

U.S. Fish and Wildlife Service
Region 5 Endangered Species Act Update
May 3, 2019

Proposed Regulation Changes (No new update)

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 each species that the Service in the future determines to be a threatened species. The regulations for species already listed as threatened will not change.

Publication of the proposed rules in the Federal Register 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.

- The national surveillance and diagnostics working group has initiated a project to harmonize diagnostic laboratory procedures and reporting. This effort is being conducted by the USGS National Wildlife Health Center with support from FWS.
- As of May 2019, many surveillance results for the winter are still pending. Only one additional county has been confirmed with WNS (in Washington state), but this detection represents the first confirmation of WNS in the (western) long-eared bat, *Myotis evotis*.
- Active surveillance is being conducted in Mexico for the first time this year with support from FWS through our small grant program. No signs of Pd or WNS have yet been detected, but many hibernating bats and hibernacula have been discovered in central and northern Mexico as a result.
- WNS Grants:
 - FWS recently announced the 2019 WNS Grants to States and Tribes opportunity. This is the first year that Tribes are eligible for funding. Details can be found at [grants.gov](https://www.grants.gov) (funding opportunity: F19AS00167). The award ceiling was increased to \$50K for 2019. The opportunity closes on 28 May 2019.
 - The 2019 Research Grant opportunity will likely be posted in May 2019.
- 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 hold an ideation prize challenges in 2019, to be posted through www.challenge.gov. 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 February 11, 2019, the Service and National Marine Fisheries Service announced release of the final Recovery Plan for the endangered expanded Gulf of Maine Distinct Population Segment of Atlantic Salmon (*Salmo salar*). The Services share jurisdiction of the species and jointly prepared the 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 final 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 threatened Big Sandy crayfish (*Cambarus callainus*) and endangered Guyandotte River crayfish (*C. veteranus*) has been approved. Recovery planning for these species will start this fiscal year.

The recovery outline can be found at

https://ecos.fws.gov/docs/recovery_plan/20180531_GRC_BSC_Signed%20recoveryoutline_final.pdf

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 recovery outline for the threatened red knot (*Calidris canutus rufa*) has been approved. Recovery planning for this species will start this fiscal year.

The recovery outline can be found at

https://ecos.fws.gov/docs/recovery_plan/20190409%20Red%20Knot%20Recovery%20Outline%20final%20signed.pdf

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) – On February 5, 2019, the Service completed a 5-year review of the endangered Virginia big-eared bat (*Corynorhinus (=Plecotus) townsendii virginianus*) and has prepared a draft recovery plan amendment. The Service’s West Virginia Field Office coordinated these efforts with state natural resource agency and Service field office personnel in West Virginia, Virginia, North Carolina, Tennessee, and Kentucky. The draft plan is 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.

The 5-year review can be found at:

https://ecos.fws.gov/docs/five_year_review/doc5958.pdf

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 has prepared a draft revision of the endangered Jesup's milk-vetch (*Astragalus robbinsii* var. *jesupii*) recovery plan. The Service's New England Field Office 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.

- 7) **Furbish's Lousewort – SSA to Inform 5-Year Review and Recovery Plan Amendment** (ME) – On February 21, 2019, the Service completed a 5-year review of the endangered Furbish's lousewort (*Pedicularis furbishiae*) and has prepared a draft recovery plan amendment. The Service's Maine Field Office coordinated this effort with Maine natural resource agency personnel. The 5-year review recommends that the species be reclassified to threatened, and the Service is preparing a proposed downlisting rule. 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, and a proposed downlisting rule for public comment in fiscal year 2020.

The 5-year review can be found at:

https://ecos.fws.gov/docs/five_year_review/doc5965.pdf

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 take of the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) resulting from forest management 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 summer 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 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 spring 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 10 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 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 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 spring 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 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 spring 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 received an application from the Massachusetts Division of Fisheries and Wildlife (MADFW) 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 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 prepared a Finding of No New Significant Impact (FNN SI) under the National Environmental Policy Act (NEPA) for the project. On April 21, 2019, the Service published in the *Federal Register* a Notice of Availability of the draft

FNNSI and HCP amendment announcing a 30-day public comment period, which closed on March 25, 2019. The Service expects to make a permit decision in spring 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 (Galloo), an affiliate of Apex Clean Energy, proposed development a 30-turbine wind project on Galloo Island in Lake Ontario, located in the Town of Hounsfield, Jefferson County, New York. Galloo 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 project proponent has put the project on hold. 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. The Service expects to publish in the *Federal Register* a Notice of Availability of the HCP and NEPA document for public comment in spring 2019. For more information, contact Noelle Rayman in our New York Field Office at noelle_rayman@fws.gov.
- 9) **Allegheny Wood Products HCP (WV)** – Allegheny Wood Products (AWP) is developing an HCP to cover take of nine listed and nonlisted species resulting from forest management and residential development on its Blackwater Canyon property in Tucker County, WV. The Service is working with AWP on development of the HCP. For more information, contact Chase Allred in our West Virginia Field Office at chase_allred@fws.gov.
- 10) **General Conservation Plan for the Indiana Bat and the Northern long-eared bat (NY, PA, WV, possibly others)** – The Service’s Northeast Regional Office, New York, Pennsylvania, and West Virginia Field Offices are collaborating on the development of a General Conservation Plan (GCP) for certain recurring project types that could result in incidental take of the Indiana bat and the northern long-eared bat. If approved, the GCP could be adopted by eligible applicants as part of their applications for incidental take permits. Applicants that satisfy requirements outlined within the GCP and meet statutory and regulatory issuance criteria may be issued individual incidental take permits. For more information, contact Kevin Connally at the Northeast Regional Office at kevin_connally@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/what-we-do/listing-workplan.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. In initiating each scheduled Species Status Assessment (SSA), the Service will coordinate with State Directors and biological staff. 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 Critical Habitat Designation** (VA, WV) – The Service is working on finalizing the proposed critical habitat rule for the candy darter (*Etheostoma osburni*) that was published in the *Federal Register* on Wednesday, November 21, 2018. The 2018 rule proposed to designate 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 proposed rule opened a 60-day public comment period that 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.

- 3) **American Burying Beetle – SSA to Inform 12-Month Petition Finding** (AR, KS, OK, MA, NE, OH, RI, SD, TX) – On May 3, 2019, the Service published in the *Federal Register* proposed rule to reclassify the American burying beetle (*Nicrophorus americanus*) from endangered to threatened and a proposed section 4(d) rule identifying activities that would be prohibited unless authorized. The proposed rule opens a 60-day public comment period that end on July 2, 2019.

The proposed rule can be found at

<https://www.govinfo.gov/content/pkg/FR-2019-05-03/pdf/2019-09035.pdf>

Information can be sent to Kevin Stubbs in the Oklahoma Field Office at

kevin_stubbs@fws.gov.

- 4) **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, 2018, 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 opened 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.

- 5) **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 opened 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.

- 6) 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.

- 7) Eastern Hellbender –12-Month Petition Finding and Proposed Listing Rule** (AL, AR, GA, IL, IN, KY, MD, MO, MS, NC, NY, OH, PA, SC, TN, VA, WV) – On April 4, 2019, the Service published in the *Federal Register* a combined 12-month not warranted finding for most populations and a proposed rule to list the Missouri Distinct Population Segment (DPS) of the eastern subspecies of hellbender (*Cryptobranchus alleganiensis alleganiensis*) as an endangered species. The Service is concerned that identifying areas where eastern hellbenders may be found in Missouri may further exacerbate the threat of illegal collection. Therefore, we are not proposing to designate critical habitat for the DPS. The Service completed an SSA to inform the listing decision.

The *Federal Register* notice for the 12-month finding/proposed listing rules can be found at

<https://www.govinfo.gov/content/pkg/FR-2019-04-04/pdf/2019-06536.pdf>.

For more information, contact Jeromy Applegate in our Ohio Ecological Services Field Office at jeromy_applegate@fws.gov.

- 8) 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. 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 Sandie Doran in our New York Field Office at sandra_doran@fws.gov.

- 9) 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 listing 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 in the *Federal Register* 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_mcrae@fws.gov.

- 10) Ashy Darter – Not Warranted 12-Month Petition Finding** (VA, NC, SC, GA, AL, TN, KY) – On April 4, 2019, the Service published in the *Federal Register* a 12-month not warranted finding on a petition to list the ashy darter (*Etheostoma cinereum*) as a threatened or endangered species. The Service completed an SSA report to inform the listing decision. The ashy darter 12-month finding was included in a batch notice for eight species.

The finding can be found at <https://www.govinfo.gov/content/pkg/FR-2019-04-04/pdf/2019-06535.pdf>.

For more information, contact Michelle Eversen, Area Supervisor, in our Cookville Field Office at michelle_eversen@fws.gov.

- 11) 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. 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.

- 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. 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-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) Northern Virginia Well Amphipod – SSA to Inform a Discretionary Status Review (VA)** – Originally scheduled for FY 2023, the Service has reprioritized the species status assessment and listing recommendation for the Northern Virginia well amphipod (*Stygobromus phreaticus*) to be completed in FY 2019. The change in prioritization will be reflected in the forthcoming update to the National Listing Workplan (see item above). The species is currently known to occur on Fort Belvoir in Fairfax County, Virginia.

For more information, contact Sumalee Hoskin in our Virginia Field Office at sumalee_hoskin@fws.gov.

- 14) 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. We expect to publish 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.

- 15) 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. We expect 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.

- 16) 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. We expect 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.

- 17) 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. We expect 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) 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 conducted a species status review and prepared 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.

19) 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 conducted a species status review and prepared 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.

20) 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 conducted a species status review and prepared 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 June 30, 2019.

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

For more information, contact Barbara Hosler in the Midwest Regional Office at barbara_hosler@fws.gov.

21) 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 discretionary listing determination for the saltmarsh sharp-tailed sparrow (or saltmarsh sparrow for short)

(*Ammodramus caudacutus*), originally scheduled for fiscal year 2019, has been rescheduled for fiscal year 2023. Rescheduling the listing determination will allow us to focus on the immediate conservation needs of the species and to fully incorporate into the species status assessment additional information about conservation efforts by our agency and partners, particularly through the Atlantic Coast Joint Venture. The Service will soon release a report describing the species' current condition and threats to bolster planning and implementation of conservation efforts.

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.

22) 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 prepared a biological report describing the species' current condition and threats to support development of the conservation strategy. Prior to making a recommendation on its status in FY2023, we will complete a species status assessment.

The Service is working with the states to conduct surveys across the species' range to address information gaps regarding the species' current distribution, which will inform development of the conservation strategy.

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

23) 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/2017/12/20/2017-27389/27389/2017-27389-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 whether 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.

- 24) 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.

- 25) 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. The Service is developing 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.

- 26) Furbish's Lousewort – SSA, 5-year Review, and Proposed Downlisting Rule** (ME) – In September 2018, the Service completed a species status assessment for the Furbish's

lousewort (*Pedicularis furbishiae*) 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. The Service's Maine Field Office coordinated this effort with Maine natural resource agency personnel. On February 21, 2019, the Service completed the 5-year review, which recommends that the species be reclassified to threatened; the Service is now preparing a draft proposed downlisting rule and expects to publish the rule in the *Federal Register* for public comment in fiscal year 2020.

The 5-year review can be found at:

https://ecos.fws.gov/docs/five_year_review/doc5965.pdf

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

27) Northeastern Bulrush – SSA to Inform 5-year Review (MD, MA, NH, NY, PA, VT, VA, WV) – A species status assessment (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 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 spring.

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

28) American Hart's-Tongue Fern – SSA to Inform 5-year Review (AL, MI, NY, TN, and Canada) – A species status assessment (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 would lead to assessment of the 1993 recovery plan, possibly resulting in plan revision. The SSA core team includes state representatives and other experts. We expect to make the draft SSA report available for peer and state review 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.

29) 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, along 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.

30) 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 (*Ptychobranthus subtentum*). We are preparing a direct final rulemaking to effect these changes, which will be published in FY 2019 or FY 2020.

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