Questions and Answers: Brazos River Authority Candidate Conservation Agreement with Assurances for the False Spike and Texas fawnsfoot mussels

For Release: October 6, 2020

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Q. What action is the U.S. Fish and Wildlife Service (Service) proposing?

A. The Service is announcing the availability of an enhancement of survival (EOS) permit application from the Brazos River Authority (Authority) for the False spike and Texas fawnsfoot, two mussel species. The application includes a Candidate Conservation Agreement with Assurances (CCAA) for freshwater mussel conservation, which covers surface water supply, delivery operations, and maintenance activities in the Brazos River basin in Texas.

The CCAA, and associated EOS permit, if approved would be in effect for 20 years and would authorize incidental take of the candidate false spike and candidate Texas fawnsfoot. The proposed incidental take would result from activities associated with otherwise lawful activities, including implementation of the conservation strategy and conservation measures, and ongoing and continuing water supply development activities.

The Service is also announcing the availability of a draft screening form that has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act. The Service is seeking public comment on the application and draft NEPA screening form supporting a Categorical Exclusion through November 5, 2020.

Q. What is a Candidate Conservation Agreement with Assurances (CCAAs)?

A. CCAAs are voluntary agreements that provide non-federal landowners, industry, local government and others the opportunity to implement conservation practices that address specific threats with assurances that, if the species is listed, they can continue to manage their land and waters as outlined in their agreements with no additional requirements. If a species is listed and a CCAA is in place, those entities enrolled in the CCAA will not be required to do more than they have agreed to do under the agreements.

Q. How would the CCAA benefit these two mussels?

A. CCAAs are intended to reduce or remove identified threats to a species. For the false spike and the Texas fawnsfoot, the CCAA and associated permit would implement a voluntary conservation strategy for freshwater mussels developed by the Authority and informed by the National Freshwater Mollusk Conservation Society's National Strategy for the Conservation of Native Freshwater Mussels. The conservation strategy includes conservation measures to minimize and avoid direct and indirect impacts to candidate mussels and their habitats, a comprehensive monitoring and adaptive management program, compliance with existing environmental flow standards, development of flow standards specific to candidate mussels, support for development of short term refugia and propagation methods, public outreach and education about the resource needs affecting the candidate mussels, and development of hydrologic modeling to inform future adaptive management. The expected result of the implementation of the conservation strategy and conservation measures is a net conservation benefit to the false spike and Texas fawnsfoot as the agreement is focused on activities that restore, maintain, enhance and create habitat for the mussels.

Q. If the draft CCAA is approved, how does the Service plan to monitor implementation of the CCAA?

A. The CCAA includes a management and monitoring schedule. The Authority will meet with the Service at least once a year, and will provide annual reports that include a discussion about activities that occurred under the CCAA, and the status of mussel populations in the Brazos River basin. The Service will work closely with the Brazos River Authority as they implement the CCAA.

Q. If the draft CCAA is approved, will it preclude the need to list the Texas fawnsfoot and False spike?

A. CCAAs are effective because they encourage voluntary participation from users of the land and water whose operations would most likely be affected if one or more of these species were to be listed for protection under the Endangered Species Act. The idea is that if proper conservation measures are being voluntarily implemented prior to a listing; increased regulation protecting the species might be unnecessary. The most significant benefit of the CCAA is that it will guide conservation actions that improve the status of these species and their habitat within the Brazos River. However, the Service cannot absolutely guarantee that participation in these agreements will prevent the listing of any species.

Q. Where are these mussels found?

A. The Texas fawnsfoot occurs in the Brazos, Colorado and Trinity River basins, Texas. In the Brazos basin, Texas fawnsfoot occurs in the Brazos, Navasota, San Gabriel, and Little rivers, the Clear Fork of the Brazos River, and Brushy Creek. In the Colorado basin, Texas fawnsfoot occurs in the San Saba River and in the Colorado River. In the Trinity basin, Texas fawnsfoot occurs in the Trinity River and the East Fork of the Trinity River. Texas fawnsfoot are threatened by water quality decline and small population sizes.

The false spike was once thought to be extinct but was rediscovered in 2011. It occurs in portions of the Brazos, Colorado, and Guadalupe River basins, Texas. In the Brazos basin, false spike occurs in the San Gabriel and Little rivers, and Brushy Creek. In the Colorado basin, false spike occurs in the Llano and San Saba rivers. In the Guadalupe basin, false spike occurs in the Guadalupe and San Marcos rivers. All populations of this species are small and isolated, and most populations are subject to declining flows.

Q. Are there other conservation efforts that are being implemented for the mussels?

A. The Texas Parks and Wildlife Department (TPWD) and nongovernmental organizations led efforts to protect and enhance habitats within the river basins occupied by central Texas mussels. TPWD has worked with private landowners and others (including the Service) to restore approximately 10,000 acres of upland habitats in priority watersheds important for conservation of aquatic wildlife resources. The Service's Fish and Aquatic Conservation Program and others are evaluating methods to propagate the central Texas mussels. The Service's Partners for Fish and Wildlife Program, and other partners, are working with private landowners interested in riparian and instream habitat restoration and enhancement. The Office of the Texas Comptroller has funded research that may expand our understanding of the species' needs.

Q. How do I provide comments the draft CCAA and low-effect screening form?

A. Public comments will be accepted through November 5, 2020, by email to FW2_HCP_Permits@fws.gov, or by mail to Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758.