
  - historical and current population levels, and current and projected trends; and
  - past and ongoing conservation measures for the species, its habitat, or both.
  
- the factors that are the basis for making a listing determination under section 4(a)(1) of the Act:
  - the present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);
  - overutilization for commercial, recreational, scientific, or educational purposes (Factor B);
  - disease or predation (Factor C);
  - the inadequacy of existing regulatory mechanisms (Factor D); or
  - other natural or manmade factors affecting its continued existence (Factor E).
  
- If, after the status review, we determine that listing is warranted, we may propose critical habitat for those species. Therefore, we also specifically request the following data and information for the 21 species for which we are conducting status reviews:
  - what may constitute “physical or biological features essential to the conservation of the species,” within the geographical range occupied by the species;
  - where these features are currently found;
  - whether any of these features may require special management considerations or protection;
  - specific areas outside the geographical area occupied by the species that are “essential for the conservation of the species”; and
  - what, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission to allow us to verify any scientific or commercial information or data you provide.

### 15. How do I submit information?

You may submit information by one of the following methods:

- *Electronically:*

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

2.) In the Search box, enter the Docket Number (listed below) for this action and the appropriate species:

Species	Docket Number
Alligator Snapping Turtle	FWS-R4-ES-2015-0038
Blanding's Turtle	FWS-R3-ES-2015-0041
Green Salamander	FWS-R4-ES-2015-0052
Illinois Chorus Frog	FWS-R3-ES-2015-0053
Spotted Turtle	FWS-R5-ES-2015-0064

3.) You may click on the document title to open the *Federal Register* notice or you may submit a comment by clicking on the “*Comment Now!*” button.

- *U.S. mail or hand-delivery:*

Public Comments Processing Attn: Docket No. [*Insert appropriate docket number; see table above*]

U.S. Fish and Wildlife, MS: BPHC  
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The Service will post all information received on <http://www.regulations.gov>. This generally means that the Service will post any personal information that is provided.

The 60-day information request period is open until **August 31, 2015**.

### 16. Where can I find more information?

Information on the Blanding's turtle, spotted turtle, alligator snapping turtle, green salamander, and Illinois chorus frog can be found on the Service's Midwest website at [www.fws.gov/midwest/es/soc](http://www.fws.gov/midwest/es/soc). Information on the alligator snapping turtle and green salamander is also available on the Service's Southeast region website at [www.fws.gov/southeast/candidateconservation/june-2015-batch](http://www.fws.gov/southeast/candidateconservation/june-2015-batch).