

**U.S. Fish and Wildlife Service**  
**Region 5 Endangered Species Act Update**  
January 19, 2017

**General**

- 1) **Initiatives to increase regulatory predictability, increase stakeholder engagement, and improve science and transparency** (All States) – On May 18, 2015, the U.S. Fish and Wildlife Service (Service) and National Marine Fisheries Service (NMFS) announced a suite of actions to improve the effectiveness of the Endangered Species Act (ESA) and demonstrate its flexibility. The news release for these initiatives can be found at: <http://interior.gov/news/pressreleases/us-fish-and-wildlife-service-and-noaa-propose-actions-to-build-on-successes-of-endangered-species-act.cfm>
- **Revisions to the Regulations for Candidate Conservation Agreements with Assurances (CCAAs)**: On December 27, 2016, the Service published the final policy and associated final regulation for CCAAs that align the CCAA standard with the net benefit standard of Safe Harbor Agreements. These changes clarify and simplify the process of developing and approving CCAAs, the purpose of which is to provide incentives for the public to implement specific conservation measures for declining species prior to them being listed under the ESA. The Service is concurrently publishing changes to its CCAA regulations to make them consistent with these final changes to the policy. The regulations and outreach material can be found at: [https://www.fws.gov/endangered/improving\\_ESA/CCAA.html](https://www.fws.gov/endangered/improving_ESA/CCAA.html)
  - **Revisions to the U.S. Fish and Wildlife Service Mitigation Policy**: On December 27, 2016, the Service published the final Compensatory Mitigation Policy, proposed in September 2016, the first comprehensive treatment of the subject under the ESA. The policy provides standards to offset adverse impacts from development to endangered or threatened species or other species at risk of becoming threatened or endangered in the foreseeable future. The policy includes all compensatory mitigation mechanisms, including, permittee-responsible mitigation, conservation banking, in-lieu fee programs, and habitat credit exchanges. The final policy and outreach material can be found at: [https://www.fws.gov/endangered/improving\\_esa/CMP.html](https://www.fws.gov/endangered/improving_esa/CMP.html)
  - **Revised Habitat Conservation Planning Handbook**: In December 2016, the Service and the National Oceanographic and Atmospheric Administration’s National Marine Fisheries Service jointly revised the 1996 Habitat Conservation Planning (HCP) Handbook. The HCP program has evolved substantially over the past 30 years, and required updated guidance for those developing, reviewing, and implementing HCPs. The goals of the revised Handbook are to: (1) provide clear, consistent, and updated guidance concerning HCP planning and implementation for the Services’ staff; (2) streamline and create efficiencies in the HCP development and permitting processes, (3) provide greater conservation benefits to listed species, (4) inspire conservation possibilities associated with HCPs that contribute to listed species recovery, resiliency, and responses to climate change, (5) improve compliance and effectiveness monitoring, and (6) create a user-friendly, living document. The revised handbook and outreach

material can be found at: [https://www.fws.gov/endangered/improving\\_esa/hcp-handbook.html](https://www.fws.gov/endangered/improving_esa/hcp-handbook.html)

- **Policy Regarding Voluntary Prelisting Conservation Actions:** On January 18, 2017, the Service issued a final policy on crediting voluntary conservation actions taken for species prior to their listing under ESA. The policy gives landowners, government agencies, and others incentives to carry out voluntary conservation actions for nonlisted species by allowing the benefits to the species from a voluntary conservation action undertaken prior to listing under the ESA to be used—either by the person who undertook such action or by a third party—to mitigate or to serve as a compensatory measure for the detrimental effects of another action undertaken after listing. This policy will help us further our efforts to protect native species and conserve the ecosystems on which they depend. The policy and outreach materials can be found at: [https://www.fws.gov/endangered/improving\\_ESA/prelisting-conservation.html](https://www.fws.gov/endangered/improving_ESA/prelisting-conservation.html)

## **Recovery Planning and Implementation**

- **White-Nose Syndrome (WNS)** (All States) – As of January 13, 2017, WNS has been confirmed in 29 states and 5 Canadian provinces. The causative fungus has also been detected in three additional states (MS, NE, and OK).
  - **Small Grants:** In January 2017, the Service awarded ~\$280,000 to eight partners from research institutions, nonprofit organizations, and a private consulting company through the WNS Small Grants program. Projects funded through this program address research, conservation, and outreach needs identified as priorities for the national response to WNS.
  - **Bats for the Future Fund:** In October, 2016, the Service announced a partnership with the National Fish and Wildlife Foundation to launch the Bats for the Future Fund (BFF) (<http://www.nfwf.org/bats>). The BFF will focus grant funding on existing and new disease treatments and tools urgently needed at the leading edge of WNS's march across North America, including in areas where WNS is currently causing the greatest bat population declines, such as the Midwest. Ideally, treatments will reduce effects of WNS and improve survival of bats exposed to the disease.
  - **National Decontamination Protocol:** A revised national WNS decontamination protocol was completed and distributed in April 2016. The protocol provides the core recommendations for cleaning and disinfection of clothing and equipment that has come in contact with caves, cave soils, and bats or their environments. It also describes preventative restrictions on movement of gear between contaminated and uncontaminated sites. A separate Canadian decontamination protocol is also in development because many products on the U.S. protocol are not available in Canada. See: <http://www.whitenosesyndrome.org/topics/decontamination>
  - **Persistence of Little Brown Bats:** Little brown bats are persisting, generally in low numbers in the eastern United States, providing hope that some individuals will survive WNS naturally. Most hibernating populations continue to exhibit declines, however, and similar observations have not been made for tricolored or northern long-eared bats.

- **Treatment Field Trials:** Several field trials of potential treatments are underway this winter in Georgia, Michigan, Missouri, Pennsylvania, Tennessee, and Wisconsin. Other scientists are looking for new biocontrol agents in Arizona, New Mexico, Minnesota, and British Columbia.
- **Monthly Conference Calls:** The Service continues to host two monthly WNS conference calls, held on the first and third Thursdays of each month, to discuss WNS-related topics with state, Federal, tribal, and nongovernmental partners in the United States and Canada. Please contact Jeremy Coleman, National WNS Coordinator ([jeremy\\_coleman@fws.gov](mailto:jeremy_coleman@fws.gov)), with requests to be added to the email list.
- **WNS Workshop:** The 2017 White-Nose Syndrome Workshop will be held in Nashville, TN on May 23-25. The workshop is held annually for Federal, state, provincial, and tribal personnel, researchers, and stakeholders to advance the efforts of the collaborative national effort to combat WNS. A 1-day meeting of key personnel involved in implementing the North American Bat Monitoring Program (NABat) will be held on Monday, May 22 at the same location. Additional details about these meetings will be forthcoming soon.

More information on how the Service is working with our many partners to address WNS can be found at: <https://www.whitenosesyndrome.org/>.

Jeremy Coleman, National White-Nose Syndrome Coordinator, can be reached at our Regional Office at [jeremy\\_coleman@fws.gov](mailto:jeremy_coleman@fws.gov).

- 2) **Imperiled Aquatic Species Conservation Strategy for the Upper Tennessee River Basin: Moving Forward** (VA) – From efforts to restore aquatic habitat to an increased emphasis on propagation of fish and mussels in the Upper Tennessee River Basin, the Service and its partners continue to implement the Strategy. To coordinate efforts, evaluate success, and share information with partners across several states in the Northeast and Southeast regions, the Service’s Asheville Field Office will host the 2nd annual project planning meeting with partners in 2017. Additionally, a [web portal for the Strategy](#) that supports conservation planning and allows the internal and external exchange of information is available through the [Appalachian Landscape Conservation Cooperative website](#). For more information, contact Cindy Schulz, Field Office Supervisor, in our Virginia Field Office at [cindy\\_schulz@fws.gov](mailto:cindy_schulz@fws.gov).
- 3) **Atlantic Salmon Recovery Plan** (ME) – On May 31, 2016, the public comment for the Draft Recovery Plan for the expanded Gulf of Maine Distinct Population Segment of Atlantic Salmon closed. The Service and National Marine Fisheries Service share jurisdiction of the species and jointly prepared the draft plan, which includes recovery objectives that, when met, would allow us to consider reclassifying the DPS from endangered to threatened and, ultimately, to delist the DPS. We received 12 highly substantive comments on the draft plan. These comments will be considered during preparation of the final recovery plan and incorporated into the plan as appropriate. Completion of the final plan is expected in spring 2017.

The draft plan can be found at

<http://atlanticsalmonrestoration.org/resources/documents/atlantic-salmon-recovery-plan-2015>

For more information, contact Mary Parkin of our Regional Office at [mary\\_parkin@fws.gov](mailto:mary_parkin@fws.gov).

- 4) Canada Lynx Status Assessment and Recovery Plan (ME, NH, VT)** – On June 14, 2014, the U.S. District Court for the District of Montana ordered the Service to complete a recovery plan for the U.S. DPS of Canada lynx by January 15, 2018, unless the Service finds that such a plan will not promote the conservation of the lynx. The Service is nearing completion of a species status assessment (SSA) for the DPS, after which we will issue a 5-year review recommendation based upon results of the assessment. We expect to finalize the 5-year review in early 2017. If it is determined that the DPS should remain listed, we will immediately initiate recovery planning, again using the SSA framework as a foundation for proposing recovery criteria and recommended actions.

Detailed information about the Canada lynx can be found at

<http://bit.ly/CanadaLynxUSFWS>

For additional information, contact Mark McCollough in our Maine Field Office at [mark\\_mccollough@fws.gov](mailto:mark_mccollough@fws.gov).

## **Section 10 Incidental Take Permits - Habitat Conservation Plans (HCPs)**

- 1) Pennsylvania Forestry HCP (PA)** – The Pennsylvania Game Commission (PGC) and the Department of Conservation and Natural Resources (DCNR) are developing an HCP for Indiana and northern long-eared bats to support a section 10 permit application for forest management-related activities on 1.4 million acres of PGC State Game Lands, 2.2 million acres of DCNR State Forests, and 295,000 acres of DCNR State Parks. The PGC and DCNR were awarded a section 6 grant to fund continued work on the HCP. The Service is developing an environmental impact statement for the project and anticipates making a permit issuance decision in 2017. For more information, contact Pamela Shellenberger of our Pennsylvania Field Office at [pamela\\_shellenberger@fws.gov](mailto:pamela_shellenberger@fws.gov).
- 2) Duke Energy North Allegheny Wind HCP (PA)** -- The Service has received an incidental take permit application from North Allegheny Wind, LLC, a wholly owned subsidiary of Duke Energy Generating Services (or Duke Energy Renewables), for take of Indiana bats and northern long-eared bats resulting from operation, maintenance, and decommissioning of its wind facility. The Service is developing an environmental assessment for the project and anticipates making a permit issuance decision in late 2016. For more information, contact Melinda Turner of our Pennsylvania Field Office at [melinda\\_turner@fws.gov](mailto:melinda_turner@fws.gov).
- 3) Slack Chemical Company HCP (NY)** – On July 28, 2016, the Service published a notice of receipt of an incidental take permit application from the Slack Chemical Company for take of the Karner blue butterfly resulting from construction of a gravel access driveway for expansion of a parking lot for its trucking fleet. The notice opened a 30-day public comment

period, which closed on August 29, 2016. The Service anticipates making a permit decision in early 2017. This will be a low effect HCP. For more information, contact Noelle Rayman of our New York Field Office at [noelle\\_rayman@fws.gov](mailto:noelle_rayman@fws.gov).

- 4) **Oil and Gas Coalition Multi-State HCP** (OH, PA, WV) – A coalition of nine oil and gas companies is developing an HCP to cover midstream and upstream oil and gas exploration, production, and maintenance activities in Ohio, Pennsylvania, and West Virginia over a 50-year period. The Coalition has indicated that it intends to request ITP coverage for five bat species: the endangered Indiana bat (*Myotis sodalis*), the threatened northern long-eared bat (*Myotis septentrionalis*), the little brown bat (*Myotis lucifugus*), the eastern small-footed bat (*Myotis leibii*), and the tricolored bat (*Perimyotis subflavus*). A 30-day public scoping period just closed December 27, 2016; during this period the Service held five scoping meetings and one webinar to seek public input regarding development of the draft EIS. For more information, contact Pamela Shellenberger of our Pennsylvania Field Office at [pamela\\_shellenberger@fws.gov](mailto:pamela_shellenberger@fws.gov).

### **Classification – Candidate Assessment, Petition Finding, Listing, Delisting, Reclassification, Critical Habitat Designation**

- 1) **National Listing Workplan** (All States) – On September 1, 2016, the Service announced a 7-year (fiscal year (FY) 2017 to 2023) plan to address our ESA listing workload. The Workplan is based on the July 2016 final ESA Status Review Prioritization Methodology (<https://www.gpo.gov/fdsys/pkg/FR-2016-07-27/pdf/2016-17818.pdf>). The Prioritization Methodology and resulting Workplan allows us to address our current status review backlog in an efficient, predictable, and transparent manner. Under this approach, each status review is assigned to one of five priority categories, according to the urgency of threats, availability of relevant information, and ongoing conservation efforts by states and other stakeholders.

The national Workplan is posted at

[https://www.fws.gov/endangered/improving\\_ESA/index.html](https://www.fws.gov/endangered/improving_ESA/index.html)

There are three documents:

- a FY17 plan that shows ongoing carryover actions from FY16 as well as new actions; this is a more complete picture of the Service's listing work and helps explain why, due to workload capacity and conservation priority, there are actions scheduled for other years;
- a FY17-23 plan that shows only new actions scheduled according to workload capacity and conservation priority;
- and, a list of currently unscheduled actions, mostly for species that lack data.

A list of the prioritized species that occur in the Northeast Region was shared by the field offices with each state office so it was easier to identify which species we will be working with you on, and when those actions are likely to be completed. The Workplan identifies the action's completion date, but depending upon the species' range, other biological complexities, and staffing considerations, we will be actively starting on the action a year or two in advance. If you have information or questions about the species that occur in your

areas, we ask that you coordinate with the Field Office Supervisor in the appropriate state. For some of these species, the Service's lead field office is one located in another Service Region. The national workplan will address status reviews for 112 species occurring in Region 5 (69 R5 lead; 43 non-R5 lead). For more information, contact Krishna Gifford in our Regional Office at [krishna\\_gifford@fws.gov](mailto:krishna_gifford@fws.gov).

- 2) **Tricolored Bat Petition** (All States) – On June 14, 2016, the Service received a petition from the Defenders of Wildlife and the Center for Wildlife Diversity to list the tricolored bat (*Perimyotis subflavus*) as an endangered or threatened species. We are required to make a substantial or not substantial finding on whether the petitioned information indicates that the petitioned action may be warranted. If we find that the petition is substantial, we will initiate a status review for the species which would be based on evaluating all of the best available information. For more information, contact Krishna Gifford in our Regional Office at [krishna\\_gifford@fws.gov](mailto:krishna_gifford@fws.gov).
- 3) **Rusty Patched Bumblebee Final Listing Rule** (All States) – On January 11, 2017, the Service published a final rule to list the rusty patched bumble bee (*Bombus affinis*) as an endangered species. Before the mid- to late 1990s, the rusty patched bumble bee was considered abundant across a broad geographic range that included 28 states, the District of Columbia and two Canadian provinces. Today it is found only in small, isolated populations in 13 states and 1 province: Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, Wisconsin – and Ontario, Canada. Multiple threats that have likely contributed to the rusty patched bumble bee's dramatic decline include: disease, pesticides, the effects of climate change, habitat loss, and the effects of small population dynamics. It appears that no one single factor is likely responsible, but these threats working together have likely caused the decline.

Documents pertaining to the rulemaking can be found at the following links:

Final rule: <https://www.gpo.gov/fdsys/pkg/FR-2017-01-11/pdf/2017-00195.pdf>

Additional information: [www.fws.gov/midwest/endangered/insects/rpbb](http://www.fws.gov/midwest/endangered/insects/rpbb)

For more information, contact Mary Parkin of our Regional Office at [mary\\_parkin@fws.gov](mailto:mary_parkin@fws.gov).

- 4) **Kenk's amphipod Final Listing Determination/Proposed Critical Habitat Designation** (DC, MD, VA) – On September 30, 2016, the Service published a proposed rule to list the Kenk's amphipod (*Stygobromus kenki*) as an endangered species and made a determination that critical habitat was prudent but not determinable. The comment period on the proposed rule closed on November 29, 2016. Submitted comments, including peer reviewer comments can be viewed through [www.regulations.gov](http://www.regulations.gov) under docket #FWS-R5-ES-2016-0030.

The Kenk's amphipod is a small (maximum length 5.5 mm), eyeless, unpigmented crustacean inhabiting shallow ground water and associated springs and seeps. Historically, it has been found in a total of six seepage springs in Montgomery County, Maryland and the District of Columbia. Its habitat consists of hillside seepage springs in wooded areas within the watersheds of Rock Creek and the Northwest Branch of the Anacostia River. More recently, the species was also located in four seepage springs on Fort A.P. Hill in Caroline

County, Virginia. The best available data indicate that, while the species may have always been represented by small numbers of individuals found at the surface of each seep site, the numbers present are getting smaller. In addition, each of the 10 known seep sites are vulnerable to varying levels of stressors and threats: 1 seep, based on repeated negative survey results combined with documented poor water quality, may be extirpated, and another seep has visible sedimentation issues. The primary threats to the species' viability are poor water quality, habitat degradation, and the effects of small population dynamics.

A final determination on the proposed rule to list the Kenk's amphipod as an endangered species must be made no later than September 30, 2017, to comply with statutory deadlines. The final determination may be one of three options: finalize as an endangered species, finalize as a threatened species, or withdraw the proposed listing rule. If the listing the species as an endangered or threatened species remains warranted, the Service will also publish a proposed critical habitat designation rule. For more information, contact Andy Moser in our Chesapeake Bay Field Office at [andy\\_moser@fws.gov](mailto:andy_moser@fws.gov).

- 5) **Big Sandy Crayfish and Guyandotte River Crayfish Critical Habitat Designation** (VA, WV, KY) – On April 7, 2016, the Service published the final rule to list the Big Sandy crayfish (*Cambarus callainus*) as threatened and the Guyandotte River crayfish (*C. veteranus*) as endangered. The Service is still developing a draft proposed critical habitat designation rule for these crayfishes. In the final listing rule, we also stated that we were looking for suggestions related to actions that may be appropriate for a future 4(d) rule for the Big Sandy crayfish.

Documents pertaining to the rulemaking can be found at the following links:

Final rule:

<https://www.gpo.gov/fdsys/pkg/FR-2016-04-07/pdf/2016-07744.pdf>

Big Sandy and Guyandotte River Crayfishes website:

<http://www.fws.gov/northeast/crayfish/>

For more information, contact Keith Hastie in our Regional Office at [keith\\_hastie@fws.gov](mailto:keith_hastie@fws.gov).

- 6) **Bicknell's Thrush 12-Month Finding** (ME, VT, NH, NY, MA) – In September 2013, the U.S. District Court in the District of Columbia approved a settlement agreement between the Center for Biological Diversity (CBD) and the Service on CBD's complaint that the Service failed to complete the 12-month finding on CBD's petition to list the Bicknell's thrush and seven other species within the statutory timeline. The settlement agreement specifies that the Service will complete the 12-month finding by September 30, 2017.

The Service notified interested parties in March and April 2016 that we were seeking new information on the species. The Service is preparing a biological species report that will support the subsequent 12-month finding. For more information, contact Krishna Gifford in our Regional Office at [krishna\\_gifford@fws.gov](mailto:krishna_gifford@fws.gov).

- 7) **Candy darter (VA, WV)** – In July 2015, the U.S. District Court in the District of Columbia approved a settlement agreement between the Center for Biological Diversity (CBD) and the

Service on CBD's complaint that the Service failed to complete the 12-month finding on CBD's petition to list the candy darter within the statutory timeline. The settlement agreement specifies that the Service will complete the 12-month finding by September 30, 2017.

The Service notified interested parties in August and September 2016 that we were seeking new information on the species. The Service is preparing a species status assessment (SSA) report that will support the subsequent 12-month finding. For more information, contact Keith Hastie in our Regional Office at [keith\\_hastie@fws.gov](mailto:keith_hastie@fws.gov).

- 8) Atlantic pigtoe and yellow lance mussels (MD, VA, NC, SC, GA)** – In July 2015, the U.S. District Court in the District of Columbia approved a settlement agreement between the Center for Biological Diversity (CBD) and the Service on CBD's complaint that the Service failed to complete the 12-month finding on CBD's petition to list the Atlantic pigtoe and yellow lance mussels within the statutory timeline. The settlement agreement specifies that the Service will complete the 12-month finding by April 1, 2017.

The Service notified interested parties in the fall of 2015 that we were seeking new information on the species. The Service is preparing a species status assessment (SSA) report that will support the subsequent 12-month finding. For more information, contact Sarah McRae in our Raleigh North Carolina Field Office at [sarah\\_mcr@fws.gov](mailto:sarah_mcr@fws.gov)

- 9) Yellow Banded Bumble bee (CT, IL, KY, MA, MD, ME, MI, MN, MT, NC, ND, NH, NY, OH, PA, RI, SD, TN, VA, VT, WI, WV, Canada)** – On March 16, 2016, the Service published a Federal Register notice announcing a substantial 90-day finding for the yellow banded bumblebee petition received in 2015 from the Defenders of Wildlife. We found the petition presented substantial evidence for the potential threats to the species from habitat loss, degradation, or modification (agricultural intensification and urban development), disease (*Locustacarus buchneri* and *Nosema bombi*), the inadequacy of existing regulatory mechanisms, and other natural or manmade factors (via climate change, the use of pesticides, and population dynamics and structure). A substantial finding means the Service is initiating a status review and is seeking the best scientific and commercial data available from all sources. Information can be sent to Sandra Lary in our Regional Office at [sandra\\_lary@fws.gov](mailto:sandra_lary@fws.gov).

- 10) American Burying Beetle (AR, KS, OK, MA, NE, OH, RI, SD, TX)** – On March 16, 2016, the Service published a Federal Register notice announcing a substantial 90-day finding for the American burying beetle. We found the petition presented information indicating that the known range of the beetle is significantly larger than at the time of listing, and that the threats present then are no longer threatening the species. The Service is undertaking a species status review to evaluate the population trends and distribution and threats impacting the species. Information can be sent to Kevin Stubbs in the Oklahoma Field Office at [kevin\\_stubbs@fws.gov](mailto:kevin_stubbs@fws.gov).

- 11) Rufa Red Knot Proposed Critical Habitat Determination (All States)** – On January 12, 2015, the Service's final rule to list the rufa red knot as a threatened species throughout its

range became effective. The range includes: Argentina, Aruba, Bahamas, Barbados, Belize, Brazil, British Virgin Islands, Canada, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, France (Guadeloupe, French Guiana), Guatemala, Guyana, Haiti, Jamaica, Mexico, Panama, Paraguay, Suriname, Trinidad and Tobago, Uruguay, Venezuela, and the United States (AL, AR, CT, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NE, NC, ND, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, WY, Puerto Rico, U.S. Virgin Islands). Interior states are included in the range because rufa red knots have been documented in those states during migration.

Documents pertaining to the listing rulemaking can be found at <http://www.fws.gov/northeast/redknot/>

The Service is developing a critical habitat determination for the red knot; a publication date for this determination has not been set. For more information, contact Krishna Gifford in our Regional Office at [krishna\\_gifford@fws.gov](mailto:krishna_gifford@fws.gov).

**12) Wolf (MA, ME, NH, NY, VT)** – On June 13, 2013, the Service published in the Federal Register a proposed rule to list the Mexican wolf as an endangered subspecies in the Southwest and to delist gray wolves elsewhere. The rule also recognizes the eastern wolf as a separate species, *Canis lycaon*, rather than as a subspecies of the gray wolf. Under this proposal, wolves would not be protected under the ESA in the Northeast, as they have been under the gray wolf listing. The Service obtained independent peer review of the scientific basis for the proposal and received a report from the peer review panel; the peer review panel focused on the taxonomy of the eastern wolf and concluded that it was premature for the Service to recognize the eastern wolf as a separate species. The Service then re-opened the public comment period from February 10 to March 27, 2014. The Service has not set a date for making a final determination.

Documents pertaining to this rulemaking can be found at the following links:

Proposed rule:

<http://www.gpo.gov/fdsys/pkg/FR-2013-06-13/pdf/2013-13982.pdf>

Notice reopening comment period:

<http://www.gpo.gov/fdsys/pkg/FR-2014-02-10/pdf/2014-02817.pdf>

Peer review report:

[http://www.fws.gov/home/wolfrecovery/pdf/Final\\_Review\\_of\\_Proposed\\_rule\\_regarding\\_wolves2014.pdf](http://www.fws.gov/home/wolfrecovery/pdf/Final_Review_of_Proposed_rule_regarding_wolves2014.pdf)

Also, on December 19, 2014, the United States District Court for the District of Columbia ruled that the Service's December 28, 2011, final rule delisting the Western Great Lakes (WGL) distinct population segment (DPS) of the gray wolf was arbitrary and capricious. The court vacated the final delisting rule and reinstated the rule previously in effect. The effect of the court's decision is that gray wolves in MN are again listed as threatened and gray wolves in the remaining eight states of the WGL DPS are again considered part of the larger gray wolf listed entity within the lower 48 states, which is listed as endangered. Also,

critical habitat designation is reinstated in MN and MI. For more information, contact Mary Parkin of the Regional Office at [mary\\_parkin@fws.gov](mailto:mary_parkin@fws.gov).

- 13) Eastern Cougar Proposed Delisting Rule** (All States) – On June 17, 2015, the Service published in the Federal Register a proposed rule to delist the eastern cougar. The proposal is based on the 5-year review issued on March 2, 2011, which concluded that the eastern cougar is extinct and recommended the subspecies be delisted. The public comment period closed on August 17, 2015. On June 28, 2016, the comment period was reopened for 30-days to obtain comments from peer reviewers. We expect to publish a final determination on the proposal in early 2017.

Documents pertaining to this rulemaking can be found at the following links:

Proposed rule: <http://www.gpo.gov/fdsys/pkg/FR-2015-06-17/pdf/2015-14931.pdf>

Reopening notice: <https://www.gpo.gov/fdsys/pkg/FR-2016-06-28/pdf/2016-15227.pdf>

For more information, contact Mark McCollough in our Maine Field Office at [mark\\_mccollough@fws.gov](mailto:mark_mccollough@fws.gov).

- 14) Chittenango Ovate Amber Snail Petition** (NY) – The Service received a petition dated January 6, 2012, to designate critical habitat for the Chittenango ovate amber snail; adopt a rule to prohibit hydraulic fracturing and related activities within 3,000 feet of the boundaries of critical habitat designated for any federally threatened or endangered species; and adopt a rule requiring any state to consult with the Service prior to issuing any permits for activities that might adversely impact the ecosystem upon which critical habitat is directly dependent for any listed species. These actions are petitionable under the Administrative Procedure Act but not the ESA. On November 9, 2012, we sent a letter to the petitioner stating that we have determined that critical habitat designation would not provide significant conservation benefit to the snail and that, therefore, we will not designate critical habitat for the species. We have not yet responded to the petitioner's second and third rulemaking requests. For more information, contact Robyn Niver in our New York Field Office at [robyn\\_niver@fws.gov](mailto:robyn_niver@fws.gov).

- 15) Cave Beetle Assessments to Inform 12-Month Petition Findings** (VA) – The Virginia Ecological Services Field Office has entered into a cooperative agreement with the Virginia Department of Conservation and Recreation, Division of Natural Heritage to assess populations of 17 globally rare cave beetle species and the threats these organism face. These baseline data are being collected to aid in development of status reviews and 12-month petition findings for these species to fulfill, in part, the Multi-District Litigation (MDL) Stipulated Settlement Agreement between WildEarth Guardians and the Department of the Interior. For more information, contact Troy Andersen in our Virginia Field Office at [troy\\_andersen@fws.gov](mailto:troy_andersen@fws.gov).