

U.S. Fish and Wildlife Service
Region 5 Endangered Species Act Update
April 9, 2018

Recovery Planning and Implementation

1) White-Nose Syndrome (WNS) (All States) – WNS has now been confirmed in 32 states and 5 Canadian provinces. The causative fungus has also been detected in two additional states (MS and TX).

- WNS Surveillance: Results from surveillance efforts in winter 2017/2018 are incomplete as of April 6, 2018. Results will continue to be posted on the map found on the WNS national response website at the link provided below.
 - WNS and Pd were confirmed in south east and south central Kansas. Kansas is the 32nd state to have WNS confirmed.
 - Pd was detected at low levels in four additional counties in north and south – central Texas. These mark the southern-most detection of the fungus and the first time Pd has been detected on a Brazilian free-tailed bat.
 - Pd was detected in a second county in western Washington at a summer bat roost located at Mount Rainier National Park.
- WNS Grants:
 - WNS Small Grants: In March, the Service, with the Wildlife Management Institute, awarded nine projects for a total of ~\$225K to address communications and research needs that advance the WNS national effort.
 - The National Fish and Wildlife Foundation and the Service opened the 2018 Bats for the Future Fund (BFF) call for proposals targeting research to develop and implement management tools.
 - The Service anticipates opening both research grants and state capacity grants for WNS again in FY2018.
- Treatment Field Trials: In winter 2017/2018, several treatments, including those funded through the BFF, are being tested in the field in Pennsylvania, Wisconsin, Michigan, Texas, and Georgia. Results from these trials are pending.
- 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), with requests to be added to the email list.

More information on the national response to WNS can be found at <https://www.whitenosesyndrome.org/>.

For more information, contact Jeremy Coleman, jeremy_coleman@fws.gov, or Jonathan Reichard, jonathan_reichard@fws.gov, at the Regional Office.

2) 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. The agencies have addressed independent peer review comments, and the plan is going through internal agency review for signature. Completion of the final plan is expected this spring.

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.

- 3) **Canada Lynx Status Assessment and Recovery Plan** (ME, NH, VT) – On January 11, 2018, the Service announced that it has completed a species status assessment (SSA) for the U.S. Distinct Population Segment (DPS) of Canada lynx and a 5-year review recommendation based on results of the assessment. The Service’s recommendation is that the DPS may no longer warrant threatened status and should be considered for delisting due to recovery. On June 14, 2014, the U.S. District Court for the District of Montana ordered the Service to complete a recovery plan for by January 15, 2018, unless the Service finds that such a plan will not promote the conservation of the lynx. Based on the results of the SSA, the Service finds that development of a recovery plan for the DPS is unnecessary. The Service will begin preparation of a proposed rule to delist; a target date for completion of the rule has not yet been set.

Documents pertaining to the Canada lynx can be found at

<https://www.fws.gov/mountain-prairie/es/canadaLynx.php>

For more 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. In 2018, the PGC and DCNR were awarded another section 6 grant to fund the final phase of the HCP and EIS. . In March 2018, the Service received final drafts for the HCP and EIS. The Service anticipates making a permit issuance decision in 2018. For more information, contact Pamela Shellenberger in our Pennsylvania Field Office at pamela_shellenberger@fws.gov.
- 2) **Duke Energy North Alleghany Wind HCP** (PA) -- The Service has received an incidental take permit application from North Allegheny Wind, LLC, a wholly owned subsidiary of

Duke Energy Renewables, Inc., who owns and operates the North Allegheny Wind Facility, for take of Indiana bats (*Myotis sodalis*) resulting from operation of its 35-turbine wind facility. The Service is developing an environmental assessment for the project and anticipates making a permit issuance decision in 2018. For more information, contact Melinda Turner in our Pennsylvania Field Office at melinda_turner@fws.gov.

- 3) **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*). The Service has attended several face-to-face meetings with the Coalition in the past few months to continue to move project deliverables forward. The EIS is currently being drafted. For more information, contact Pamela Shellenberger in our Pennsylvania Field Office at pamela_shellenberger@fws.gov.
- 4) **Laurel Mountain Wind HCP** (WV) – The Service has received an incidental take permit application from AES Laurel Mountain, LLC, who owns and operates the Laurel Mountain Wind Facility, for take of Indiana bats (*Myotis sodalis*) and Virginia big-eared bats (*Corynorhinus (=Plecotus) townsendii virginianus*) resulting from operation of its 65-turbine wind facility in Randolph County, West Virginia. The Service is developing an environmental assessment for the project and anticipates making a permit issuance decision in 2018. For more information, contact Chase Allred in our West Virginia Field Office at chase_allred@fws.gov.
- 5) **Copenhagen Wind HCP** (NY) – The Service has received an incidental take permit application from Copenhagen Wind Farm, LLC, who owns and operates the Copenhagen Wind Facility, for take of Indiana bats (*Myotis sodalis*) and northern long-eared bats (*Myotis septentrionalis*) resulting from operation of its 40-turbine wind facility in Lewis and Jefferson Counties, New York. The Service is developing an environmental assessment for the project and anticipates making a permit issuance decision in 2018. For more information, contact Robyn Niver in our New York Field Office at robyn_niver@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 National 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 allow 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 imminence

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

There are three documents:

- a FY 2018 plan that shows ongoing carryover actions from FY17 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 to FY 2023 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.

The National Workplan identifies each action's completion date; work on the action will begin at least a year or two before this date, depending on the species' range, other biological complexities, and staffing consideration. 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. As of FY 2017, the National Workplan addresses 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.

- 2) **Tricolored Bat - 90-Day Substantial Petition Finding** (All States) – On December 20, 2017, the Service published in the *Federal Register* a substantial 90-day finding on a petition to list the tricolored bat (*Perimyotis subflavus*) as an endangered or threatened species. A substantial finding means that the petition presented substantial information indicating that ESA listing of the tricolored bat may be warranted. The finding includes a request for information and initiation of a status review of the best available scientific and commercial information. The tricolored bat's 90-day finding, batched with findings for other species, can be found at <https://www.federalregister.gov/documents/2017/12/20/2017-27389/endangered-and-threatened-wildlife-and-plants-90-day-findings-for-five-species>.

We may accept information at any time, using the methods specified in the above *Federal Register* notice, until completion of the status review and subsequent 12-month finding. The 12-month finding will be a decision on whether or not the species warrants listing. A warranted finding would be accompanied by a proposal to list the species as threatened or endangered, and a proposal to designate critical habitat if it is prudent and determinable to do so. Scheduling completion of the status review and subsequent 12-month finding will be done in accordance with the Service's prioritization methodology (<https://www.fws.gov/policy/library/2016/2016-17818.pdf>).

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

- 3) **Yellow Lance Mussel - Final Listing Determination** (MD, VA, NC, SC, GA) –On April 3, 2018, the Service published in the Federal Register a final rule to designate the yellow lance as a threatened species. The Service intends to publish a proposed 4(d) rule and a proposed critical habitat designation for the species later this fiscal year. The final listing rule can be found at: <https://www.gpo.gov/fdsys/pkg/FR-2018-04-03/pdf/2018-06735.pdf>.

Supporting documents can be viewed through www.regulations.gov under docket # FWS–R4–ES–2017–0017.

For more information, contact Sarah McRae in our Raleigh North Carolina Field Office at sarah_mcrac@fws.gov

- 4) **Candy Darter - Final Listing Decision on the Threatened Species Proposed Rule and Proposed Critical Habitat Designation** (VA, WV) – On Wednesday, October 4, 2017, the Service published in the *Federal Register* a proposed rule to list the candy darter (*Etheostoma osburni*) as a threatened species. The comment period closed on December 4, 2017.

The proposed rule can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2017-10-04/pdf/2017-21351.pdf>.

Supporting documents can be viewed through www.regulations.gov under docket # FWS–R5–ES–2017–0056.

The Service is evaluating information received since publication of the proposed listing rule and will be making a final listing determination by the end of Fiscal Year 2018. If the final decision is to list the candy darter as threatened, we will include a proposed 4(d) rule.

We will also be publishing a proposed rule to designate critical habitat for the species, which will be open for a 60-day public comment period.

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

- 5) **Eastern Cougar - Final Delisting Determination** (All States) – On January 23, 2018, the Service published in the *Federal Register* a final rule delisting the eastern cougar (*Felis concolor cougar*) due to extinction.

Documents pertaining to the eastern cougar can be found at the following links:

Final rule: <https://www.regulations.gov/document?D=FWS-R5-ES-2015-0001-0078>

Eastern cougar website: <https://www.fws.gov/northeast/ecougar/index.html>

For more information, contact Mark McCollough in our Maine Field Office at mark_mccollough@fws.gov.

- 6) **American Burying Beetle - SSA to Inform 12-Month Petition Finding** (AR, KS, OK, MA, NE, OH, RI, SD, TX) – On March 16, 2016, the Service published in the *Federal Register* a 90-day finding that a petition to delist the American burying beetle (*Nicrophorus americanus*) presented substantial information indicating that delisting the species may be warranted. The Service prepared a species status assessment (SSA) report, which will support a 12-month finding. The Service expects to complete the 12-month finding in early 2018.

The *Federal Register* notice can be found at

<https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05699.pdf>

Information can be sent to Kevin Stubbs in the Oklahoma Field Office at kevin_stubbs@fws.gov.

- 7) **Black-capped Petrel - SSA to Inform 12-Month Petition Finding** (VA, NC, SC, GA, FL, Cuba, Bahamas, Dominican Republic, Haiti, and other Caribbean Islands) – On June 21, 2012, the Service published in the *Federal Register* a 90-day finding that a petition to list the black-capped petrel (*Pterodroma hasitata*) presented substantial information indicating that listing the species may be warranted. This pelagic seabird breeds on the Caribbean Islands and migrates long distances to foraging areas in the western Atlantic and southern Caribbean basins. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

For more information, contact Tom White in our Puerto Rico Field Office at thomas_white@fws.gov.

- 8) **Ashy Darter - SSA to Inform 12-Month Petition Finding** (VA, NC, SC, GA, AL, TN, KY) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the ash darter (*Etheostoma cinereum*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

For more information, contact Stephanie Chance in our Cookville Field Office at stephanie_chance@fws.gov.

- 9) **Eastern Black Rail - SSA to Inform 12-Month Petition Finding** (AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MS, MI, NE, NH, NJ, NY, NC, OH, OK, PA, Puerto Rico, RI, SC, TN, TX, VA, Virgin Islands, WV) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the eastern black rail (*Laterallus jamaicensis jamaicensis*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As

part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

For more information, contact Whitney Wiest in our South Carolina Field Office at whitney_wiest@fws.gov.

- 10) Rufa Red Knot - Proposed Critical Habitat Designation** (All States) – The Service is developing a proposed critical habitat designation rule for the red knot (*Calidris canutus rufa*), which was listed as a threatened species on December 11, 2014. A date for this determination has not been set.

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

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

- 7) Big Sandy Crayfish and Guyandotte River Crayfish - Proposed Critical Habitat Designation** (VA, WV, KY) – The Service is developing a proposed critical habitat designation rule for the Big Sandy crayfish (*Cambarus callainus*) and the Guyandotte River crayfish (*C. veteranus*), which were listed as threatened and endangered, respectively, on April 7, 2016. A date for this determination has not been set.

On March 28, 2018, the Service received a Notice of Intent to Sue letter from the Center for Biological Diversity on our failure to meet the statutory timeline for designating critical habitat for the two crayfish. The Service is preparing a response to the NOI.

Documents pertaining to the listing 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.

- 8) Frosted Elfin Butterfly - SSA to Inform Conservation Strategy** (AL, AR, CT, DC, DE, FL, GA, IL, IN, KY, KS, LA, MA, MD, MI, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV; Canada (Ontario) – The Service is proactively assessing the conservation status of the frosted elfin (*Callophrys irus*), including whether the species may warrant listing under the ESA. The Service has prioritized the frosted elfin's status review, using the July 2016 Methodology for Assessing Status Reviews, as a Bin 4 (species for which proactive conservation efforts by states, landowners, and stakeholders are underway or being developed). As such, making a recommendation on the frosted elfin's status is scheduled for September 30, 2023, in our National Listing Workplan. To facilitate coordination among partners and implementation of conservation actions, we are developing a conservation strategy for the species. The New York Field Office is the lead office for this effort.

In support of developing the conservation strategy, we have conducted two out of three components of a Species Status Assessment (SSA) using information provided by our state, tribal, and NGO partners. A draft of the report was sent out for partner review in late 2017, and we are now addressing their comments. The SSA uses the best available scientific information to evaluate the species' needs, as well as its past and current resiliency, redundancy, and representation. The SSA analysis for the frosted elfin provides supporting biological information for the conservation strategy. Prior to making a recommendation on its status in FY2023, we will revise and update the SSA to add the final component, projecting the future status of the species.

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

- 9) Yellow Banded Bumble Bee - SSA to Inform 12-Month Petition Finding** (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 in the *Federal Register* a 90-day finding that a petition to list the yellow banded bumblebee (*Bombus terricola*) presented substantial information indicating that listing the species may be warranted. Potential threats to the species include habitat loss, degradation, and 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). The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05699.pdf>.

Information can be sent to Sandra Lary in our Regional Office at sandra_lary@fws.gov.

- 10) Brook Floater Mussel - SSA to Inform 12-Month Petition Finding** (CT, DC, GA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT, WV, Canada) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the brook floater (*Alasmidonta varicosa*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Sandie Doran in our New York Field Office at sandra_doran@fws.gov.

11) Seaside Alder - SSA to Inform 12-Month Petition Finding (DE, MD, GA, OK) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the seaside alder (*Alnus maritima*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Cherry Keller in our Chesapeake Bay Field Office at cherry_keller@fws.gov.

12) Elk River Crayfish - SSA to Inform 12-Month Petition Finding (WV) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Elk River crayfish (*Cambarus elkensis*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Barbara Douglas in our West Virginia Field Office at barbara_douglas@fws.gov.

13) Tippecanoe Darter - SSA to Inform 12-Month Petition Finding (IN, KY, OH, PA, TN, WV) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Tippecanoe darter (*Etheostoma tippecanoe*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Melinda Turner in our Pennsylvania Field Office at melinda_turner@fws.gov.