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Institute for Wildlife Protection

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Office of Species Protection
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December 18, 2014

Ms. Sally Jewell, Secretary of the Interior
1849 C Street, NW
Washington, DC 20240

Mr. Daniel M. Ashe
Director, U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Secretary Jewell and Director Ashe:

Enclosed please find a Status Review and Petition for a Rule to List the Cahaba pebblesnail (*Clappia cahabensis*, Clench 1965) under the Endangered Species Act. Petitioners submit this petition pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Administrative Procedure Act, 5 U.S.C. 551 et seq. The filing of this petition sets in motion a specific process placing definite response requirements on the U.S. Fish and Wildlife Service (“Service”) and very specific time constraints upon those responses. We are requesting a listing as Endangered. Endangered means in danger of extinction in all or a part of its range. Neither Congress nor the Service has defined danger; however, it is clear that this species is endangered using the definitions of danger in Webster’s International Dictionary or in Black’s Law Dictionary.

We also request an Emergency Listing because of the extremely limited range of the species and extraordinary imminent threats to its continued existence. We strongly urge the Secretary and the U.S. Fish and Wildlife Service (“Service”) to immediately undertake emergency listing of the species. There is significant risk that this species would be extinct or would be beyond saving by the time an ordinary listing process could be completed. Therefore we provide the necessary information and justification for an emergency rule listing the species as endangered.

We request an Emergency Listing for this species due to its tiny area of habitat, calls for protection from the scientific community, small population size, limited motility and other reasons detailed in this petition and status review.

This species is at even greater risk now than when it was placed on the Candidate list because of population declines, and habitat destruction. The dire straits of this species have been known to the Service for decades, but the Service never listed the Cahaba pebblesnail. Instead, the service merely assigned the snail to Category 2 of their Candidate list (which requires “further biological research” before any protection by the Service) where it appeared in their Candidate Notice of Review for Nov. 21, 1991. 56 Fed. Reg. 58804, 58818. Legal experts have termed the Service’s Candidate list a black hole of extinction, because like an astronomical black hole, species enter but do not emerge.

Despite placing this species on the Candidate list, the Service did not conduct any “further biological research” on this species, nor did it protect it in any way, and the species was extirpated from most of its range. On Nov. 15, 1994, the Service stated that the Cahaba pebblesnail had a status of “3A” (“Taxa for which the Service has persuasive evidence of extinction. If rediscovered, such taxa might acquire high priority for listing.”). 59 Fed. Reg. 58982, 59028. This species was indeed rediscovered, yet not only has the Service not given it a “high priority for listing,” the Service has done nothing whatsoever to protect it. With this petition to list, the snail now has such high priority for listing.

When the snail was completely extirpated from the Coosa River, the habitat was so greatly reduced that the Service believed the species had gone extinct. Purely fortuitously, a few individuals of the species was found – decades later – in a small area of the Cahaba River. Dr. Stephanie A. Clark, a postdoctoral associate in the Dept. of Biological Sciences, University of Alabama rediscovered the snail while on a field trip in 2005.

As the Alabama Dept. of Conservation and Natural Resources put it: “Believed extinct until recently rediscovered in the Cahaba River. HIGHEST CONSERVATION CONCERN (their capitalization).”

<http://www.outdooralabama.com/pebblesnails-family-hydrobiidae>

However the State of Alabama has undertaken no protections for this species. This entire species exists in a single, tiny population within a very small remnant of its former habitat. It has no protective status.

Today, this “critically imperiled” snail is currently found only in a small portion of the Cahaba River flowing through Bibb County, Alabama. Alabama Natural Heritage Program Annual Report - Fiscal Year 2006, p. 10. <http://www.alnhp.org/annrep06.pdf>

The Cahaba pebblesnail is ranked as Critically Imperiled both globally and in the state (G1S1) by the State of Alabama.

<http://www.outdooralabama.com/sites/default/files/ALSWAPChapterOneDraft.pdf>

Another Alabama snail, the Flat Pebblesnail, *Lepyrium showalteri*, which lives nearby, is already endangered. http://www.fws.gov/ecos/ajax/tess_public/pub/listedAnimals.jsp

The Historic range is much larger than the present range, because of a long history of human activities which have decimated the freshwater fauna in this entire habitat. The decline of this species can be attributed to extensive impoundment of the river and its primary tributaries, and the effects of habitat disturbance, and point and non-point source pollution on the surviving isolated populations. Siltation and eutrophication from urbanization and strip mining occur in and near the Cahaba River (Boschung and Mayden 2004) and threaten this species. Pollution threatens the Cahaba Pebblesnail (NatureServe 2008). Other threats imperil this species as well and are extensively discussed in the accompanying Status Review.

The Service has the authority to promulgate an emergency listing rule for any species when an emergency exists that poses a significant risk to the species, under 16 U.S.C. §1533(b)(7). Such rules take effect immediately upon publication in the Federal Register, and are effective for a maximum of 240 days. This petition sets in motion a specific administrative process as defined by §1533(b)(3) and 50 C.F.R. §424.14(b), placing mandatory response requirements on the Service.

This species is on the brink of extinction. Only a single, small population of this species is known to remain in existence, and because of its limited range a flood or pollution release, or any other habitat disturbance, could render the entire species extinct.

Congress required the Service to implement a system to effectively monitor the status of Candidate species, and to make prompt use of its emergency listing authority to prevent a "significant risk to the species." 16 U.S.C. §1533(b)(3)(C)(iii) and (b)(7). The Service did neither, resulting in the presumed extinction, and actual extirpation, of the species. You now have another chance.

You are required to designate critical habitat at the time of listing. 16 U.S.C. § 1533(a)(3) and (b)(2). Critical habitat must include unoccupied areas needed for recovery. That is particularly important for this species.

We believe you will find this status review and petition to be extensive, thorough, and comprehensive. In order to reduce the workload on the Service, scientists at the Institute have attempted to encompass all information relevant to a listing in the enclosed status review. We welcome your prompt attention to this matter.

Sincerely,



Dr. Randy Webb
Senior Ecologist