

From: [Shoemaker, Justin](#)
To: [Marjorie Nelson](#); [Jacobsen, Dana](#); [Bryon Holt](#); [Jodi Bush](#); [Grizzle, Betty](#); [Guinotte, John](#); [Stephen Torbit](#); [Josh Hull](#); [Madeline Drake](#); [Gregg Kurz](#)
Cc: [Caitlin Snyder](#)
Subject: Fwd: DPS tables
Date: Wednesday, February 8, 2017 7:46:23 AM
Attachments: [20160921_Summary Table for Each Finding Evaluated.xlsx](#)
[20160926_Summary Table for NMFS DPS Rules.xlsx](#)

Here are some tables that summarize FWS and NMFS DPS decisions, can't remember if I sent this to any of you yet. Should be helpful when thinking about wolverine, or any other potential DPS for that matter. (I think Caitlin may have put these together at HQ.)

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----- Forwarded message -----

From: **Fahey, Colleen** <colleen_fahey@fws.gov>
Date: Mon, Jan 23, 2017 at 1:27 PM
Subject: Fwd: DPS tables
To: "Roessler, Arnold" <arnold_roessler@fws.gov>, "Zwartjes, Michele" <michele_zwartjes@fws.gov>, Holly Freifeld <holly_freifeld@fws.gov>, Justin Shoemaker <justin_shoemaker@fws.gov>, Terry Quesinberry <terry_quesinberry@fws.gov>, Catrina Martin <catrina_martin@fws.gov>, Josh Hull <josh_hull@fws.gov>, Julie Reeves <julie_reeves@fws.gov>, Madeline Drake <madeline_drake@fws.gov>, Scott Larson <scott_larson@fws.gov>, Scott Center <scott_center@fws.gov>, Jeffrey Dillon <jeffrey_dillon@fws.gov>, Laura Finley <laura_finley@fws.gov>, "Willey, Seth" <seth_willey@fws.gov>, Steve Abele <steve_abele@fws.gov>, Elizabeth Willy <elizabeth_willy@fws.gov>

Hi all,

Attached are the two tables showing compiled DPS findings (one for FWS, one for NMFS) that were mentioned on today's black-backed woodpecker call.

Thanks,
Colleen

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DPS	Year	Lead Region	Listing Type	Discretteness			Significance				Status		Comments
				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Selkirk Mountain Woodland Caribou	1984	1	Final Listing Rule									X	No formal discretteness and significance analysis. Did not use the international boundary.
U.S. Breeding population of Wood Duck	1984	4	Final Listing Rule									X	No formal discretteness and significance analysis.
Interior Least Tern	1985	3	Final Listing Rule									X	No formal discretteness and significance analysis.
Piping Plover (Great Lakes Population and the remainder of its range in the U.S.)	1985	3	Final Listing Rule								X	X	One population was listed as endangered and the remainder of the range was listed as threatened.
2 Populations of Roseate tern	1987	5	Final Listing Rule								X	X	One population was listed as endangered and the other was listed as threatened.
Crested Caracara (Florida DPS)	1987	4	Final Listing Rule								X		Uses State boundary.
Pacific Coast Population of Western Snowy Plover	1993	8	Final Listing Rule	X							X		No formal DPS analysis, but genetic data used to determine discretteness.
Kootenai River White Sturgeon	1994	1	Final Listing Rule	X					X			X	
Anadromous Atlantic Salmon	1995	5	Proposed listing rule	X	X		X		X	X			X
Southern California DPS of the Mountain Yellow-legged Frog	1995	8	Final Listing Rule	X		X	X		X				X
1996 DPS Policy Established													
			12-month finding on petition to list the U.S. population										In a general sense, Canada lynx in the contiguous United States might be considered biologically and/or ecologically significant simply because they represent the southern extent of the species' overall range. There are climatic and vegetational differences between Canada lynx habitat in the contiguous United States and that in northern latitudes in Canada (Kuchler 1965). In the contiguous United States, Canada lynx inhabit transition zones that are a mosaic between boreal/ coniferous forest and northern hardwoods, whereas in more northern latitudes, Canada lynx habitat is the boreal forest ecosystem (Barbour et al. 1980, McCord and Cardoso 1982, Koehler and Aubry 1994, M. Hunter, University of Maine, pers. comm. 1996). Canada lynx and snowshoe hare population dynamics in the contiguous United States are different from those in northern Canada (Koehler and Aubry 1994, Washington Department of Natural Resources 1996). Historically, Canada lynx and snowshoe hare populations have been less cyclic in the contiguous United States, not exhibiting the extreme cyclic population fluctuations of the northern latitudes for which Canada lynx are noted (Ward 1980, Bittel et al. 1983, Koehler and Aubry 1994, Washington Department of Natural Resources 1996). The less cyclic nature of this population has been attributed to the lower quality and quantity of habitat available in southern latitudes and/or the presence of additional snowshoe hare predators.
Canada lynx	1997	6	Final Listing Rule	X	X	X	X	X					
Northern Population of the Copperbelly Water Snake	1997	3	Final Listing Rule	X								X	No analysis provided just: The loss of the peripheral, isolated, northern population is considered significant as characterized under the policy, as it would result in a significant reduction in the range of the taxon.
Alaska Breeding Population of Stellar's Eider	1997	7	Final Listing Rule	X	X		X	X		X	X		The analysis also invokes the consideration that loss of the Alaska breeding population would be significant because it is the only area where the U.S. can exert regulatory control. Loss of the Alaska breeding population of Stellar's eiders would represent a significant reduction in the species' breeding range worldwide. Alaska is only location in the United States where the species breeds. As such, Alaska is the only portion of the species' breeding range over which the United States government can exercise its authority to provide for the conservation of the species during nesting.
Canada lynx	1998		Proposed Rule to list										Gave same analysis as above then said: Extirpation of the contiguous United States population of the Canada lynx would result in a significant gap in the range of the taxon. Proposed rule later withdrawn.
Arkansas River Shiner (Arkansas River Basin DPS)	1998	6	Final Listing Rule	X				X			X		The Arkansas River basin population is significant because it represents the only surviving natural occurrence of the taxon.
Peninsular Bighorn Sheep	1998	8	Final Listing Rule	X	X	X	X	X		X			It is important to note that the Peninsular bighorn sheep do not typically occur above 1,200 m (4,000 ft) in the higher mountains (Meland and Sumner 1990). This is unusual because bighorn sheep typically occupy higher elevational habitat that contains sparse vegetative cover. The low amount of rainfall, high evapotranspiration rate, and temperature regime in the majority of the Peninsular bighorn sheep's range is notably different from other North American deserts. The species' ability to avoid under these conditions suggests unique behavioral and/or physiological adaptations. Recent information further supports the significance of the Peninsular bighorn sheep to the overall species. Based on an evaluation of the population's genetic variability by Boyce et al. (1997) and Ramey (1995), the Peninsular bighorn sheep contain a large portion of the total genetic diversity of the species. Based on these initial studies, there is at least one distinct haplotype (Ramey 1995) and one unique M5 allele (Boyce et al. 1997) that are restricted entirely to Peninsular bighorn sheep. High genetic diversity indicates capacity to adapt. Peninsular bighorn sheep are biologically and ecologically significant to the species in that they constitute one of the largest contiguous metapopulations of desert bighorn sheep.
Tidewater Gobi (Northern Population)	1999	8	Proposed delisting rule	X						X			X
													Both the Selkirk and Cabinet Yaak recovery zones could be considered a unique ecological setting, because they contain low elevation inland habitat for grizzly bears. Along the Yaak River and on the east side of the Selkirk Mountains significant portions of the recovery zone occur in areas between 610 meters (2,000 feet) and 1,220 meters (4,000 feet) in elevation. In both the Yellowstone and Northern Continental Divide recovery zones, most habitat is well above 1,220 meters (4,000 feet) in elevation. These low elevations and the Pacific maritime climate of the Cabinet Yaak and Selkirk produce a wet, dense forest dominated largely by cedar and hemlock. These habitat types are either limited or lacking in the Yellowstone and Northern Continental Divide recovery areas and represent an unusual ecological setting for inland grizzly bear populations. A combined Selkirk/Cabinet Yaak recovery zone would encompass at least 9,320 square kilometers (3,600 square miles) of the 98,420 square kilometers (38,000 square miles) of grizzly bear habitat in the United States. Loss of this population would create a significant gap in the range of a species that already exists as only 2 percent of its former numbers and on only 2 percent of its original range in the 48 contiguous States. Based on these factors, we find that these combined recovery zones are significant.
Grizz bear	1999	6	12-month finding to split			X	X	X					One of the most striking differences between Sierra and southern California mountain yellowlegged frog is the habitats they occupy. Zweifel (1955) observed that the frogs in southern California are typically found in steep gradient streams in the chaparral belt, even though they may range up into small meadow streams at higher elevations. In contrast, Sierra frogs are most abundant in high elevation lakes and slow-moving portions of streams, most of the significance criteria under our Policy Regarding the Recognition of Distinct Vertebrate Populations (61 FR 4722) on the basis of the geographical, ecological, vocal, and genetic discontinuities described above.
Mt Yellow-legged frog	1999	8	Proposed listing rule			X	X	X	X	X			X

				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Bull Trout	1999	1	Final Listing Rule		X		X				X		Combined multiple DPSs in a coterminous U.S. listing. In accordance with the DPS policy, our authority to list DPSs is to be exercised sparingly. Thus a coterminous listing is appropriate in this case. In recognition of the scientific basis for the identification of these bull trout population segments as DPSs, and for the purposes of consultation and recovery planning, we will continue to refer to these populations as DPSs.
Canada lynx	2000	6	Final Listing Rule	X	X				X		X		48 FR 42083. None of the regions individually constituted a significantly unique or unusual ecological setting and therefore did not meet the DPS criteria. Lynx in the contiguous United States may be considered biologically and ecologically significant simply because of the climatic, vegetational, and ecological differences between lynx habitat in the contiguous United States and that in northern latitudes in Canada and Alaska. Lynx densities are different in US, more predators...The looks at 4 regions within that DPS. When considering whether a population meets the significance test, policy requires us to evaluate the population as it relates to the entire range of the taxon. In the case of the lynx, the range of the taxon is extensive and exists mainly in Canada and Alaska. When we evaluated the significance of the small discrete regions in the contiguous United States to the entire range of the taxon in North America, we determined that none of these regions individually constitute significantly unique or unusual ecological settings; therefore, they could not be separated from the contiguous U.S. DPS as a whole. Within all four regions of the contiguous United States, the distribution of the lynx is associated with the southern boreal forest. Coterminous U.S. listing.
Sierra Nevada DPS of California Bighorn Sheep	2000	8	Final Listing Rule	X			X		X	X		X	The Sierra Nevada bighorn sheep DPS is biologically and ecologically significant to the species in that it constitutes the only population of California bighorn sheep inhabiting the Sierra Nevada. Genetic research indicates, however, that there are differences between the bighorn sheep populations in the Sierra Nevada and those in the White Mtns Mountains
Unique River Cutthroat Trout	2000	1; NOAA	Final delisting rule										Determined that the ESU was not discrete from other populations.
Sheeth Population of Numbia	2000	International	Negative 12-month finding (petition to downlist)		X		X						Little analysis. Simply states that it is "clearly significant". Not available on ECOS
California tiger salamander (Santa Barbara DPS)	2000	8	Final Listing Rule	X		X			X			X	Document was not available on ECOS but appears from a later rule to have been significant because of a gap in the range and genetics
Missouan Dusky Gopher Frog	2001	4	Final Listing Rule	X		X	X		X			X	Document not available on ECOS
Columbia Basin Sage Grouse	2001	1	Positive 12-month finding	X		X	X		X				Discuss different foraging, different covers, different diets...we conclude that the Columbia Basin represents a unique ecological setting due to its geologic, climatic, edaphic, and plant community components. In addition, the unique elements of the Columbia Basin ecosystem affect the essential habitat requirements of western sage grouse. Necessarily, the population segment of western sage grouse occupying the Columbia Basin must differentially exploit the resources that are available, as compared to the population segment within the ecosystems of central and southern Oregon. The different habitat use patterns of western sage grouse within the Columbia Basin have bearing on their food and cover preferences, distribution, movements, reproductive fitness, and ultimately, their survival. The unique elements of the Columbia Basin also hold different management implications for western sage grouse within this ecosystem. Warranted but precluded.
Mono Basin Area Sage-grouse	2002	8	Negative 90-day finding										Not discrete. Examined this underdiscreteness: to make a DPS determination, we examined physical, physiological, ecological, and behavioral factors. Didn't get to significance
Columbia Spotted Frog (Wasatch Front Population)	2002	6	Negative 12-month finding	X									Basically just calls it a DPS because it is genetically isolated. Discreteness and significance conclusions not given. Threats analysis indicated that the population was not threatened or endangered.
Columbia white-tailed deer (Douglas County DPS)	2003	1	Final Delisting Rule	X		X			X				Delisting because no longer threatened or endangered. DPS is significant bc gap in the range and genetics
Lower Kootenai River Burbot	2003	1	Negative 12-month finding	X									Not significant. Pls claimed it was significant bc 2 genetically distinct populations were in the same river. We said genetic differences can occur in the absence of unique or unusual ecological settings, and the available information does not indicate that any unique or unusual ecological features have contributed to the genetic differentiation that may be occurring in these burbot. We conclude that burbot likely occupy a wide variety of habitats throughout their range, and that there are no indications of any unique or unusual ecological features within the lower Kootenai River basin. Therefore, we do not currently consider the ecological setting occupied by the discrete population of burbot within the lower Kootenai River as significant to the remainder of the taxon.
Western Gray Squirrel (Washington Population)	2003	1	Negative 12-month finding										Found not to have a valid DPS. The Washington populations of western gray squirrels are found in differing ecological settings within the State. However, it is not clear that they should collectively or independently be considered as unique ecological settings for the taxon. For example, while the grasslands and oak woodlands of the Puget Sound area have different vegetation complexes compared to the grasslands and oak woodlands where western gray squirrels are found in northern California or southern Oregon, these differences are not so great that we consider the habitat of the Puget Sound population to be a unique or unusual ecological setting for western gray squirrel. The South Cascades population shares many habitat features common to the habitat for western gray squirrels found in Oregon. The North Cascades population's habitat is notable in its absence of oaks, the main source of winter foods for this subspecies in most of its range. This population appears to rely on the seed of pine trees and bigleaf maples (Acer macrophyllum). Throughout their range, however, western gray squirrels consume a variety of types of tree seeds, including many conifer species. In summary, we do not find that the Washington populations individually or collectively are located in an ecological setting unusual or unique for the taxon, such that they meet the significance criterion of the DPS policy.
Wolverine in the coterminous U.S.	2003	6	Negative 90-day finding	X									Very short; no structured analysis. Lack of information prevents us from determining whether wolverines in the contiguous United States constitute a "distinct population segment." Petition did not present enough info to determine whether this was a DPS.
Mountain Yellow-legged Frog (Sierra Nevada DPS)	2003	8	Positive 12-month finding	X			X		X				The extinction of the Sierra Nevada population of the mountain yellowlegged frog would result in the loss of a genetic entity, a reduction in the geographic range of the species, a loss of the species persistence in a setting ecologically unique relative to the ecological setting of the southern California population, and a reduction in the number of breeding populations. That's all it says. Warranted but precluded.
California tiger salamander (Sonoma DPS)	2003	8	Final Listing Rule	X			X		X			X	discrete and significant due to gap in the range and genetics
Columbia Basin Pygmy Rabbit	2003	1	Final Listing Rule	X		X	X		X			X	Currently, it is unclear if the Columbia Basin pygmy rabbit is different in several respects (i.e., physiologically, behaviorally, or morphologically) from other pygmy rabbit populations throughout the remainder of the species' historic range. However, based on the above ecological information, and the pygmy rabbit's close association with sagebrush ecosystems, we conclude that the Columbia Basin represents a unique ecological setting for the taxon due to its different geologic, climatic, edaphic (soil), and plant community components. In addition, the Columbia Basin ecosystem holds different management implications for the Columbia Basin pygmy rabbit compared to the ecosystems of southern Oregon and the population segment of pygmy rabbits occupying that region
Fisher (West Coast DPS)	2004	1	Positive 12-month finding	X	X	X	X		X				Fishers in the West Coast population persist in an ecological setting that is unusual in comparison to the rest of the taxon, with a different climate, topography, and habitat than that found in the majority of its range. We conclude that loss of the species from the west coast range in the United States would represent (1) a significant gap in the species' range, (2) the loss of genetic differences from fishers in the central and eastern United States, and (3) the loss of the species from a unique ecological setting. Warranted but precluded.
Nevada Gray Wolf	2005	8	Negative 90-day finding (delisting)										Insufficient info to suggest this might qualify as a DPS. Not discrete so didn't get to significance
River Whale (Southern Resident DPS)	2005	NOAA	Final listing rule	X		X	X		X			X	Discreteness determined based on range, demography, and behavior, as well as genetics. Significance determined based on ecological setting, gap in the range, genetics, and "cultural traditions" where this population may have unique knowledge of the timing and location of salmon runs.

				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Boreal Toad (Southern Rocky Mountain DPS)	2005	6	Negative 12-month finding (revied)										The boreal toad occurs from the Rocky Mountains to the Pacific Coast. Throughout its range, the subspecies shows an unusual plasticity in its choice of habitats (Campbell 1970a). In the SRMP, toads inhabit montane wetland habitats and adjacent uplands near suitable breeding habitats. These are ecological settings similar to those used by populations of the boreal toad outside the SRMP in the montane regions of northern Wyoming, Idaho, Utah, Montana, and other western states.
Roundtail chub (lower Colorado River Basin population)	2006	2	Negative 12-month finding	?									Discreteness unclear: not significant. However, do not appear to result in significant disparities in life history of roundtail chubs between the two basins. Roundtail chub in the upper and lower basins have basically the same life history and occupy similar instream habitats (Beardsley and Beagen 2002, Violett 2002). Furthermore, loss of the lower basin roundtail chub would not result in a loss of a form of the species that occurs in a setting unequivocally that found in the upper basin. WE LITERALLY SAID THE EXACT SAME THING IN OUR ANALYSIS IN THE 2009 FINDING AFTER THE LAWSUIT AND THEN SAID IT WAS A UNIQUE ECOLOGICAL SETTING.
Pacific Coast Population of Western Snowy Plover	2006	8	Negative 12-month finding on delisting petition	X			X				X		Only addressed significant gap in the range
American Dipper (Black Hills DPS)	2006	6	Negative 90-day finding										see below
NRM gray wolf	2006	6				X	X						Based on our analysis of the best scientific information available, wolves in the NRM area appear to meet the criterion of significance in that NRM wolves exist in a unique ecological setting and their loss would represent a significant gap in the range of the taxon (see ANWR 171 FR 6424, February 8, 2003) for a detailed analysis). In fact, within the range of historic wolves, the NRM is the only area where such a high diversity of large predators occupy the same areas as a large variety of native ungulate prey species, resulting in complex ecological interaction between the ungulate prey, predator, and scavenger groups. The wolf population in the NRM has significantly extended the range of the gray wolf in the continental United States into a much more diverse, ecologically complex, and unique assemblage of species than is found elsewhere within historical wolf habitat in the northern hemisphere, including Europe and Asia.
Coaster Brook Trout	2006	6	Negative 12-month finding	X					X				couldn't find
American Crocodile (Florida Population)	2007	4	Final Delisting Rule	X		X	X		X		X		DPS expanded covering more nesting ground in 2007. Loss of this population would result in a significant reduction to the extent of the species' range and ecological variability. Maintaining this species throughout its historic and current range is important to ensure its genetic diversity and population viability. While it is difficult to determine to what degree the Florida population of the crocodile contributes substantially to the security of the species as a whole, the apparent isolation and evidence of genetic uniqueness (M. Fordner, 1998) suggest that the Florida population substantially contributes to the overall diversity within the species and is biologically or ecologically significant.
Grizzly bear (Yellowstone DPS)	2007	6	Final Delisting Rule	X		X	X		X				Protections reinstated in 2010 following a court order. Unique ecological setting bc: Although grizzly bears are successful omnivores, grizzlies in the rest of the conterminous States (Jacoby et al. 1976, p. 325), most of Europe and Siberia rely on plant and insect materials for the majority of their diet. In contrast, grizzlies in the GYA rely on terrestrial mammals as their primary source of nutrition. The Yellowstone grizzly population also exists in a unique ecological setting because it is able to use whitebark pine seeds as a major food source.
Arctic Graying (Upper Missouri River DPS)	2007	6	revised 12-month finding										In our 2005 candidate assessment, we asserted that the fluvial Arctic graying of the upper Missouri River period is an ecological setting unusual or unique for the taxon as they represent the only natural example of the taxon inhabiting an Atlantic Ocean drainage via the Missouri and Mississippi Rivers and Gulf of Mexico. We noted that all other wild populations of Arctic graying inhabit drainages of the Arctic Ocean, Hudson Bay, or north Pacific Ocean (USFWS 2005, p. 10). However, as established above, we now note that alluvial Arctic graying also persist in the upper Missouri River drainage. Our prior finding did not take these fish into account in its discussion of ecological setting. Because both the fluvial and alluvial forms are found in the upper Missouri drainage, we cannot find that the population persists in an ecological setting unique or unusual to the taxon as a whole. Further, existence of the species in a different drainage, or different rivers and lakes, from those graying found in Canada and Alaska is not necessary evidence of a unique ecological setting.
Queen Charlotte Goshawk (British Columbia DPS)	2007	7	FR Notice: Response to the Court		X		X		X				Listing warranted, but no determination of status. DPS were significant bc of gap in the range
Summer-run Isaquah Creek kokanee	2007	1	Negative 90-day finding	X									Insufficient information to determine whether the genetic, ecological, or behavioral differences are significant to the taxon. Couldn't find
Queen Charlotte Goshawk (Alaska DPS)	2007	7	FR Notice: Response to the Court		X		X					X	Listing not warranted. DPS were significant bc of gap in the range
Sonoran Desert Bald Eagle	2007	2	Final Delisting Rule (Bald Eagles in the Conterminous U.S.)	X									Discrete, but not significant. In considering whether the population occupies an ecological setting that is unusual or unique for the taxon, we evaluate whether the habitat differs many features common to the habitats of other populations. We considered whether cliff nesting is an adaptation to the conditions in the Sonoran Desert that indicates the Southwest is a unusual or unique ecological setting for bald eagles. Cliff nesting in the Sonoran Desert bald eagles does not seem to be an indication of a behavioral adaptation unique to the Sonoran Desert. Bald eagles in the Sonoran Desert are smaller in size and breed earlier in the season than most other bald eagles, which could indicate behavioral adaptations to a unique setting. A unique ecological setting must also provide some element that makes the members of the population important to the taxon as a whole, such as an evolutionary advantage. The only one that focuses to this extent on changes in the species characteristics and traits rather than differences in the habitat.
Southern rockhopper penguin on the Campbell Plateau	2008	9	12-month finding										This group of breeding colonies inhabits a unique ecological and geographical position in the range of the southern rockhopper penguin. The underwater topography and oceanography of this area is unique and has been described in detail in the Macquarie Island Management Plan (Parks and Wildlife Service (Australia). The New Zealand Islands (Campbell, Auckland, and Antipodes), with breeding colonies of southern rockhopper penguins, sit on the Campbell Plateau. This region and all these islands lie just north of the Antarctic Polar Front Zone (APFZ), a distinct hydrographic boundary with cold nutrient-rich surface waters to the south and warmer, less rich, water to the north. In addition, the Macquarie Ridge and Campbell Plateau form a major obstruction to the ACC, which runs easterly at about 50° S latitude. This further increases the high degree of turbulence and current variability in the area and is likely to directly or indirectly encourage biological productivity
Roundtail chub (lower Colorado River Basin population)	2009	2	Positive 12-month finding	X		X	X						Significant bc of unique ecological setting et al.: we found that there are some differences in various ecogeographic variables between the upper and lower Colorado River Basins. The lower basin has lower stream flow and warmer temperatures in late spring and early summer; in contrast, this is typically the wettest period in the upper basin. Just discusses the differences in the basins and not what that means for the species to say it is a unique ecological setting. Warranted but precluded.
Western Great Lakes DPS of the Gray Wolf	2009	3	Final Delisting Rule	X	X	X	X			X			Significant bc: The DPS is significant to the taxon to which it belongs because it contains the only populations of the species in the Laurentian Mixed Forest Biotic Province in the United States; it contains a wolf metapopulation that fills a large gap in the historical range of the taxon; and it contains the majority of gray wolves in the conterminous States (Vacated, Reopened for Delisting). Significant also because it contains a majority of wolves in the conterminous U.S.
Northern Rocky Mountain DPS of the Gray Wolf	2009	6	Final Delisting Rule	X	X	X	X						Significant: NRM has amongst the highest diversity of large predators and native ungulate prey species, resulting in complex ecological interaction between the ungulate prey, predator and scavenger groups, and vegetation. This complexity leads to dramatic and unique ecological cascades in pristine areas, such as in YNP. Wolves appear to be changing elk behavior and elk relationships and competition with other native ungulates in YNP. These complex interactions may increase streamside willow production and survival that in turn can affect beaver and nesting by riparian birds. wolf population in the NRM has extended the southern range of the contiguous gray wolf population in western North America nearly 400 miles (640 km) into a much more diverse, ecologically complex, and unique assemblage of species than is found elsewhere within occupied wolf habitat in most of the northern hemisphere (Vacated; Reinstated by Congress in 2011)
Gulf of Maine Atlantic Salmon	2009	5, NOAA	Final Listing Rule	X			X		X			X	2009 listing rule increased the size of the DPS listed in 2000.

				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
American Dipper (Black Hills DPS)	2009	6	Negative 90-day finding										Also published a negative 90-day finding in 2006. These mountain ecosystems share commonalities, such as clean, cold, swift mountain streams with suitable substrate that provide the habitats for invertebrate species used by dippers. In that respect, the Black Hills are similar to other western mountain ecosystems that also support American dippers. The petition claims that Black Hills streams have features that make them ecologically unique. Streams throughout the Rocky Mountains vary in many features, including elevation, gradient, substrate, parent geological material, and riparian vegetation, such that virtually every stream could be considered "unique." Information readily available in our files (Ringer 1996) indicates that the key features of Black Hills streams used by dippers – cold temperatures, good water quality, suitable substrate, and swift flow – are the same key features of dipper-utilized streams elsewhere throughout the Rocky Mountains.
Sanjhiñ Emelt (San Francisco Bay Delta Population)	2009	8	Negative 12-month finding										Found that the population was not discrete. FWS reconsidering in a new 12-month finding per court-approved settlement agreement.
Coaster Brook Trout	2009	3	Negative 12-month finding	x									Not significant so not a valid DPS. Said it was a complex ecological setting that may provide potential coldwater habitat for the brook trout. However, we must evaluate the breadth of the ecological diversity of the trout habitat range-wide to assess its significance to the rest of the taxon. Finds there are other coldwater habitats and lakes that may buffer the species from CC and given the info regarding the diversity and ecological settings of the brook trout in the rest of its range, this is not a unique ecological setting for the species. DEEMED TO ASSESS THE SIGNIFICANCE OF THE UNIQUENESS RELATIVE TO THE REST OF THE HABITAT, NOT NECESSARILY REQUIRE SOMETHING ELSE AS IN ADAPTATION OR DIFFERENT TRAITS
Sonoran Population of Desert Tortoise	2010	2	Positive 12-month finding	x		x	x		x				No real discussion. Just quickly says loss of SD would result in a SDH bc it is a large area with significant population. Warranted but precluded.
Gray Wolf in the Northwestern U.S.	2010	5	Negative 90-day finding										Not occupied, therefore cannot be a DPS.
Wolverine in the conterminous U.S.	2010	6	Positive 12-month finding			x	x	x		x			Warranted but precluded. Discrete because international boundary between Canada and the United States currently leads to division of the control of exploitation and conservation status of the wolverine. This division is significant because it allows for potential extirpation of the species within the contiguous United States through loss of small populations and lack of demographic and genetic connectivity of the two populations. Significance: Despite the fragmented nature of the habitat and the high diversity of prey, wolverines in the contiguous United States appear to use habitat attributes that are similar to wolverine populations range-wide (Copeland et al. 2010, entire), and do not appear to exist in an unusual or unique ecological setting.
Starbilled Murrelet	2010	1	Negative 12-month finding on petition to delist		x	x	x		x				Significant bc of SDR, not persistence in a unique ecological setting. Doesn't discuss unique ecological setting at all other than to say it is a distinct forest system. Conterminous U.S. listing.
Mountain whitefish	2010		12-month finding										We have no information indicating that the geological history of the Big Lost River drainage, even if considered unique or unusual, has in any way contributed to a unique or unusual ecological setting, such that the whitefish occurring therein are biologically or ecologically significant to the species as a whole. As noted above, there are other populations of mountain whitefish in closed "sink" drainages within the range of the species. We have no information indicating that the Big Lost River drainage is ecologically unusual or unique in any other way (for example, in terms of unusual or unusual prey species, community composition, water chemistry, pathogens, or substrate), apart from its geographic setting, that may serve as an indicator of the biological or ecological importance of the population of mountain whitefish found there in relation to the species as a whole. The one exception is a suggestion that the Big Lost River may be ecologically unusual because historically it lacked other large fish species, such as trout. Therefore, although the information that mountain whitefish in the Big Lost River were isolated from trout and other potentially predatory or competitive fishes up until approximately 100 years ago is possibly of some biological interest, we have no evidence that it represents any ecological significance of the setting, or has resulted in any unique or unusual adaptations or trait shifts in the mountain whitefish, such that the population of mountain whitefish in the Big Lost River would be considered biologically or ecologically significant to the species throughout its range.
Greater sage-grouse	2010		positive 12-month finding										Theological province is part of the Great Basin, and on a gross scale the ecological provinces that comprise this area are characterized by basin and range topography. Basin and range topography covers a large portion of the western United States and northern Mexico. It is typified by a series of north-south-oriented mountain ranges running parallel to each other, with arid valleys between the mountains. Most of Nevada and eastern California comprise basin and range topography with only slight variations in floristic patterns. Hence, we do not consider Bi-State area greater sage-grouse to occur in an ecological setting that is unique for the taxon. Significant based on genetics.
Arctic Grayling (Upper Missouri River DPS)	2010	6	Positive 12-month finding	x			x		x				Long discussion re how ecogion is quite different than the majority of the taxon and has suggested different stressors, provides an area that may respond different to environmental change. Conclude that this population is biologically imprt, that this population has occupied a distinctly different ecological setting relative to the rest of the taxon and may have likely been on a different evolutionary trajectory for 10,000 years. They say it is a unique ecological setting but say they rely that setting plays in influencing adaptations or determining unique traits is unclear and therefore a determination of the significance of this setting is unknown. Begs the question to show significance to the taxon, must you show persistence in a unique ecological setting is significant to the taxon in order to establish significance to the taxon. Warranted but precluded.
Lake Sammamish Kokanee	2011	1	Negative 12-month finding	x									Although the presence of the petitioned entry in a mesotrophic lake appears to be atypical, we do not have information on the percentage or extent of mesotrophic lakes occupied by <i>O. nerka</i> throughout the range of the taxon, and therefore cannot determine whether this is actually an unusual or unique setting for <i>O. nerka</i> . Based on our analysis, we are not aware of any scientific evidence suggesting or demonstrating that the presence of an <i>O. nerka</i> population in a mesotrophic lake is beyond the normal range of variability that would be expected from a species that occupies the diversity of habitat types where it has been documented, or that this may represent an important trait from an adaptive/evolutionary perspective. We acknowledge Lake Sammamish represents a complex ecological setting. However, the available information indicates <i>O. nerka</i> occurs in a wide geographical range, and habitat varies with respect to continental setting, latitude, elevation, and type(s) of waters used to support the species' physical and biological needs. Given the available information on the diversity and extent of ecological settings <i>O. nerka</i> occupies within the rest of its range, the best scientific information available does not suggest that Lake Sammamish represents a unique or unusual setting that may have special significance relative to the taxon as a whole.
Red Tree Vole (North Oregon Coast Population)	2011	1	Positive 12-month finding	x		x			x				discrete. Acknowledges ecological setting is important from an evolutionary perspective. Discussion of unique ecological setting and adaptation to the diet dictated by that setting, different pressures that are crucial to adaptation but ultimately this area is just a subset of the DPS area and therefore is not used to establish significance. Warranted but precluded.
Black-footed albatross	2011	1	Negative 12-month finding	x			x		x				we consider available scientific evidence of the discrete population segment's importance to the taxon to which it belongs. Because precise circumstances are likely to vary considerably from case to case, the DPS policy does not describe all the classes of information that might be used in determining the biological and ecological importance of a discrete population. However, the DPS policy describes four possible classes of information that provide evidence of a population segment's biological and ecological importance to the taxon to which it belongs. In considering whether the population occupies an ecological setting that is unusual or unique for the taxon, we evaluate whether the habitat includes unique features not used by the taxon elsewhere in its range and whether the habitat shares many features common to the habitats of other populations within the range of the taxon. Seems to only look at the habitat characteristics, foraging and breeding patterns and says not significant for that reason (it is significant for other reasons) both the Hawaiian Islands and Japanese populations discrete and significant, but not T or E.
Cactus Ferngus Pymy Owl	2011	2	Negative 12-month finding		x								Potential TX DPS is Discrete but not significant. A population segment needs to satisfy only one of these conditions to be considered significant. The vegetation community that supports pygmy-owls in Texas is classified as Tamaulipan brushland, approximately 85 percent of the pygmyowl habitat that is characterized as Tamaulipan brushland occurs outside of Texas. Therefore, the Texas population of pygmy-owls does not occur in an unusual or unique setting for the taxon. Potential Eastern and Western DPSs are discrete and significant due to gaps in the range but not warranted. Looked at the Sonoran Desert area as SPR of the DPS. We have found that the Sonoran Desert Ecogion has unique habitat characteristics and the pygmy-owls in this area possess some unique behavioral and genetic adaptations to this area.
Northern Leopard Frog (Western DPS)	2011	2	Negative 12-month finding										Not discrete.
Fisher (Northern Rocky Mountain DPS)	2011	6	Negative 12-month finding	x			x		x				Discusses differences in landscape, forest types, climate patterns and notes there are observations of fishers using areas with deep snow which could indicate an adaptation to local conditions but that relationship has not been evaluated and there isn't enough information to inform and cannot say it is sig based on this factor. Says there would be a SDH. Also a 2004 finding/valid DPS, but not T or E.

				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Gila Monster (Utah Population)	2011	6	Negative 90-day finding										Not discrete. But addressed unique ecological setting prong anyway and said: We agree that the geology of Washington County, Utah, is unusual, but the geological setting does not equate to the ecological setting. We consider the ecological setting to be the sum of all biotic and abiotic components in a given environment. It encompasses not only geology, but also other components such as climate, floristic, and resident wildlife. Mojave desert is not unique bc the same setting exists in 3 other states.
Mojave Fringe-toed Lizard (Amargosa River Population)	2011	8	Negative 12-month finding	X									Discrete, then looks at significance and says: A population segment needs to satisfy only one of these criteria to be considered significant. The habitat occupied by the Amargosa River population is wind-blown sand, which is typical of other populations of Mojave Fringed-toed lizard. There is no difference in climate or other physical or biological factors between the Amargosa River population and the Silver Lake population, which is located 17 mi (27 km) to the south but is part of the Mojave River drainage population. There is no available information that would suggest the existence of any morphological, behavioral, or physiological differences between individuals from the Amargosa River population and individuals from other Mojave Fringed-toed lizard populations. We therefore determine that the Amargosa River population of the Mojave fringe-toed lizard does not meet the significance element of the DPS policy based on this factor. Under Gap in the range it says evidence does not indicate that individuals from the Amargosa River population have unique morphological, behavioral, or physiological adaptations that may be significant to the species' conservation.
New Zealand-Australia DPS of Southern Rockhopper Penguin	2011	International	Final Listing Rule		X	X					X		Listing states that satisfying one of the significance criteria will result in significance rather than may. Raises question if persistence in an ecological setting that is unique for the taxon or if it's unique setting that is significant to the taxon? Significant bc of gap in the range and unique ecological setting. Seems to have only required persistence in a unique ecological setting for the species and not any adaptation or different biological traits. Listed in the Campbell Robau portion of the range. No formal DPS analysis given.
4 DPS of Loggerhead Sea Turtles	2011	NCAA, 4	Final Listing Rule	X	X	X			X		X	X	5 listed as endangered, 4 as threatened.
Wild Plains Bison	2011	6	Negative 90-day finding										Not discrete. Because the petition does not present substantial information that any of the four wild plains bison ecotypes or population segments is discrete, we did not evaluate whether the information contained in the petition regarding significance was substantial. However, we note that the wild plains bison is a generalist with regard to its habitat requirements, as evidenced by its broad historical range, and none of the ecological settings of the four population segments is unique or unusual due to multiple, diverse origins and subsequent translocations, no population segment is genetically, behaviorally, or ecologically unique.
Eastern Population of Gopher Tortoise	2011	4	Positive 12-month finding										Did not appear to designate a DPS, rather agree with R1's analysis, it looks like we will be listing it at the species level. Warranted but precluded. No explicit DPS analysis included.
Continental U.S. Population of Wood Stork	2012	4	Positive 12-month finding and proposed rule to reclassify	X			X				X		Discreteneess: U.S. population is markedly separate from the wood stork populations in the Caribbean, Mexico, Central America, and South America based on physical separation and wood stork dispersal behavior. Significance: Loss of the U.S. continental population would constitute a significant gap in the range.
2 DPS of Broad-Strouted Caiman	2012	International	Proposed Rule to Reclassify, Warranted 12-month petition finding		X		X				X	X	Found 2 DPS - Argentina and Northern DPS (Bolivia, Brazil, Paraguay, and Uruguay). Discreteneess based on the significant difference in the control of exploitation, management of habitat, conservation status, and regulatory mechanisms between international boundaries. Significance based on significant gap in the range - the Northern DPS is 72% of the species range and the Argentina DPS is 28% of the range.
San Francisco Bay Delta DPS of longfin smelt	2012	8	Positive 12-month finding	X		X	X						Because of its limited swimming capabilities and because of the great distances between the Bay Delta and known breeding populations to the north, we conclude that the Bay Delta population is markedly separated from other longfin smelt populations, and thus meets the discreteneess element of the 1996 DPS policy. Significance: Unique/Unusual ecological setting and significant gap in the range. The Bay Delta longfin smelt population occurs at the southern edge of the species' range and has likely experienced different natural selection pressures than those experienced by populations in middle portions of the species' range. The population may therefore possess unique evolutionary adaptations important to the conservation of the species. The Bay Delta also is unique because it is the largest estuary on the Pacific Coast of the United States. Because of its large size and diverse aquatic habitats, the Bay Delta has the potential to support a large longfin smelt population and is thus potentially important in the conservation of the species. The Bay Delta population also is significant to the taxon because the nearest known breeding population of longfin smelt is hundreds of miles away, so loss of the
Sonoran Desert Bald Eagle	2012	2	Negative 12-month finding	X									The Sonoran Desert bald eagle population does not qualify as a DPS. Found it to be discrete, but not significant. Discreteneess based on a lack of immigration to, and emigration from, surrounding bald eagle populations, and the fact that the areas immediately surrounding the Sonoran Desert Area lack the appropriate bald eagle habitat parameters of water, fish, and nesting areas and contain no known breeding bald eagles.
Scarlet Macaw (northern DPS of the southern subspecies)	2012	International	Positive 12-month finding and proposed listing rule	X			X				X		Discreteneess: Based on the Andes representing a major physical barrier between populations. Significance based on significant gap in the range. The northern DPS is ~10% of the species range; the southern DPS is ~90% of the species range. The northern DPS is proposed as E; the southern DPS is not warranted.
Bi-State DPS of Greater Sage Grouse	2013	8	Proposed Listing Rule								X		Refers to the 12-month Finding for DPS analysis; no DPS analysis included, but reaffirms 2010 DPS analysis
Kirtland's Murrelet	2013	7	Negative 12-month finding										We did not find a DPS existed for Kirtland's murrelet.
Southern Mountain Caribou DPS	2014	1	Positive 12-month finding and proposed rule to amend listing (from E to T)	X		X	X				X		Discreteneess: Physically separated from other populations of woodland caribou; behaviorally separated and reproductively isolated from other woodland caribou. Significance: Unique ecological setting (high elevations; altitudinal migrations); significant gap in the range (loss of periphery population in unique setting).
West Coast DPS of Fisher	2014	8	Proposed Listing Rule	X	X	X	X		X		X		Discreteneess: Physical separation from populations to the north and east. Differences in regulations between Canada and the U.S. (legally trapped in Canada; forest practice laws in U.S.). Significance: Different habitat types; significant gap in the range (would shift southern boundary of the taxon 964 miles to the north); differ markedly in genetic characteristics.
Upper Missouri River DPS of Arctic Grayling	2014	6	12-month Not Warranted Finding	X		X	X		X				Discreteneess: Markedly separate from other populations (physical separation). Genetic data confirms reproductive isolation. Significance: Unique ecological setting; Gap in the range (periphery population); differences in genetic characteristics. Meets DPS criteria, but does not warrant listing.
Northern CA DPS of the Mountain Yellow-legged Frog	2014	8	Final Listing	X		X	X		X		X		Discreteneess: Physically markedly separate (Tehachapi Mountains). Also, genetic differences. Significance: Persistence in a unique ecological setting; significant gap in the range; genetic uniqueness.

				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Western DPS of Yellow-Billed Cuckoo	2014	8	Final listing	X			X		X		X		Discreteness: Markedly separate from other populations (Rocky Mountains and Chihuahuan Desert) and behaviorally separate (differences in arrival at breeding grounds). Significance: Significant gap in the range and different genetic characteristics (morphological characteristics).
Humboldt marten (aka Pacific marten or coastal marten)	2015	8	12-month Not Warranted Finding	X			X		X				Discreteness: Oregon and northern CA populations of coastal marten are geographically isolated and genetically distinct from other populations of Pacific marten. Significance: Coastal Oregon and northern CA populations differ markedly from all other populations of Pacific martens. Loss of these populations would result in a significant gap in the range (due to unique habitat inhabited by these coastal martens).
North American DPS of Wild Horse	2015	HQ	Not substantial 90-day finding										Did not find discreteness. "Although the citations provided by the petitioner speak to horses occurring on BLM lands, it is not clear that they apply to all North American horses that occur on U.S. Federal public lands. Therefore, we find the petition does not provide substantial information that the population of North American wild horses on Federal public lands may be discrete based on physical separation." "[I]n evaluating discretteness, we consider how physiological and behavioral differences may result in the marked separation of populations of the taxon. Thus, although there may be physiological or behavioral difference between populations, these differences are only relevant for discretteness if they are a cause of the population being markedly separate from other populations of the taxon." "The discretteness analysis does not consider whether a regulatory mechanism might apply to only specific populations of species or subspecies that occur within the United States. Because the horses addressed in the petition occur within the United States and are not delimited by international governmental boundaries, the second condition of discretteness is not met." Did not evaluate significance.
Prince of Wales DPS of Alexander Archipelago wolf	2015	7	12-month Not Warranted Finding	X									Discretteness: "[T]he GMU 2 wolf population is largely insular and geographically peripheral to the rest of the range of the AA wolf; further, the Service's DPS policy does not require absolute separation to be considered discrete." "[T]he GMU 2 wolf population forms a distinct genetic cluster when compared to other AA wolves." Found marked separation as a consequence of physical features and genetic divergence from other populations of the taxon. Did not find population met significance criteria. Habitat generalist, no evidence of morphological, physiological, or behavioral characteristics which may suggest a biological response to an unusual or unique ecological setting. GMU 2 population consists of 6% of current rangewide population and 4% of range. Functions as sink population. We found the population "exhibits genetic discontinuities from other Alexander Archipelago wolves due to differences in allele and haplotype frequencies. However, those discontinuities are not indicative of rare or unique genetic characteristics within the GMU 2 population that are significant to the taxon."
Spotless crane	2016	1	12-month Not Warranted Finding	X									Discretteness based on geographic separation from other crane populations (geographically isolated). Significance: Concluded that our original analysis (in previous CCRN) on the significance due to gap in the range was in error. The loss of the American Samoa population would not "interrupt movement among adjacent populations in ecological time nor interfere with the chance or wait dispersal events on an evolutionary timescale." Also, the AS population lies "roughly in the center of the species' range in the Pacific Basin, [and] the loss of the American Samoa population would not result in a truncation or shift in the species' distribution..." because the species is widespread outside of AS, we find that the loss of the AS population would not substantively affect the species' conservation status rangewide.
Green sea turtle (11 DPS)	2016	HQ	Final listing	X		X	X		X		X	X	Final rule referred to analyses provided in proposed rule. Discretteness: Markedly separate from other populations as a result of physical (ocean basins), ecological, and behavior factors (supported by genetic analysis, flipper tag recoveries, and satellite telemetry). Significance: Gap in the range, marked genetic differences/characteristics, unique ecological setting (Mediterranean DPS only).
Lower Colorado River Basin DPS of Roundtail chub	2015	2	Proposed Listing Rule	X			X		X				Discretteness: Separate historically and continues to be physically separated today due to Glen Canyon Dam. Significance: Gap in the range (loss of 1/3 of a unique, divergent mtDNA lineage that has never been found outside the lower basins of the species as a whole would constitute a significant gap in the range). "Marked differences in genetic characteristics: lower CO River basin population differs markedly from upper CO River basin population due to unique, divergent genetic lineage of the lower basin"
Hawaii DPS of band-rumped storm petrel	2015	1	Proposed Listing Rule	X		X	X						Discretteness: "We have determined that the Hawaii population of the band-rumped stormpetrel is discrete from the rest of the taxon because its breeding and foraging range are markedly separated from those of other populations. The Hawaii population is geographically isolated from populations in Japan and Galapagos, as well as from populations in very distant island groups in the central and western Atlantic Ocean. Molecular evidence indicates that the genetic structure of the species reflects the spatial or temporal separation of individual populations; the scant molecular data from Hawaii suggest that this holds for the Hawaii population as well." Significance: Population constitutes entire Central Pacific distribution of the species; loss of population would result in gaps in range of more than 800 miles (gap in range). Also, persists in a unique ecological setting because it is the only population known to nest at high-elevation sites.
American Samoa population of the Friendly ground dove	2016	1	Final listing	X			X				X		Discretteness: Markedly separate due to geographic isolation. Significance: Significant gap in the range. "The American Samoa population of the Friendly ground dove represents the easternmost distribution of this species. The loss of this population would truncate the species' range by approximately 100 mi (161 km), or approximately 15 percent of the linear extent of its range, which trends southwest-to-northeast from Tuvalu to Tonga to Wallis and Futuna, Samoa, and American Samoa."
TOTALS UNDER DPS POLICY				54	18	20	46	2	34	3			

DPS	Year	Lead Region	Finding Type	Discreteness		Significance					Status		Comments
				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Gray whale - Western North Pacific population	1970	NMFS	Final Listing Rule									X	Listed prior to DPS policy.
Steller sea lion -- Eastern population	1997	NMFS	Final Listing Rule	X			X				X		Originally listed as threatened throughout its range in 1990. Two DPSs recognized in 1997.
Steller sea lion -- Western population	1997	NMFS	Final Listing Rule	X			X					X	Extinction of either DPS would represent a substantial loss to the ecological and genetic diversity of the species.
Southern Resident killer whale	2005	NMFS	Final Listing Rule	X		X	X		X	X		X	Discreteness based on "range, demography, and behavior, as well as genetics. Southern Residents "are the only North Pacific residents to spend time in the CA Current ecosystem and appear to occupy an ecological setting distinct from other North Pacific resident populations.
Green sturgeon - Southern population	2005	NMFS	Status Review	X			X		X		X		Southern DPS listed as T in 04/2006. Final Listing Rule did not have DPS determination.
Cook Inlet beluga whale	2008	NMFS	Final Listing Rule	X		X	X					X	Cook Inlet is a unique biological setting because it supports the southernmost of the five extant beluga populations in AK, and is the only water south of the AK Peninsula, or within the Gulf of AK, that supports a viable population of beluga whales. The ecological setting if Cook Inlet is also unique in that it is characterized as an incised glacial fjord, unlike other beluga habitats to the north. Cook Inlet experiences large tidal exchanges and is a true estuary, with salinities varying from freshwater at its northern extreme to marine near its entrance to the Gulf of AK. No similar beluga habitat exists in AK or elsewhere in the U.S.
Pacific herring - Southeast Alaska DPS	2008	NMFS	12-Month Finding	X		X	X						This 12-month finding was on a petition to list the Lynn Canal Pacific Herring as T/E. The 12-month finding determined that the Lynn Canal Pacific Herring is not a listable entity, as it is not a species, subspecies, or DPS. (DPS analysis concludes that LCP herring not discrete.) However, it determined that the Lynn Canal population of herring is part of a larger DPS of Pacific herring. Species now a candidate.
Atlantic wolffish	2009	NMFS	Not warranted 12-month finding	X			X		X				
Spotted seal - Southern DPS	2010	NMFS	Final Listing Rule	X		X	X				X		Discreteness based on genetic composition. Unique ecological setting b/c nearly all seals whelp and nurse on shore (as opposed to on ice) and pups born on shore observed to enter water prior to weaning (this behavior not typical among pups born on ice). These behaviors may reflect responses/adaptations to changing conditions at the range extremes, and their uniqueness may provide insights about the resilience of the species to the effects of climate warming.
Bocaccio - Georgia Basin	2010	NMFS	Final Listing Rule	X		X						X	"...meet the significance criterion because they occupy the unique ecological setting of the Georgia Basin. The current patterns of the inland marine waters, interactions between fresh and saltwater, the protection afforded by the land features of the Olympic Peninsula and Vancouver Island, and sill-dominated bathymetry make the Georgia Basin different from other coastal areas occupied by these species and likely lead to unique adaptations in these species."
Canary rockfish - Georgia Basin	2010	NMFS	Final Listing Rule	X		X					X		"...meet the significance criterion because they occupy the unique ecological setting of the Georgia Basin. The current patterns of the inland marine waters, interactions between fresh and saltwater, the protection afforded by the land features of the Olympic Peninsula and Vancouver Island, and sill-dominated bathymetry make the Georgia Basin different from other coastal areas occupied by these species and likely lead to unique adaptations in these species."
Yelloweye rockfish - Georgia Basin	2010	NMFS	Final Listing Rule	X		X					X		"...meet the significance criterion because they occupy the unique ecological setting of the Georgia Basin. The current patterns of the inland marine waters, interactions between fresh and saltwater, the protection afforded by the land features of the Olympic Peninsula and Vancouver Island, and sill-dominated bathymetry make the Georgia Basin different from other coastal areas occupied by these species and likely lead to unique adaptations in these species."
Pacific Eulachon (Smelt) - Southern population	2010	NMFS	Final Listing Rule	X			X				X		
Bearded seal -- Okhotsk and Beringia DPSs	2010	NMFS	12-Month Finding and Proposed Rule	X		X	X						12-month finding finds the subspecies <i>Erignathus barbatus nauticus</i> consists of 2 DPSs; the subspecies <i>E.b. barbatus</i> does not meet the discreteness criteria. Found discrete due to geographic barrier (Kamchatka Peninsula). Found significant due to haul-out behavior (possibly reflecting responses or adaptations to changing conditions at the range extremes). Propose to list both DPSs as T.

DPS	Year	Lead Region	Finding Type	Discreteness		Significance					Status		Comments
				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Hawaiian insular false killer whale	2010	NMFS	Proposed Rule	X		X			X	X			Unique/unusual ecological setting evidence: "Utilization of prey associated with island habitat that may require specialized knowledge of locations and seasonal conditions that aggregate prey or make them more vulnerable to predation. In an insular habitat, such foraging grounds may occur more regularly or in more predictable locations than on the high seas. The contaminant levels found in insular animals also suggest that both insular false killer whales and their prey may be associated with the urban island environment. And despite their small population size, the density (animals per km2) of Hawaiian insular false killer whales is high relative to other false killer whale populations, suggesting the nearshore habitat or a unique habitat-use strategy may support a higher density of animals, which may have implications for differences in social structure and interactions within the population or with the pelagic population. Additionally, movement and photographic resighting data suggest Hawaiian insular false killer whales employ a unique foraging strategy compared to other false killer whales." Proposed endangered.
Porbeagle shark	2010	NMFS	Not substantial 90-day										Petitioners did not present substantial evidence that populations meet criteria for DPSs under the ESA.
Loggerhead sea turtle (9 DPSs)	2011	NMFS	Final Listing Rule	X			X		X		X	X	Four DPSs listed as T; Five listed as E.
Atlantic bluefin tuna	2011	NMFS	Not warranted 12-month finding	X		X	X						Discrete and significant for western Atlantic and eastern Atlantic/Mediterranean DPSs. Found insufficient information to determine whether two populations in the Mediterranean are discrete. Unique ecological settings = spawning areas of Gulf of Mexico vs. Mediterranean. NMFS revisiting this decision no later than 2013 once NRDA analyses of DWH oil spill completed.
Atlantic sturgeon -- Gulf of Mexico	2012	NMFS	Final Listing Rule	X		X	X				X		Discreteness based on genetic differences. Unique ecological settings evidenced by "fact that spawning habitat of each population grouping is found in separate and distinct ecoregions that were identified by TNC based on the habitat, climate, geology, and physiographic differences for both terrestrial and marine ecosystems throughout the range of the Atlantic sturgeon along the Atlantic coast."
Atlantic sturgeon -- Chesapeake Bay	2012	NMFS	Final Listing Rule	X		X	X					X	Discreteness based on genetic differences. Unique ecological settings evidenced by "fact that spawning habitat of each population grouping is found in separate and distinct ecoregions that were identified by TNC based on the habitat, climate, geology, and physiographic differences for both terrestrial and marine ecosystems throughout the range of the Atlantic sturgeon along the Atlantic coast."
Atlantic sturgeon -- New York Bight	2012	NMFS	Final Listing Rule	X		X	X					X	Discreteness based on genetic differences. Unique ecological settings evidenced by "fact that spawning habitat of each population grouping is found in separate and distinct ecoregions that were identified by TNC based on the habitat, climate, geology, and physiographic differences for both terrestrial and marine ecosystems throughout the range of the Atlantic sturgeon along the Atlantic coast."
Atlantic sturgeon -- Carolina	2012	NMFS	Final Listing Rule	X		X	X					X	Discreteness based on genetic differences. Unique ecological settings evidenced by "fact that spawning habitat of each population grouping is found in separate and distinct ecoregions that were identified by TNC based on the habitat, climate, geology, and physiographic differences for both terrestrial and marine ecosystems throughout the range of the Atlantic sturgeon along the Atlantic coast."
Atlantic sturgeon -- South Atlantic	2012	NMFS	Final Listing Rule	X		X	X					X	Discreteness based on genetic differences. Unique ecological settings evidenced by "fact that spawning habitat of each population grouping is found in separate and distinct ecoregions that were identified by TNC based on the habitat, climate, geology, and physiographic differences for both terrestrial and marine ecosystems throughout the range of the Atlantic sturgeon along the Atlantic coast."
False killer whale -- Main Hawaiian Islands insular DPS	2012	NMFS	Final Listing Rule	X		X			X			X	Discreteness based on marked separation from other killer whales based on behavioral and genetic factors. Significance based on marked genetic characteristic differences, although there is "weaker support for existence in a unique ecological setting and maintenance of cultural diversity." The significance argument was revised from the proposed rule based on public comments/new information.
Bearded seal -- Okhotsk DPS	2013	NMFS	Final Listing Rule								X		Refers to DPS evaluation in proposed rule.
Scalloped hammerhead shark -- Eastern Pacific DPS	2014	NMFS	Final Listing Rule									X	Refers to DPS evaluation in proposed rule.

DPS	Year	Lead Region	Finding Type	Discreteness		Significance					Status		Comments
				Markedly Separate from Other Populations	International Boundary	Ecological Setting	Gap in Range	Only Remaining Natural Population	Genetics	Other	T	E	
Scalloped hammerhead shark -- Central and Southwest Atlantic DPS	2014	NMFS	Final Listing Rule								X		Refers to DPS evaluation in proposed rule.
Scalloped hammerhead shark -- Eastern Atlantic DPS	2014	NMFS	Final Listing Rule									X	Refers to DPS evaluation in proposed rule.
Scalloped hammerhead shark -- Indo-West Pacific DPS	2014	NMFS	Final Listing Rule								X		Refers to DPS evaluation in proposed rule.
Smalltooth sawfish -- Non-US DPS	2015	NMFS	Final Listing Rule	X	X		X					X	Discreteness: Markedly separate based on ecological factors (no evidence of movement of tagged fish to countries outside where they were tagged). Also, discrete based on international boundaries and significant differences in regulatory mechanisms (i.e., the U.S. DPS population is listed and they have designated critical habitat -- this does not exist for the non-U.S. population). Significance: Gap in the range -- Outside of the U.S., smalltooth sawfish restricted to West Africa, Caribbean, Mexico, and Central and South America. Loss of this group of sawfish would result in a significant gap in the range of the species.