

U.S. Fish and Wildlife Service Region 5 Endangered Species Act Update

July 11, 2016

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.

- Revisions to the Regulations for Listing Petitions: We propose to improve the content of petitions and enhance the efficiency of processing petitions to better support species conservation. Our proposed changes would require petitioners to seek and incorporate information from the State fish and wildlife agencies prior to submitting a petition to us. The proposed revised regulation can be found at:
<http://www.fws.gov/home/feature/2015/proposed-revised-petition-regulations.pdf>
- Improve science and increase transparency: We propose to adopt more rigorous peer review procedures and post online the science on which we are basing our decisions.
- Incentivize voluntary conservation efforts: We propose to simplify the standards of voluntary conservation agreements (Safe Harbor Agreements/Candidate Conservation Agreements with Assurances) and promote conservation banking and advance mitigation tools. **A proposed regulation revision was published on May 4, 2016, and was open for public comment through July 5, 2016. The proposed regulation and outreach material can be found at:** https://www.fws.gov/endangered/improving_ESA/CCAA.html
- Focus resources to achieve more successes: We propose to streamline ESA section 7 consultation procedures for projects that provide a net benefit to listed species, and revise the Habitat Conservation Planning Handbook to promote more timely and efficient processing of incidental take permits.

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>

2) **Proposed Revisions to the U.S. Fish and Wildlife Service Mitigation Policy** – On March 8, 2016, the U.S. Fish and Wildlife Service (Service) published a **Federal Register** notice that announced a 60-day comment period on proposed revisions to the Service's mitigation policy. The revised policy provides a framework for applying a landscape-scale approach to achieve, through application of the mitigation hierarchy, a net gain in conservation outcomes, or at a minimum, no net loss of resources and their values, services, and functions resulting from proposed actions. The primary intent of the policy is to apply mitigation in a strategic manner that ensures an effective linkage with conservation strategies at appropriate landscape scales. A date for finalizing the policy has not been set. The proposal can be found at <http://www.regulations.gov> under docket number FWS-HQ-ES-2015-0126.

Recovery Planning and Implementation

1) **White-Nose Syndrome** (All States) – As of March 31, 2016, WNS has been confirmed in 28 states and 5 Canadian provinces. The causative fungus has also been detected in four additional states (MI, NE, OK, and RI).

- A major jump was announced on March 31, when it was revealed that a western little brown bat was confirmed with WNS from King County, Washington. This represents a significant change to the known distribution of *Pseudogymnoascus destructans* in North America, with considerable potential implications for bat conservation. For updated maps and other information, visit <http://www.whitenosesyndrome.org>.
- A revised national WNS decontamination protocol is in development and expected to be available in spring 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>
- A national strategy for cave management to reduce risk of human-mediated spread has been completed and will be presented to the WNS Executive Committee on 17 March 2016. These recommendations were drafted by representatives of Federal and state agencies as well as stakeholders in the national response to WNS. A sub-group of the WNS Disease Management Working Group is also developing guidance to address human transmission risks at public and private show caves.
- In February 2016, USGS National Wildlife Health Center revised bat submission guidelines for investigators to diagnose WNS or screen for Pd. See: http://www.nwhc.usgs.gov/publications/wildlife_health_bulletins/index.jsp
- Little brown bats are persisting, generally in low numbers in the eastern U.S., 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 tri-colored or northern long-eared bats.
- Several field trials of potential treatments are underway this winter in Georgia, Michigan, Missouri, Pennsylvania, and Wisconsin. Other scientists are looking for new biocontrol agents in Arizona, New Mexico, Minnesota, and British Columbia.
- 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), with requests to be added to the email list.
- The 2016 White-Nose Syndrome Workshop is likely to be held in early June. Additional details about this meeting will be forthcoming soon.

For more information, contact Jeremy Coleman, National White-Nose Syndrome Coordinator, in our Regional Office at jeremy_coleman@fws.gov.

Imperiled Aquatic Species Conservation Strategy for the Upper Tennessee River Basin: Building a Network for Implementation (VA) – Implementation of the Strategy is

underway. To coordinate efforts and share information with partners across several states in the Northeast and Southeast regions, the Service has been hosting quarterly webinars, and as prescribed in the Strategy, preparations are underway for the first annual project planning meeting with partners. Additionally, the Appalachian Landscape Conservation Cooperative is hosting a web portal to support communications work flow and tool delivery and exchange of information and alignment across partner programs. Access the portal at <http://applcc.org/projects/trb/resources/imperiled-aquatic-species-conservation-strategy>. For more information, contact Cindy Schulz, Field Office Supervisor, in our Virginia Field Office at cindy_schulz@fws.gov.

- 2) **Yellowfin Madtom Nonessential Experimental Population Release to the North Fork Holston River** (VA) – One June 2, 2016, the Service’s Southwestern Virginia Field Office and the Virginia Department of Game and Inland Fisheries (VDGIF) hosted an event with students of Northwood Middle School, upstream of Saltville, VA, to release yellowfin madtom (*Noturus flavipinnis*). The release occurred in a section of the North Fork Holston River designated for the establishment of a Nonessential Experimental Population of the species. The yellowfin madtom had been extirpated from the North Fork Holston River and not seen there in over 100 years.

This event was attended by U.S. Congressman Morgan Griffin and several local county representatives and was covered by local media. Staff of the Upper Tennessee River Roundtable donned giant aquatic species costumes to provide great photo opportunities and help with outreach and education. Most exciting of all, after careful instruction was provided, each student was given a cup containing a yellowfin madtom and allowed to release it into the river. The Service, VDGIF, and other partners are hopeful that reintroduction of the madtom is the first step in restoring a suite of other species that have disappeared from the North Fork Holston River system.

For more information, contact Roberta Hylton in our Southwest Virginia Field Office at roberta_hylton@fws.gov.

- 3) **Cross-Regional Efforts to Save the Golden Riffleshell, A Species on the Brink of Extinction** (VA) – Recently, several field offices in the Northeast and Southeast Regions, including the Southwestern Virginia Field Office, Virginia Field Office, and Kentucky Field Office, began a collaborative with state agencies in KY and VA in an effort to collect and culture glochidia from golden riffleshell (*Epioblasma florentina aureola*), which remains federally listed as endangered as the tan riffleshell (*E. f. walker*) despite recent taxonomic changes. With no more than a few hundred individuals remaining in a stream reach of just a few miles, prospects for recovering the species were gloomy until staff at the KY Center for Mollusk Conservation recently managed to refine techniques for culturing mussels in rabbit serum.

After finding 3 gravid female golden riffleshell in Indian Creek in VA, biologists were able to extract glochidia and transport them to KY, where the new culture technique has produced 12,000 mussels. Although some of the young mussels will remain at the KY facility, many will soon be transported to the VDGIF Aquatic Wildlife Conservation Center in Marion, VA,

and Virginia Tech's Freshwater Mollusk Conservation Center in Blacksburg, VA, to allow for grow-out. Eventually all will be released back into the wild. While some mortality is expected, thus far the mussels are among the healthiest in appearance that experts have seen.

For more information, contact Roberta Hylton in our Southwest Virginia Field Office at roberta_hylton@fws.gov.

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.

- 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 now expect to finalize the 5-year review in early fall of 2016. 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 may be found at <http://bit.ly/CanadaLynxUSFWS>. For additional information, contact Mark McCollough in our Maine Field Office at 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.

- 2) **Massachusetts Statewide Plover HCP (MA)** – On July 8, 2016, the Service issued a section 10 incidental take permit to the Massachusetts Division of Fisheries and Wildlife (MADFW) for take of the threatened piping plover associated with recreational activities and beach operations on Massachusetts beaches. The news release and supporting documents can be found at www.fws.gov/newengland/.
- 3) **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.
- 4) **Slack Chemical Company HCP (NY)** -- The Service has received 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 Service will soon be publishing a notice of receipt of application in the Federal Register, which will initiate a 30-day public comment period. This will be a low effect HCP.

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

- 1) **National Listing Workplan (All States)** – The Service is developing a national workplan to address a large backlog of status reviews for species petitioned for listing and species of concern. Each Region prioritized the status reviews for its lead species according to a methodology (<https://www.gpo.gov/fdsys/pkg/FR-2016-01-15/pdf/2016-00616.pdf>) designed to ensure that the most imperiled species are addressed first, and then used these priority assignments to develop a schedule for completing the status reviews. These Regional schedules were then compiled into a draft national workplan. We expect to finalize the workplan this summer.

The national workplan will address status reviews for 111 species occurring in Region 5 (69 R5 lead; 42 non-R5 lead). In Region 5, we assigned priorities for our lead species in coordination with the states and then developed a schedule for completing the status reviews that balances workload across states over time. We are now working to identify information and analysis needs that would benefit these status reviews, and to identify existing and needed strategies for species for which conservation efforts may preclude the need to list.

For more information, contact Krishna Gifford in our Regional Office at krishna_gifford@fws.gov.

- 2) **Candidate Notice of Review (CNOR) (CT, DC, MA, ME, MD, NH, NJ, NY, RI, VA)** – On December 24, 2015, the Service published its fiscal year (FY) 2015 CNOR. For the Service's Northeast Region, the CNOR covers the continuing candidates of Kenk's amphipod and Hirst Brothers' panic grass. A candidate species is one for which the Service has enough

information to indicate listing it under the ESA is warranted, but we are precluded from moving forward with a proposed rulemaking due to other higher priority listing workload.

As part of the multi-district litigation settlement agreement, listing determinations for our candidate species will no longer be precluded by specified time frames: Kenk's amphipod by September 2016 and Hirst Brothers' panic grass by September 2016. This means that if listing is still warranted by these dates, we will publish a proposed listing rule for the species and also propose to designate critical habitat, if it is prudent and determinable to do so.

If you have any questions regarding the Northeast Region's candidate species or have information to share with us regarding the species' distribution, population estimates or trends, or threats, please contact the lead field office identified below:

Kenk's amphipod: Genevieve LaRouche, Supervisor, Chesapeake Bay Field Office
genevieve_larouche@fws.gov.

Hirst Brothers' panic grass: Eric Schradling, Supervisor, New Jersey Field Office
eric_schradling@fws.gov.

The complete CNOR notice and list of proposed and candidate species as published in the Federal Register can be found at: <https://www.gpo.gov/fdsys/pkg/FR-2015-12-24/pdf/2015-32284.pdf>.

- 3) **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.
- 4) **Rusty Patched Bumblebee** (All States) – On January 31, 2013, the Service received a petition from the Xerces Society to list the rusty patched bumble bee (*Bombus affinis*) as endangered. We were sued for missing the statutory deadline to make a 12-month petition finding. Per a court-approved settlement agreement, we committed to completing a 90-day finding by September 30, 2015, and, if that finding is substantial, a status review and 12-month finding by September 30, 2016.

On September 18, 2015, we published a Federal Register notice announcing a substantial 90-day finding that the petitioned action may be warranted, and we initiated a status review to evaluate all of the best available data. A 12-month finding will be published by September 30, 2016, in compliance with the settlement agreement. For more information, contact Mary Parkin of our Regional Office at mary_parkin@fws.gov.

- 5) **Eastern Massasauga (rattlesnake) Proposed Listing Rule** (NY, PA) – On September 30, 2015, the Service published a proposed rule to list the eastern massasauga as threatened. As part of the proposed listing rule, the Service determined that designating critical habitat for the species is not prudent due to persecution and vandalism concerns. The proposed rule and supporting documents can be found at:
<http://www.fws.gov/midwest/endangered/reptiles/eama/index.html>

The public comment period closed on November 30, 2015. The Service anticipates making a final decision on the proposed listing rule by September 30, 2016. For more information, contact Sandra Doran in our New York Field Office at sandra_doran@fws.gov.

- 6) **Big Sandy Crayfish and Guyandotte River Crayfish Final Listing Rule** (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 the Big Sandy and Guyandotte River crayfish. 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.

For more information, contact Keith Hastie in our Regional Office at keith_hastie@fws.gov.

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

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

Big Sandy and Guyandotte River Crayfish website:

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

- 7) **Northern Long-eared Bat Listing/Critical Habitat Rulemaking** (All States) – On April 27, 2016, the Service published a not prudent critical habitat determination for the northern long-eared bat.

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

<https://www.fws.gov/midwest/endangered/mammals/nleb/pdf/FRNLEBCH04272016.pdf>

Northern long-eared bat website:

<https://www.fws.gov/midwest/endangered/mammals/nleb/>

For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.

- 8) **West Indian Manatee Proposed Reclassification Rule** (MD, VA) – On Friday, January 8, 2016, the Service's Southeast Region published a proposed rule to reclassify the West Indian manatee (*Trichechus manatus*) from endangered to threatened. The proposed rule opened a 90-day public comment period that closed on April 7, 2016.

The reclassification proposal follows an extensive review of the threats facing the manatee, and the conservation actions put into place to help recover it. The proposal relies on the most recent science and builds on recommendations from the Service's 2007 West Indian Manatee Five-Year Status Review, which can be found at http://ecos.fws.gov/docs/five_year_review/doc3771.pdf. It also serves as a 12-month finding in response to a petition filed by the Pacific Legal Foundation and Save Crystal River, Inc.

The species was first listed as endangered in 1967 under the precursor to the ESA. Since then, manatees have experienced steady and significant improvements in their population, habitat conditions, and status due to the recovery efforts of Service biologists and our partners. The data now suggests that there is little chance of the manatee going extinct in the next Century. There are now more than 13,000 manatees throughout its historical range that includes the southeastern United States from Maryland to Texas, Puerto Rico, Mexico, Central and South Americas, and the Greater and Lesser Antilles.

The proposed rule can be found at <https://www.gpo.gov/fdsys/pkg/FR-2016-01-08/pdf/2015-32645.pdf>

For more information, contact Krishna Gifford in our Regional Office at krishna_gifford@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 Krishna Gifford in our Regional Office at krishna_gifford@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.
- 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

- 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

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.

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 later in 2016.

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.

14) Bicknell's Thrush 12-Month Finding (ME, VT, NH, NY, MA) – On September 23, 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 is seeking new information on the species. For more information, contact Tony Tur in our New England Field Office at anthony_tur@fws.gov.

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.

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.