

U.S. Fish and Wildlife Service
Region 5 Endangered Species Act Update
January 30, 2019

Proposed Regulation Changes

On July 25, 2018, the U.S. Fish and Wildlife Service and National Marine Fisheries Service published in the *Federal Register* proposed rules to revise the regulations at:

- 50 CFR 402, which implements consultation provisions found in section 7 of the ESA. The proposed revisions would address alternative consultation mechanisms (e.g., programmatic consultations), revise the definitions of “destruction or adverse modification” and “effects of the action”, address certainty of mitigation proposed by action agencies, otherwise improve the consultation process, and seek public comment on several other potential improvements.
- 50 CFR 424, which implements listing and critical habitat provisions found in section 4 of the Act. The proposed revisions would add a framework for interpreting foreseeable future; clarify that the standards for delisting, reclassification, and listing are the same; re-define and expand considerations determining that designating critical habitat is not prudent; require that occupied habitat be evaluated before unoccupied habitat when designating critical habitat; and clarify when unoccupied areas would be determined to be essential for the conservation of the species.

In addition, the FWS has proposed to rescind the “blanket” 4(d) rules at 50 CFR 17 addressing protective regulations for threatened species. Since the mid-1970s, we have operated under “blanket” 4(d) rules, which conveyed endangered species protections to threatened plants and wildlife unless a species-specific rule was promulgated. The proposed regulations would require the Service to determine what, if any, protective regulations and section 9 prohibitions are appropriate for species that the Service in the future determines to be a threatened species. Species already listed as threatened species that included the blanket protections and prohibitions or those with existing species-specific 4(d) rules will remain unchanged.

The Federal Register notice initiated a 60-day public comment period, which closed on September 24, 2018. A date for issuance of final rules has not been set.

The proposed rules can be found at:

https://www.fws.gov/endangered/improving_ESA/regulation-revisions.html

Recovery Planning and Implementation

- 1) **White-Nose Syndrome (WNS)** (All States) – WNS has now been confirmed in 33 states and 7 Canadian provinces. The causative fungus (*Pd* for short) has also been detected in three additional states (MS, TX, and WY).

- WNS Surveillance: Surveillance is underway for winter 2018/2019 with priority samples being collected in Texas, Washington, Oregon, New Mexico, South Dakota and Wyoming.
 - The national surveillance and diagnostics working group has initiated a project to harmonize diagnostic laboratory procedures and reporting. The effort will standardize procedures and produce a framework for proficiency and sensitivity testing among participating diagnostics laboratories. This effort is being coordinated by the USGS National Wildlife Health Center.
 - The USGS National Wildlife Health Center is distributing surveillance kits to partners to collect samples from bats and the environment where *Pd* is not yet endemic.
 - WNS State Capacity Grants awarded to 39 states in 2018 are supporting surveillance and monitoring activities around the country.
- WNS Grants:
 - The National Fish and Wildlife Foundation and the Service offered funding targeting research to develop and implement management tools through the Bats for the Future Fund (BFF) again in 2018. Four projects have been selected for funding and will be announced this month.
 - The Service selected 10 grants through our research funding opportunity in 2018. Approximately \$1.5 million will be awarded to these projects, which will be announced over the coming months. The projects address key research and management needs identified through the WNS National Response Team.
 - The Service selected 10 projects through the WNS Small Grants Program. Three communications projects and seven research/conservation projects are being awarded through the Wildlife Management Institute for a total of \$170,000.
- Treatment Field Trials: In winter 2018/2019, we anticipate continued and new testing efforts for several treatments, including those funded through the BFF, in Pennsylvania, Wisconsin, Michigan, Minnesota, Texas, Alabama, Arkansas, and Georgia.
- To foster continuing innovation in the development of tools to manage white-nose syndrome, the Service is planning to work with new partners, including www.challenge.gov, to hold ideation and prize challenges in 2019. Ideation challenges support new ways of understanding and framing problems, new processes to solve problems, and innovative solutions to problems.
- 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 – Final 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 (*Salmo salar*) 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 final plan is going through internal agency review. Release of the final plan is expected this winter.

The draft plan can be found at

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

For more information, contact Anna Harris of our Maine Field Office at anna_harris@fws.gov.

- 3) **Big Sandy Crayfish and Guyandotte River Crayfish – Recovery Outline and Start of Recovery Planning (VA, WV, KY)** – The recovery outline for the Big Sandy crayfish (*Cambarus callainus*) and Guyandotte River crayfish (*C. veteranus*) has been approved and will be posted on the national Endangered Species website: <https://www.fws.gov/endangered>. Recovery planning for these species will start this fiscal year.

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

- 4) **Rufa Red Knot – Recovery Outline and Start of Recovery Planning (All States)** – The Service has drafted a recovery outline for the red knot (*Calidris canutus rufa*) that will guide the Service’s recovery implementation efforts until a recovery plan for the species is completed. The recovery outline is undergoing internal review and, upon approval, will be posted on the national Endangered Species website: <https://www.fws.gov/endangered>. Recovery planning for this species will start this fiscal year.

For more information, contact Wendy Walsh in our New Jersey Office at wendy_walsh@fws.gov.

- 5) **Virginia Big-Eared Bat – 5-Year Review and Recovery Plan Amendment (VA, WV)** – The Service is conducting a 5-year review of the Virginia big-eared bat (*Corynorhinus (=Plecotus) townsendii virginianus*) and preparing a recovery plan amendment. The Service’s West Virginia Field Office has coordinated these efforts with state natural resource agency and Service field office personnel in West Virginia, Virginia, North Carolina, Tennessee, and Kentucky. The draft documents are undergoing internal review. The Service expects to publish in the *Federal Register* a Notice of Availability of the draft recovery plan amendment for public comment in spring or summer 2019.

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

- 6) **Jesup's Milk-vetch – Recovery Plan Revision** (NH, VT) – The Service is revising the Jesup's milk-vetch (*Astragalus robbinsii* var. *jesupii*) recovery plan. The Service's New England Field Office has coordinated this effort with state natural resource agency personnel and experts in New Hampshire and Vermont. The draft recovery plan revision is undergoing internal review. The Service expects to publish in the *Federal Register* a Notice of Availability of the draft recovery plan revision for public comment in spring or summer 2019.

For more information, contact Susi vonOettingen in our New England Field Office at susi_vonoettingen@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 take of the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) resulting from 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 National Environmental Policy Act (NEPA) analysis. In March 2018, the Service received a final draft of the HCP. The Service expects to publish in the *Federal Register* a Notice of Availability of the HCP and NEPA analysis for public comment in early 2019. For more information, contact Pamela Shellenberger in our Pennsylvania Field Office at 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 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 in Blair and Cambria Counties, Pennsylvania. On November 28, 2018, the Service published in the *Federal Register* a Notice of Availability for the draft environmental assessment and HCP announcing a 30-day public comment period. The Service expects to make a permit decision in early 2019. 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 is working with

the Coalition on development of the HCP. 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 the Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*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 (EA) for the project and expects to publish in the *Federal Register* a Notice of Availability of the HCP and EA for public comment in early 2019. 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 the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*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 (EA) for the project and expects to publish in the *Federal Register* a Notice of Availability of the HCP and EA for public comment in early 2019. For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.
- 6) **Massachusetts Piping Plover HCP Amendment (MA)** – The Service has received from the Massachusetts Division of Fisheries and Wildlife (MADFW) an application to amend its 2016 HCP and incidental take permit for take of the piping plover (*Charadrius melodus*) incidental to recreational activities and beach operations on beaches in Massachusetts. The proposed amendment would facilitate HCP implementation by addressing unusual circumstances where a limited number of sites need additional management flexibility. There would be no change to the covered species (piping plover), amount of habitat affected, planning area, or total authorized take. The Service is developing a Finding of No New Significant Impact (FNNSI) under the National Environmental Policy Act (NEPA) for the project and expects to publish in the *Federal Register* a Notice of Availability of the HCP amendment and FNNSI for public comment in early 2019. For more information, contact David Simmons in our New England Field Office at david_simmons@fws.gov.
- 7) **Galloo Wind HCP (NY)** – Galloo Island Wind, LLC, an affiliate of Apex Clean Energy, is developing a 30-turbine wind project on Galloo Island in Lake Ontario, located in the Town of Hounsfield, Jefferson County, New York. Galloo has prepared an HCP to address take of the Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), bald eagle (*Haliaeetus leucocephalus*), and golden eagle (*Aquila chrysaetos*). The Service will develop an environmental assessment (EA) for the project. For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.
- 8) **Albany Pine Bush Preserve HCP (NY)** – The Albany Pine Bush Preserve Commission has applied for an incidental take permit for take of the Karner blue butterfly (*Lycaeides melissa samuelis*; KBB) (and frosted elfin (*Callophrys irus*), should it be listed in the future)

resulting from development of a recreation trail and general/emergency maintenance on 1.94 acres of occupied habitat within its Discovery Center grounds in Albany County, New York. The applicant's draft HCP and the Service's NEPA Environmental Action Statement are undergoing internal review. For more information, contact Noelle Rayman in our New York Field Office at noelle_rayman@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/angered/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 2018, the National Workplan addresses status reviews for 107 species occurring in Region 5 (65 R5 lead; 42 non-R5 lead). The National Workplan is expected to be updated soon.

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

- 2) **Candy Darter – Final Listing Rule, Endangered Species Status (VA, WV)** – On Wednesday, November 21, 2018, the Service published in the *Federal Register* a final rule to list the candy darter (*Etheostoma osburni*) as an endangered species.

The final rule can be found at:

<https://www.govinfo.gov/content/pkg/FR-2018-11-21/pdf/2018-25316.pdf>.

In support of the final rule, the Service also developed a recovery outline to guide initial conservation efforts. A full recovery plan is under development. The outline can be found here: <https://www.fws.gov/northeast/candydarter/>.

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

For more information, contact Keith Hastie in our Regional Office at keith_hastie@fws.gov or Barbara Douglas in our West Virginia Field Office at barbara_douglas@fws.gov.

- 3) Candy Darter – Proposed Critical Habitat Designation (VA, WV) –** On Wednesday, November 21, 2018, the Service published in the *Federal Register* a proposed rule to designate critical habitat for the candy darter (*Etheostoma osburni*). A total of approximately 596 stream kilometers (370 stream miles), in Virginia and West Virginia, of occupied habitat fall within the boundaries of the proposed critical habitat designation. The 60-day public comment period ended on January 22, 2019.

The proposed rule can be found at:

<https://www.govinfo.gov/content/pkg/FR-2018-11-21/pdf/2018-25315.pdf>

Supporting documents can be viewed through www.regulations.gov under docket # FWS–R5–ES–2018–0050.

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

- 4) 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 2019.

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.

- 5) Black-capped Petrel – Proposed Rule to List (offshore areas of VA, NC, SC, GA, FL; and Cuba, Bahamas, Dominican Republic, Haiti, and other Caribbean Islands) –** On October 9, 2019, the Service published in the *Federal Register* a proposed rule to list the black-capped petrel (*Pterodroma hasitata*) as a threatened species with a 4(d) rule. 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 determined that designating critical habitat for the black-capped petrel is not prudent at this time, but is seeking public comment on that determination. The proposed rule has a 60-day public comment period that ended on December 10, 2018.

The proposed rule can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2018-10-09/pdf/2018-21793.pdf>

Additional information about the species, including the species status assessment (SSA) report and other supporting material, can be found here:

<https://www.fws.gov/southeast/wildlife/birds/black-capped-petrel/>

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

- 6) Eastern Black Rail – Proposed Rule to List** (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 October 9, 2018, the Service published in the *Federal Register* a proposed rule to list the eastern black rail (*Laterallus jamaicensis jamaicensis*) as a threatened species with a 4(d) rule. Partially migratory, the eastern black rail is known to appear in as many as 36 states plus multiple territories and countries in the Caribbean and Central and South America. One of four subspecies of black rail, the eastern black rail, though rare, is broadly distributed but highly localized, and lives in salt, brackish, and freshwater marshes. The Service is not designating critical habitat for the eastern black rail at this time due to concerns that identifying such areas may attract birders seeking out these shy and elusive birds, placing additional stress on the bird. The proposed rule has a 60-day public comment period that ended on December 10, 2018.

The proposed rule can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2018-10-09/pdf/2018-21799.pdf>

Additional information about the species, including the species status assessment (SSA) report and other supporting material, can be found here:

<https://www.fws.gov/southeast/wildlife/birds/eastern-black-rail/>

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

- 7) 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 initiated a species status review and prepared a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service completed the SSA and listing

recommendation by the end of FY 2018. We expect to publish the 12-month finding in the *Federal Register* in FY 2019.

The *Federal Register* notice for the 90-day finding 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.

- 8) Tippecanoe Darter – Not Warranted 12-Month Petition Finding** (IN, KY, OH, PA, TN, WV) – On Wednesday, December 19, 2018, the Service published a batched 12-month not warranted for listing petition finding for the Tippecanoe darter (*Etheostoma tippecanoe*) and 12 other species, following the 2011 90-day substantial finding on the 2010 petition to list 404 species. The completion date for the 12-month finding was in alignment with the Service’s National Listing Workplan.

The batched Federal Register notice for the 12-month finding can be found at <https://www.govinfo.gov/content/pkg/FR-2018-12-19/pdf/2018-27467.pdf>

Supporting documents can be viewed through www.regulations.gov under docket # FWS–R5–ES–2018–0066.

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

- 9) Eastern Hellbender – SSA to Inform 12-Month Petition Finding** (AL, AR, GA, IL, IN, KY, MD, MO, MS, NC, NY, OH, PA, SC, TN, VA, WV) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition by CBD to list the hellbender (*Cryptobranchus alleganiensis*) presented substantial information indicating that listing the species may be warranted. On October 6, 2011, the Ozark hellbender (*Cryptobranchus alleganiensis bishopi*) was listed as endangered. The Service initiated a status review for the eastern subspecies of hellbender (*Cryptobranchus alleganiensis alleganiensis*) and will prepare a species status assessment (SSA) report, which will support a 12-month finding. The Service and petitioners have agreed to an extension of the settlement agreement timeline, and we expect to publish the 12-month finding in the *Federal Register* in early 2019.

The Federal Register notice for the 90-day finding can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Jeromy Applegate in our Ohio Ecological Services Field Office at jeromy_applegate@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 initiated a species status review and prepared a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service's target was to complete the SSA and listing recommendation by the end of FY 2018. We anticipate publishing the 12-month finding in the *Federal Register* in early 2019.

The *Federal Register* notice for the 90-day finding 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) Yellow Lance Mussel – Proposed 4(d) Rule and Critical Habitat Designation** (MD, VA, NC, SC, GA) – On April 3, 2018, the Service published in the *Federal Register* a final rule to designate the yellow lance (*Elliptio lanceolata*) as a threatened species. The Service expects to publish a proposed 4(d) rule and a proposed critical habitat designation for the species in FY 2019.

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_mcr@fws.gov

- 12) 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 ashly 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 forthcoming revised National Listing Workplan we expect to complete the SSA and resulting 12-month finding in FY 2019.

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

- 13) 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 forthcoming revised National Listing Workplan we expect to complete the SSA and resulting 12-month finding in FY 2019.

The *Federal Register* notice for the 90-day finding can be found at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05699.pdf>.

For more information contact Sandra Lary in our Northeast Regional Office at sandra_lary@fws.gov.

- 14) 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 forthcoming revised National Listing Workplan we anticipate the Service completing the SSA and resulting 12-month finding in FY 2019.

The *Federal Register* notice for the 90-day finding 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.

- 15) 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.

On June 20, 2018, the Center for Biological Diversity (CBD) filed a lawsuit against the Service for failure to meet the statutory timeline for designating critical habitat for the two crayfish. On September 21, 2018, CBD agreed to stay further litigation on this until December 31, 2019. The Service anticipates publishing a proposed critical habitat designation rule in the *Federal Register* by December 31, 2019.

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.

- 16) Longsolid Mussel – SSA to Inform 12-Month Petition Finding (AL, AR, GA, IL, IN, KY, NC, OH, PA, TN, VA, WV)** - On September 27, 2011, the Service published in the *Federal*

Register a 90-day finding that a petition to list the longsolid mussel (*Fusconaia subrotunda*) 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's target is to complete the SSA and resulting 12-month finding in mid-FY 2019.

For more information, contact Andrew Henderson in the Asheville North Carolina Field Office at andrew_henderson@fws.gov.

17) Purple Lilliput Mussel – SSA to Inform 12-Month Petition Finding (AL, AR, IL, MI, MO, IN, TN, VA) - On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the purple lilliput (*Toxolasma lividus*) 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's target is to complete the SSA and resulting 12-month finding in FY 2019.

For more information, contact Andrew Henderson in the Asheville North Carolina Field Office at andrew_henderson@fws.gov.

18) Round Hickorynut Mussel – SSA to Inform 12-Month Petition Finding (AL, AR, GA, IL, IN, KY, MI, MS, OH, PA, TN, WV, Canada) - On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the round hickorynut (*Obovaria subrotunda*) 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's target is to complete the SSA and resulting 12-month finding in FY 2019.

For more information, contact Andrew Henderson in the Asheville North Carolina Field Office at andrew_henderson@fws.gov.

19) Longhead Darter – SSA to Inform 12-Month Petition Finding (NY, PA, OH, WV, KY, TN) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the longhead darter (*Percina macrocephala*) 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 a court-approved settlement agreement with the petitioners, we must complete the status review and publish a listing determination for the longhead darter in the *Federal Register* no later than September 30, 2019.

Additional information about the longhead darter can be found online at: <https://ecos.fws.gov/ecp0/profile/speciesProfile.action?sPCODE=E018>

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

20) Cobblestone tiger beetle – SSA to Inform 12-Month Petition Finding (AL, IN, KY, MA, ME, NH, NJ, NY, OH, PA, SC, VT, WV; Canada (New Brunswick) - On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the cobblestone tiger beetle (*Cicindela marginipennis*) 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 a court-approved settlement agreement with the petitioners, we must complete the status review and publish a listing determination for the cobblestone tiger beetle in the *Federal Register* no later than September 30, 2019.

Additional information about the cobblestone tiger beetle can be found online at: <https://ecos.fws.gov/ecp0/profile/speciesProfile.action?spcode=I0EX>.

For more information, contact Fred Pinkney in our Chesapeake Bay Field Office at fred_pinkney@fws.gov.

21) Monarch Butterfly – SSA to Inform 12-Month Petition Finding (All States) – On December 31, 2014, the Service published in the *Federal Register* a 90-day finding that a petition to list the *plexippus* subspecies of the monarch butterfly (*Danaus plexippus*) 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 a court-approved settlement agreement with the petitioners, we must complete the status review and publish a listing determination for the monarch butterfly in the *Federal Register* no later than September 30, 2019.

Additional information about the monarch butterfly can be found online at: <https://www.fws.gov/savethemonarch/>.

For more information, contact Michelle Shaughnessy in the Midwest Regional Office at michelle_shaughnessy@fws.gov.

22) Saltmarsh Sharp-tailed Sparrow – SSA to Inform Discretionary Status Review (CT, DE, FL, GA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA) - The Service is proactively assessing the status of the saltmarsh sharp-tailed sparrow (or saltmarsh sparrow for short) (*Ammodramus caudacutus*) to determine whether the species warrants listing under the ESA. The Service's National Listing Workplan established a September 30, 2019, due date for this determination. To support the listing determination, the Service is preparing a species status assessment (SSA) report.

Additional information about the saltmarsh sparrow can be found at: <http://acjv.org/coordinated-conservation-for-saltmarsh-sparrow/>.

For more information, contact Suzanne Paton in our Southern New England Coastal Program office at suzanne_paton@fws.gov.

23) 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. 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.

24) Tricolored Bat – SSA to Inform 12-Month 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>). The species' prioritization and 12-month finding schedule will be included in the FY 2019 National Workplan (see above).

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

25) 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.

On June 22, 2018, Defenders of Wildlife filed a lawsuit against the Service for failure to meet the statutory timeline for designating critical habitat for the *rufa* subspecies of red knot.

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.

26) Canada Lynx – SSA to inform 5-Year Review (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 (*Lynx canadensis*) and a 5-year review recommendation based on results of the assessment. The Service's recommendation is that the DPS no longer warrants 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 develop a proposed delisting rule and post-delisting monitoring plan that will be made available for public comment by September 2019.

Documents pertaining to the Canada lynx can be found at <https://www.fws.gov/mountain-prairie/es/canadaLynx.php>

For more information, contact Anne Hecht in our Regional Office at anne_hecht@fws.gov.

27) Furbish's Lousewort – SSA to Inform 5-year Review (ME) – A species status assessment for the Furbish's lousewort (*Pedicularis furbishiae*) was initiated in May 2018 to inform a 5-year review recommendation whether to retain this species as endangered, reclassify it to threatened, or delist it on the basis of recovery. If either retention of endangered status or reclassification to threatened is recommended, we will commence revision of the 1991 recovery plan, with a focus on developing quantitative delisting criteria. If reclassification or delisting is recommended, we will develop a proposed rule by

September 30, 2019. The State of Maine and other experts are involved in this assessment effort. The draft SSA report underwent peer and partner review in August and was finalized in September 2018. We expect to complete the 5-year review this winter.

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

28) Northeastern Bulrush – SSA to Inform 5-year Review (MD, MA, NH, NY, PA, VT, VA, WV) – An SSA is underway for the northeastern bulrush (*Scirpus ancistrochaetus*), the results of which will inform a 5-year review recommendation whether to retain this species as endangered, reclassify it to threatened, or delist it on the basis of recovery. If either retention of endangered status or reclassification to threatened is recommended, we will commence revision of the 1993 recovery plan, with a focus on developing quantitative delisting criteria. If reclassification or delisting is recommended, we will develop a proposed rule by September 30, 2019. All states have been invited to participate in this assessment effort by providing data and input, reviewing interim products, reviewing the draft SSA report, and, as available, participating on the core team for the SSA. We expect to make the draft SSA report available for peer and state review and to complete the 5-year review this winter.

For more information, contact Maria Tur in our New England Field Office at maria_tur@fws.gov.

29) American Hart's-Tongue Fern – SSA to Inform 5-year Review (AL, MI, NY, TN, and Canada) – An SSA is underway for the American hart's-tongue fern (*Asplenium scolopendrium* var. *americanum*) to evaluate current population status and trends and the relative effects of both positive and negative influences on the species' viability. The results of the SSA will inform a 5-year review recommendation whether to retain this species as threatened or delist it on the basis of recovery; the SSA results will also inform the current recovery needs for the species. A 5-year review recommendation to retain the species as threatened will lead to assessment of the 1993 recovery plan, possibly resulting in plan revision. The core team for this SSA includes state representatives and other experts. We expect to make the draft SSA report available for peer and state review this winter and to complete the 5-year review in FY 2019.

For more information, contact John Wiley in our New York Field Office at john_wiley@fws.gov.

30) Sandplain Gerardia – Taxonomic Review to Inform 5-year Review (MA, RI, CT, NY, MD) – Our Long Island Field Office has prepared a white paper on the genetics and taxonomy of the sandplain gerardia (*Agalinis acuta*) reviewing the results of genetics analyses contracted by the Service in 2005, with peer-reviewed papers published in 2009 and 2011. This research indicates that the sandplain gerardia is part of a more widespread *Agalinis* species (*A. decemloba*). We are now preparing a 5-year review recommendation whether to delist the sandplain gerardia based upon taxonomic error.

For more information, contact Steve Sinkevich in our Long Island Field Office at steve_sinkevich@fws.gov.

31) Mussels – Technical Correction (AL, AR, IL, IA, KS, KY, MI, MN, MO, TN, VA, WI, WV) – Taxonomic updates to six freshwater mussels are needed based on Williams et al.’s (2017) “A Revised List of the Freshwater Mussels (Mollusca: Bivalvia: Unionida) of the United States and Canada.” Within our Region, this includes changes in genus nomenclature for the Cumberland monkeyface (*Quadrula intermedia*), Appalachian monkeyface (*Quadrula sparsa*), spectaclecase (*Cumberlandia monodonta*), slabside pearlymussel (*Pleuonaia dolabelloides*), and James spinymussel (*Pleurobema collina*) and changes in species nomenclature for the fluted kidneyshell (*Ptychobranhus subtentum*). We are preparing a direct final rule making to effect these changes, which will be published in FY 2019.

For more information, contact Jordan Richard in our Southwest Virginia Field Office at jordan_richard@fws.gov.