

**U.S. Fish and Wildlife Service
North Atlantic-Appalachian Region
Endangered Species Act Update
February 4, 2020**

White-Nose Syndrome (WNS) (All States)

White-nose syndrome has been confirmed in 33 states and 7 Canadian provinces. Additionally, the disease-causing fungus has been detected or is suspected to be present in Mississippi, Texas, Wyoming, North Dakota and California without confirmation of disease. The disease has been confirmed in at least 12 species of North American hibernating bats. The most recent addition to this list is the fringed myotis, a western species that has been exposed to the fungus since at least 2017.

- WNS Grants:
 - The FWS is reviewing ~40 submissions to the WNS Challenge which is seeking creative solutions to permanently disarm or weaken the fungus that causes white-nose syndrome. Total prize money available is \$100,000. The WNS Challenge complements other efforts to fight white-nose syndrome.
 - The FWS is preparing to post notice for the WNS Grants to States and Tribes for 2020 in the coming months on www.Grants.gov. These funds are awarded to support states and tribes in implementing conservation actions for bats, fulfilling information needs of management entities, and implementing the North American Bat Monitoring Program (NABat).
- FWS is coordinating closely with USGS, Fort Collins Science Center to advance the goals and efforts of NABat. This coordination includes actions of an internal working group comprised of personnel working in Ecological Services, National Wildlife Refuges, and Science Applications, as well as facilitating bat monitoring efforts of non-FWS partners. FWS and NABat will achieve objectives using a combination of acoustic monitoring and counting of bats at summer and winter roosts across their ranges.
- 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.

5-Year Reviews

- 1) Notices of Initiation of 5-Year Reviews** – The northeast Region published a *Federal Register* notice announcing the initiation of 5-year reviews for seven species on September 4, 2019: Appalachian monkeyface (*Quadrula sparsa*) (VA), Hay’s spring amphipod (*Stygobromus hayi*) (DC), Atlantic salmon (*Salmo salar*) (ME), diamond darter (*Crystallaria cincotta*) (WV), Virginia round-leaf birch (*Betula uber*) (VA), Virginia spiraea (*Spiraea virginiana*) (VA, WV), and swamp pink (*Helonius bullata*) (DE, MD, NJ, VA).

The *Federal Register* notice can be found at

<https://www.govinfo.gov/content/pkg/FR-2019-09-04/pdf/2019-19056.pdf>.

For more information, contact Abby Gelb in our Regional Office at abby_gelb@fws.gov.

The Service’s Midwest Region has initiated 5-year reviews for three species occurring in the northeast Region: gray bat (*Myotis grisescens*) (VA, WV), sheepnose mussel (*Plethobasus cyphus*) (PA, VA, WV), and Houghton’s goldenrod (*Salidago houghtonii*) (NY). For more information, contact Laura Ragan in the Midwest Regional Office at laura_ragan@fws.gov.

The Service’s Southeast Region has initiated 5-year reviews for three species occurring in the northeast Region: slabside pearlymussel (*Pleuroaia dolabelloides*) (VA), fluted kidneyshell (*Ptychobranhus subtenum*) (VA), and hawksbill sea turtle (*Eretmochelys imbricate*) (CT, DE, MA, MD, ME, NH, NJ, RI, VA). For more information, contact Kelly Bibb in the Southeast Regional Office at kelly_bibb@fws.gov

- 2) Bog Turtle – SSA to Inform 5-year Review** (CT, DE, MA, MD, NY, NJ, PA) – A species status assessment (SSA) is underway for the northern population of the bog turtle (*Clemmys [=Glyptemys] muhlenbergii*). We expect to complete a draft of the SSA by September 2020 and the 5-year review in FY 2021. For more information, contact Noelle Rayman-Metcalf in our New York Field Office at noelle_rayman@fws.gov.
- 3) American Hart’s-Tongue Fern – SSA to Inform 5-year Review** (AL, MI, NY, TN, and Canada) – A species status assessment (SSA) has been completed for the threatened American hart’s-tongue fern (*Asplenium scolopendrium var. americanum*). The SSA core team consisted of state representatives and other experts. 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. We expect to complete the 5-year review this winter. For more information, contact John Wiley in our New York Field Office at john_wiley@fws.gov.
- 4) Northern Red-bellied Cooter – SSA to Inform 5-year Review** (MA) – A species status assessment (SSA) is underway for the endangered northern red-bellied cooter (*Pseudemys rubriventris*). The SSA core team consists of Service and state biologists. The results of the SSA will inform a 5-year review recommendation whether to retain this species as endangered, downlist it to threatened, or delist it on the basis of recovery. We expect to complete a draft of the SSA by September 2020 and the 5-year review in FY 2021. For more

information, contact Eliese Dykstra in our New England Field Office at eliese_dykstra@fws.gov.

Recovery Planning

- 1) Virginia Big-Eared Bat Recovery Plan Amendment (VA, WV)** – The Service has prepared a draft recovery plan amendment for the endangered Virginia big-eared bat (*Corynorhinus (=Plecotus) townsendii virginianus*). 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. A Notice of Availability of the draft plan amendment was published in the *Federal Register* on August 6, 2019, for public comment; the comment period ended on September 5, 2019. The Service expects to issue a final plan amendment in FY 2020.

The draft amendment can be found at

https://ecos.fws.gov/docs/recovery_plan/20190313_Draft%20VBEB%20Recovery%20Plan%20Amendment.

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

- 2) Red Knot – Initiation of Recovery Planning (All States)** – The Service has initiated recovery planning for the threatened rufa red knot (*Calidris canutus rufa*). We have requested that internal and external partners provide any new information and invited biologists with knowledge of the species to participate in a series of webinar-based discussions. We anticipate announcement (in the *Federal Register*) of a public comment period on the draft recovery plan in late 2020 or early 2021. For more information, contact Wendy Walsh in our New Jersey Field Office at wendy_walsh@fws.gov.
- 3) Diamond Darter – Initiation of Recovery Planning (WV)** – The Service has initiated recovery planning for the endangered diamond darter (*Crystallaria cincotta*). We have contacted internal and external partners to request any new information and to invite them to participate in recovery planning. We anticipate announcement (in the *Federal Register*) of a public comment period on the draft recovery plan in 2020. For more information, contact Barbara Douglas in our West Virginia Field Office at barbara_douglas@fws.gov.
- 4) Northern Riffleshell and Clubshell Mussels – Initiation of Recovery Planning (NY, PA, WV)** – The Service has initiated preparation of a recovery planning for the endangered northern riffleshell (*Epioblasma toulousa rangiana*) and clubshell (*Pleurobema clava*). We have requested that internal and external partners provide any new information that may inform recovery planning. We anticipate announcement (in the *Federal Register*) of a public comment period on the draft recovery plan in 2020. For more information, contact Bob Anderson in our Pennsylvania Field Office at robert_m_anderson@fws.gov.

- 5) **Hay's Spring Amphipod – Initiation of Recovery Outline (DC)** – The Service has initiated preparation of a recovery outline for the endangered Hay's spring amphipod (*Stygobromus hayi*). We have requested that internal and external partners provide any new information that may inform recovery planning. We expect to complete the recovery outline in FY 2020. For more information, contact Julie Thompson in our Chesapeake Bay Field Office at julie_thompson@fws.gov.
- 6) **Rusty Patched Bumble Bee Draft Recovery Plan (MA, MD, ME, NJ, PA, VA, WV)** – The Service's Midwest Region has prepared a draft recovery plan for the endangered rusty patched bumble bee (*Bombus affinis*). A Notice of Availability of the draft plan was published in the *Federal Register* on January 24, 2020, for public comment; the comment period ends on February 24, 2020.

The draft recovery plan and instructions for submitting comments can be found at <https://www.fws.gov/midwest/Endangered/insects/rpbb/>

For more information, contact Mark McCollough in our Maine 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) developed 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. The State Agencies and the Service are finalizing a Programmatic Agreement with the Advisory Council on Historic Preservation and the Pennsylvania State Historic Preservation Officer that will facilitate compliance with section 106 of the National Historic Preservation Act. Once complete, the Service will publish in the *Federal Register* a Notice of Availability of the HCP and NEPA analysis (including the Programmatic Agreement) for public comment in winter 2020. 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 concluded review of 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. We expect to issue a permit decision in February. 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 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 35-

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 2020. 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 published a Notice of Availability of the HCP and EA in the *Federal Register* on December 10, 2019, and accepted public comments through January 9, 2020. The Service anticipates concluding final review and making a permit decision in February. For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.
- 6) **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 February 2020. For more information, contact Noelle Rayman-Metcalf in our New York Field Office at noelle_rayman@fws.gov.
- 7) **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.
- 8) **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 in our Regional Office at kevin_connally@fws.gov.

Classification – Candidate Assessment; Petition Findings; Listing, Delisting, Reclassification, Critical Habitat Designation Rulemakings

- 1) **National Listing Workplan** (All States) – On September 1, 2016, the Service announced a 7-year (FYs 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, updated as of May 2019, is posted at <https://www.fws.gov/endangered/what-we-do/listing-workplan.html>.

There are two documents:

- a FY 2019 plan that shows ongoing carryover actions from FY 2018 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; and
- a FY 2018 to FY 2023 plan that shows only new actions scheduled according to workload capacity and conservation priority.

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 2019, the National Workplan addresses status reviews for 101 species occurring in the Northeast (65 lead; 36 non-lead).

For more information, contact Krishna Gifford in our North Atlantic-Appalachian 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 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. A final decision on the proposal is expected to be published in FY 2020.

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 – Proposed Rule to Downlist and Proposed 4(d) Rule** (AR, KS, OK, MA, NE, OH, RI, SD, TX) – On May 3, 2019, the Service published in the *Federal Register* a 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 rules opened a 60-day public comment period that ended on July 2, 2019. At the request of the Center for Biological Diversity, a public hearing was scheduled for September 24, 2019, and the comment period was reopened for 30 days starting September 9, 2019, and closing October 9, 2019. A final decision on the proposal is expected to be published in FY 2020.

The proposed rule can be found at <https://www.govinfo.gov/content/pkg/FR-2019-05-03/pdf/2019-09035.pdf>.

The *Federal Register* notice announcing the public hearing can be found at <https://www.govinfo.gov/content/pkg/FR-2019-09-09/pdf/2019-19245.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. A final decision on the proposal is expected to be published in FY 2020.

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 at

<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. A final decision on the proposal is expected to be published in FY 2020.

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 at

<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) Yellow Lance Mussel – Proposed 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 critical habitat designation in the *Federal Register* on February 6, 2020.

On the date of publication, the proposed critical habitat rule can be found at

http://www.gpo.gov/fdsys/html/FR/todays_toc.html

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.

- 7) **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 completed a species status assessment (SSA) report, which will support a 12-month finding. On April 18, 2019, the Center for Biological Diversity filed a complaint that the Service had missed the statutory deadline for completing the 12-month finding. We expect to complete the 12-month finding in mid-FY 2020.

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.

- 8) **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 2020. 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.

- 9) **Big Sandy Crayfish and Guyandotte River Crayfish – Proposed Critical Habitat Designation (VA, WV, KY)** – On January 28, 2020, the Service published in the *Federal Register* 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.

The proposed critical habitat designation rule can be found at <https://www.govinfo.gov/content/pkg/FR-2020-01-28/pdf/2020-01012.pdf>

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.

10) Longsolid Mussel – SSA to Inform 12-Month Petition Finding (AL, AR, GA, IL, IN, KY, NC, NY, 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 FY 2020. For more information, contact Andrew Henderson in the Asheville North Carolina Field Office at andrew_henderson@fws.gov.

11) Bethany Beach Firefly – 90 day Petition Finding; SSA to Inform 12-Month Petition Finding (DE) – On December 18, 2020, the Service published in the *Federal Register* a 90-day finding, as part of a batch notice, that a May 2019 petition to list the Bethany Beach firefly (*Photuris bethaniensis*) presented substantial information indicating that listing the species may be warranted. The Center for Biological Diversity and Xerces Society for Invertebrate Conservation petitioned the Service to list the firefly as a threatened or endangered species and to consider emergency listing. A substantial finding means that the petition provided enough information for us to determine that the petitioned action may be warranted; therefore, a thorough status assessment is necessary. Publication of a substantial finding in the *Federal Register* is the first step in our status review process. We will conduct a thorough status review to determine whether the Bethany Beach firefly warrants listing.

The Service will add the Bethany Beach firefly to the national listing workplan, which will determine when we will begin a species status assessment. The status assessment will inform the Service's decision on whether ESA listing the Bethany Beach firefly is warranted.

The 90-day batch notice finding can be found here: <https://www.govinfo.gov/content/pkg/FR-2019-12-19/pdf/2019-27338.pdf>

The petition and the Service's petition review form can be found on Regulations.gov here: <https://www.regulations.gov/docket?D=FWS-R5-ES-2019-0088>.

For more information, contact Julie Slacum in the Chesapeake Bay Field Office at julie_thompson@fws.gov.

12) 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 2020. For more information, contact Andrew Henderson in the Asheville North Carolina Field Office at andrew_henderson@fws.gov.

13) 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 2020. For more information, contact Andrew Henderson in the Asheville North Carolina Field Office at andrew_henderson@fws.gov.

14) Tidewater amphipod - SSA to Inform 12-Month Petition Finding (MD, VA, NC) - On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Tidewater amphipod (*Stygobromus indentatus*) presented substantial information indicating that listing the species may be warranted. The Service initiated a species status review and will prepare a species status assessment (SSA) report that will support a 12-month finding. We anticipate completing the SSA report and listing determination in late FY 2020. For more information, contact Julie Slacum Thompson in our Chesapeake Bay Field Office at julie_thompson@fws.gov.

15) Chowanoke crayfish - SSA to Inform 12-Month Petition Finding (VA, NC) - On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Chowanoke crayfish (*Faxonius [Orconectes] virginianus*) presented substantial information indicating that listing the species may be warranted. The Service initiated a species status review and will prepare a species status assessment (SSA) report that will support a 12-month finding. We anticipate completing the SSA report and listing determination in late FY 2020. For more information, contact Jennifer Stanhope in our Virginia Field Office at jennifer_stanhope@fws.gov.

16) Mountain doll's daisy - SSA to Inform 12-Month Petition Finding (PA, VA, NC) - On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the [Mountain] doll's daisy (*Boltonia montana*) presented substantial information indicating that listing the species may be warranted. The Service initiated a species status review and will prepare a species status assessment (SSA) report that will support a 12-month finding. We anticipate completing the SSA report and listing determination in late FY 2020. For more information, contact Keith Hastie in our Regional Office at keith_hastie@fws.gov.

17) 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. A court-approved settlement agreement with the petitioners originally required the Service to complete the status review and publish a listing determination for the monarch butterfly in the *Federal Register* no later than June 30, 2019. The Service and plaintiffs have agreed to extend this deadline to December 15, 2020, to allow us to analyze data from the 2018-2019 overwintering survey and the upcoming 2019-2020 overwintering survey and incorporate these analyses into the status review.

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.

- 18) Lake Sturgeon – SSA to Inform 12-Month Petition Finding** (AL, AR, GA, IA, IL, KS, KY, MI, MN, MO, NC, ND, NE, NY, OH, PA, SD, TN, VT, WI, WV) – In May 2018, the Center for Biological Diversity petitioned the Service to list the lake sturgeon (*Acipenser fulvescens*). On August 15, 2019, the Service published a 90-day finding indicating the petition to list the species presented substantial information. The Service will initiate a status review and write a species status assessment (SSA) report to support the listing determination. More information on when the listing determination will be scheduled is forthcoming.

The 90-day finding can be found at <https://www.govinfo.gov/content/pkg/FR-2019-08-15/pdf/2019-17569.pdf#page=1>.

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

- 19) 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 FY 2019, has been rescheduled for FY 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.

- 20) 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 prepared a biological report describing the species' current condition and threats to support development of a conservation strategy. To reduce species distribution data gaps, we drafted pilot rangewide survey protocols and initiated surveys, primarily in the northeast Region, in spring 2019. The Service will soon reach out to states to coordinate spring 2020 surveys. We will complete an SSA before making a recommendation on its status in FY 2023. For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.

21) 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 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.

The status review and subsequent 12-month finding are scheduled to be completed in FY 2022 and are reflected in the FY 2019 National Workplan update (see above).

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

22) 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. 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. The Service has a litigation deadline to send a proposed critical habitat rule to the Federal Register by June 30, 2022.

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.

23) Canada Lynx – SSA , 5-Year Review, Proposed Delisting Rule, and Proposed Post-delisting Monitoring Plan (ME, NH, VT) – On January 11, 2018, the Service announced that it has completed a species status assessment (SSA) for the U.S. Distinct Population Segment (DPS) of Canada lynx (*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 are expected to be made available for public comment in FY2020.

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.

24) 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 FY 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.

25) Sandplain Gerardia – Proposed Delisting Rule (MA, RI, CT, NY, MD) – On June 19, 2019, the Service completed a 5-year review for the sandplain gerardia (*Agalinis acuta*). The review recommends that the species be delisted due to a change in taxonomy. The review is based on a review of the results of genetics analyses indicating that the sandplain gerardia is part of a more widespread *Agalinis* species (*A. decemloba*). The timeline for acting on the 5-year review recommendation is being re-evaluated.

The 5-year review can be found at https://ecos.fws.gov/docs/five_year_review/doc6037.pdf.

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

26) 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 rulemaking to effect these changes, which will be published in FY 2020. For more information, contact Jordan Richard in our Southwest Virginia Field Office at jordan_richard@fws.gov.