



**Frequently Asked Questions:
Final Rule to List and Designate Critical Habitat for the
Austin Blind and Jollyville Plateau Salamanders and a 6-
Month Extension of the Georgetown and Salado
Salamanders Listing and Critical Habitat Determinations**

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) www.fws.gov/southwest/

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Q. What action is the U.S. Fish and Wildlife Service taking?

A. The Service is publishing a final rule to list the Austin blind salamander (*Eurycea waterlooensis*) as an endangered species and the Jollyville Plateau salamander (*Eurycea tonkawae*) as a threatened species under the Endangered Species Act of 1973 (ESA), as amended. In the August 22, 2012, listing proposal, the Service recommended that the Jollyville Plateau salamander be listed as an endangered species. Based on information received during the public comment period, we conclude in the final rule that the Jollyville Plateau salamander is likely to become in danger of extinction in the foreseeable future throughout all of its range and, therefore, meets the definition of a threatened species.

The Service is also designating 4,451 acres (1,801 ha) of critical habitat in 33 units in Travis and Williamson Counties. We are designating 1 unit (120 acres total) as critical habitat for the Austin blind salamander in Travis County, Texas; and 32 units (4,331 acres total) as critical habitat for the Jollyville Plateau salamander in Travis and Williamson Counties, Texas. Overall, we are excluding approximately 603 acres (244 ha) from the portions of Jollyville Plateau salamander critical habitat Units 3, 14, and 19 that are covered under the Four Points, Grandview Hills, and Buttercup Creek Habitat Conservation Plans.

In addition, the Service is publishing a six-month extension of the listing and critical habitat determinations for the Georgetown salamander (*Eurycea naufragia*) and Salado salamander (*Eurycea chisholmensis*) and reopening the comment period for 30 days. The Service will make final listing and critical habitat determinations for the Georgetown and Salado salamanders no later than February 22, 2014.

The Service's listing and critical habitat determinations for the salamander species are based on the best available science.

Q. Why did the listing determination for the Jollyville Plateau salamander change from endangered to threatened?

A. The Jollyville Plateau salamander population has begun experiencing impacts from threats to their habitats, and these threats are expected to increase in the future. The Jollyville Plateau salamander is likely to become in danger of extinction in the foreseeable future throughout all of its range and, therefore, meets the definition of a threatened species.

Q. Why is the Austin blind salamander being listed as endangered?

A. After a review of the best scientific information available we determined that the Austin blind salamander is on the brink of extinction and therefore warrants listing as an endangered species. The Austin blind salamander has only one known population that occurs at three spring outlets in Barton Springs, the habitat of this population has experienced impacts from threats, and these threats are expected to increase in the future.

Q. Why isn't the Service making final listing and critical habitat determinations for the Georgetown and Salado salamanders at this time?

A. Since the August 22, 2012, publication of the proposed rule for the Georgetown and Salado salamanders, there has been substantial disagreement regarding: (1) the short- and long-term populations trends of these two species; (2) the interpretation of water quality and quantity degradation information as it relates to the status of these two species; and (3) the effectiveness of the conservation practices and regulatory mechanisms. This has led to significant disagreement regarding the current conservation status of the Georgetown and Salado salamanders. In consideration of the disagreements surrounding the status of the Georgetown and Salado salamanders, we are extending the final determination for six months in order to solicit information that will help to clarify these issues. The Service will make final listing and critical habitat determinations by February 22, 2014.

Q. What information is the Service requesting regarding the Georgetown and Salado salamanders?

A. We are particularly interested in new information and comments regarding:

- (1) Survey information and population estimates of the Georgetown and Salado salamanders.
- (2) Data on water quality and quantity as it relates to the status of these two species.
- (3) Effectiveness of conservation practices; we particularly request comments or information to help us assess the certainty that rangewide conservation efforts will be effective in conserving the Georgetown and Salado salamanders.
- (4) Information on existing regulatory mechanisms that may provide protection to the Georgetown and Salado salamanders and their habitats.

Previously submitted comments or information on the proposed listing rule do not need to be resubmitted. We have incorporated them into the public record, and we will fully consider them in

the preparation of our final determination. Our final determinations will take into consideration all written comments and any additional information we receive.

Q. How can the public submit information on the listing and critical habitat proposals for the Georgetown and Salado salamanders?

A. The Service will accept comments received or postmarked on or before September 19, 2013. You may submit written comments by one of the following methods:

- (1) **Electronically:** Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–R2–ES–2012–0035, which is the docket number for the proposed listing rule. Then, in the Search panel on the left side of the screen, under the Document Type heading, check on the Proposed Rules link to locate the proposed rule. You may submit a comment by clicking on “Comment Now!”
- (2) **By hard copy:** Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2012–0035; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

Q. How do the final critical habitat designations differ from the proposed critical habitat designations for the Austin blind and Jollyville Plateau salamanders?

A. The final critical habitat rule designates approximately 4,451 ac (1,801 ha) of critical habitat in 33 units in Travis and Williamson Counties, Texas. Overall, the total amount of critical habitat designated in the final rule decreased 603 ac (244 ha) compared to the proposed rule (including proposed changes made in the January 25, 2013, Notice of Availability (NOA)).

Salamander Species	Proposed Critical Habitat in Acres (Ha)	Final Critical Habitat in Acres (Ha)	Change in Acres (Ha)
Austin blind	120 (49)	120 (49)	0
Jollyville Plateau	4,934 (1,997)	4,331 (1,753)	-603 (-244)
Both species	5,054 (2,046)	4,451 (1,801)	-603 (-244)

Based on information the Service received during the public comment period regarding the source of water in Austin blind salamander and Jollyville Plateau salamander habitat, the final rule refines the description of the primary constituent elements to more accurately reflect the habitat needs of these two species. The final rule also separated the primary constituent elements into surface and subsurface habitat categories for the Texas salamander species in order to clarify the needs of the species.

In addition, based on new information that we did not have at the time of the proposed rule or NOA publication date, the final critical habitat rule contains a number of changes to the critical habitat units. These changes include moving one unit to a more accurate location, removing one

unconfirmed location, including two additional locations, and excluding land based on three Habitat Conservation Plans.

Q. What are the primary threats to the Austin blind and Jollyville Plateau salamanders?

A. The most significant threat to these salamander species is the degradation of habitat in the form of reduced water quality and quantity and disturbance of spring sites. Increasing urbanization in areas where the salamanders are found is resulting in greater impervious cover (or a covered surface area) which is negatively impacting water quality. Recent drought conditions and human population growth are also negatively impacting water resources, reducing the quality and quantity of available habitat for the salamanders.

The Service is listing the Austin blind salamander as endangered because it is only found in one location and the magnitude of threats are much higher causing it to be on the brink of extinction due to the elevated threats, therefore it meets the definition of endangered under the Act. In regards to the Jollyville Plateau salamander, while the species faces the same threats, the magnitude of those threats is lower in part because it is spread out in 107 populations across two counties. At this time the threats are not impacting the Jollyville Plateau salamander at the same level as the Austin blind salamander. Therefore, the Jollyville Plateau salamander is being listed as threatened and not endangered.

Q. Where are the four salamander species found?

A. All four salamander species are entirely aquatic and depend on water from the Edwards Aquifer in sufficient quantity and quality to meet their life history requirements for survival, growth, and reproduction. The Austin blind salamander resides in the Barton Springs Segment of the Edwards Aquifer, while the other three species reside in habitat dependent on the Northern Segment of the Edwards Aquifer, including springs and spaces in the subsurface aquifer. The Jollyville Plateau salamander also depends on groundwater from other aquifer sources, such as the Trinity Aquifer and local alluvial aquifers.

Q. How will the salamanders benefit from an ESA listing?

A. Species listed as endangered or threatened under the ESA benefit from conservation measures that include recognition of threats to the species, implementation of recovery actions, and federal protection from harmful practices.

Recognition under the ESA results in public awareness and conservation by federal, state, tribal and local agencies; private organizations; and individuals. The ESA encourages cooperation with the States and other partners to conserve listed species.

The ESA also requires the Service to develop and implement recovery plans for the conservation of threatened and endangered species. Recovery plans outline actions that are needed to improve the species' status such that it no longer requires protection under the ESA. The Service develops and implements these plans in partnership with the species experts; other federal, state and local agencies; tribes; non-governmental organizations; academia; and other stakeholders. Recovery

plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Examples of typical recovery actions include habitat protection, habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education.

Under the ESA, federal agencies must ensure that actions they approve, fund, or carry out do not jeopardize the continued existence of a listed species or destroy its critical habitat. In addition, under the ESA, endangered or threatened animal species cannot be killed, hunted, collected, injured or otherwise subjected to "harm." Endangered or threatened species cannot be purchased or sold in interstate or foreign commerce without a federal permit.

Q. What is critical habitat?

A. Critical habitat is a term in the ESA that identifies geographic areas essential for the conservation of an endangered or threatened species. The ESA defines “conservation” as the actions leading towards the eventual recovery of a species to the point where it is no longer endangered or threatened.

Critical habitat provides protection from the prohibition against destruction or adverse modification from actions carried out, funded or authorized by a federal agency and is carried out through required consultation under section 7 of the ESA. Due to legal challenges, the Service no longer relies on the regulatory definition of “destruction or adverse modification” of critical habitat. Instead, the Service relies on the statutory provisions of the ESA to complete adverse modification analysis.

Q. What is the purpose of designating critical habitat?

A. A critical habitat designation generally has no effect on situations that do not involve a federal agency — for example, a private landowner undertaking a project that involves no federal funding or permit. Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize to ensure that their actions will not destroy or adversely modify critical habitat. In this way, a critical habitat designation protects areas that are necessary for the conservation of the species.

Q. Do listed species in critical habitat areas receive more protection?

A. Listed species and their habitat are protected by the ESA whether or not they are in an area designated as critical habitat. To understand the additional protection that critical habitat provides to an area, it is first necessary to understand the protection afforded to any endangered or threatened species, even if critical habitat is not designated for it.

The ESA forbids anyone to import, export, or engage in interstate or foreign sale of endangered and threatened animals and plants without a special permit. It also makes “take” illegal – forbidding the killing, harming, harassing, pursuing, or removing the species from the wild. The ESA requires federal agencies to consult with the Service to conserve listed species on their lands and ensure that

any activity they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. This is known as section 7 consultation.

In consultations for species with critical habitat, federal agencies are required to ensure that their activities do not destroy or adversely modify critical habitat to the point that it can no longer serve its conservation role in the species' recovery. The greatest benefit of critical habitat occurs in areas that are currently unoccupied by the species, but are needed for its recovery. With critical habitat designations, these unoccupied areas are protected by the prohibition against destruction and adverse modification of critical habitat.

Q. Does a 'critical habitat' designation mean an area is considered a wildlife refuge or sanctuary?

A. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. A critical habitat designation identifies areas that are important to the conservation of federally listed threatened or endangered species. A critical habitat designation requires federal agencies to consult with the Service on any of their actions that may affect critical habitat in designated areas. The Service can then recommend ways to minimize any adverse effects. It imposes no requirements on state or private actions on state or private lands where no federal funding, permits or approvals are required.

Q. How would a critical habitat designation affect my private land?

A. Requirements for consultation on critical habitat do not apply to entirely private actions on private lands. Critical habitat designations only apply to federal lands or federally funded or permitted activities on private lands. Activities on private or state lands that are funded, permitted or carried out by a federal agency, such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act, or a section 402 permit under the Clean Water Act from the Environmental Protection Agency, will be subject to the section 7 consultation process with the Service if those actions may affect critical habitat or a listed species.

Through this consultation, the Service would advise agencies whether the permitted actions would likely jeopardize the continued existence of the species or adversely modify critical habitat. Federal actions not affecting critical habitat or otherwise affecting species or their habitat (e.g., suitable habitat outside of critical habitat), and actions on non-federal lands that are not federally funded, permitted or carried out, will not require section 7 consultation.

Q. When an area is designated as critical habitat, are all human activities in the area prohibited?

A. No. The only activities prohibited in these areas are federal actions that are likely to result in destruction or adverse modification of the critical habitat for the listed salamander species. The consultation process supports the recovery of species and their ecosystems. Consultations provide ways to implement recovery tasks by addressing threats to listed species that may result from Federal agency programs and activities through a collaborative process. For more information go to: <http://www.fws.gov/endangered/esa-library/pdf/consultations.pdf>.