

American Malacological Society (AMS) Conservation Committee Imperiled Species News End of Year Report 2015

January 2016

Happy New Year to all American Malacological Society (AMS) members and other mollusk and invertebrate conservation enthusiasts. As part of a continuing series of installments, I am herein posting this 2014 summary of all legislative action taken during the calendar year 2015 by the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) with respect to conservation of marine, freshwater, and terrestrial mollusks as applied by the U.S. Endangered Species Act (ESA) and other relevant legislation.

Formal notices are published by the USFWS and NMFS in what is called the Federal Register Endangered Species Program (<http://www.fws.gov/endangered/laws-policies/federal-register-notices.html>). Rules are enacted only for taxa and populations that are specifically named in a Federal Register Notice of Review or the Federal Register Proposed or Final Rule section (Code of Federal Regulations C.F.R. 50 Part 17). Federal Register Notices are issued daily. Notices generally fall within three categories: notices, proposed rules, and final rules. Also included are notices of scheduled hearings, proposed rulings, formal rules and regulations, and in extreme circumstances, presidential orders and proclamations. Public comments are solicited on proposed rules but are required within a given time period. Each installment of this news post lists current petitioned, proposed, candidate, listed, and delisted species added or modified within the time frame delineated. Comment periods, including submission deadlines, are also included to better inform the reader as to the progress of each proposal and to provide adequate time for public comment.

Before reading this summary, please familiarize yourselves with the basic criteria used for listing of species as Endangered or Threatened. A species is first assessed by the USFWS to determine if a proposed listing is appropriate based on the best available data for listing consideration (U.S. ESA, Section IV). Under the Act, a species may be listed as an endangered or threatened species based on any of five factors: (A) The present destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its existence. Species previously identified as candidates can also be re-assessed based on updated information. A Species Assessment Document is prepared by candidate conservation staff (including non-governmental agency staff with intimate knowledge of any aspect of the natural history of a species). This document is then presented to the USFWS Director (currently Daniel M. Ashe) to determine if a species' status as a candidate should be changed. Assessments are updated annually through a Candidate Notice Review (CNOR) available online at: <http://www.fws.gov/endangered/what-we-do/index.html>. At the end of each calendar year, update summaries for all species for the current (and previous) calendar years can be found at: <http://www.fws.gov/endangered/what-we-do/cnor.html>.

I am writing this in the comfort of my warm living room looking out my window at the 6 inches of snow that fell yesterday and last night here in southern New England. Considering just 45 miles north of here only received a dusting and JFK Airport in New York saw 30 inches, it appears I am looking at “edge of range” accumulation. Calendar 2015 is behind us and we can all look forward to getting out in 2016 to look for more mollusks. Anybody out there poking around this month (just the hardcore folks- I’m getting too old for this)? I hope to try for eastern pondmussel (*Ligumia nasuta*) in a new locality in Andover, Massachusetts, next week. I don’t know how successful I’ll be- probably lucky if I even find eastern elliptio... “these are not the mussels you’re looking for... move along.” Anybody else see Star Wars- The Force Awakens besides me (three times and counting)? Did I see this guy below on the sands of Jakku (maybe I’m just seeing what I want to see)?



Much like last year (2014), Federal legislation was sparse with regard to mollusks. No species were proposed, removed, modified, or reviewed under the U.S. Endangered Species List; although two species were added (Neosho mussel and rabbitsfoot; see below). January saw the U.S. Fish and Wildlife Service announce a draft methodology to better identify and prioritize pending Endangered Species Act (ESA) “status reviews.” This only affects pending listings and does not apply to downlisting or delisting. This was long overdue as anyone knows who has tried to muddle through the listing process (continue to keep those Proposed Listing comments coming during comment periods). Expect a formal result in January 2016 (hey, that’s now!).

The Service intends to place each pending petition finding in one of five priority categories or “bins.” Existing biological data (when available) and ongoing threats, potentially achievable conservation efforts to alleviate those threats, and any new or developing conservation science methodology that might be of use to affect the listing... much easier said than done; especially for mollusks. I suppose we shouldn't complain- how much do you know about Endangered Hawaiian pumace flies ? You thought mollusks needed a public image makeover...

<http://www.fws.gov/pacific/ecoservices/angered/recovery/documents/Drosophilarecoveryoutline-final.pdf>

The five prioritization categories are:

- (1) **Highest Priority: Critically Imperiled** – Species that appear to be critically imperiled and in need of immediate action.
- (2) **Strong Data Available on Species' Status** – Species for which we have existing strong scientific data supporting a clear decision on status.
- (3) **New Science Underway to Inform Key Uncertainties** – Species for which important emerging science on their status is underway to answer key questions that may influence the petition finding; uncertainty about species' status can be resolved in a reasonable timeframe.
- (4) **Conservation Opportunities in Development or Underway** – Species for which proactive conservation efforts by states, landowners, and stakeholders are underway or in development. The conservation efforts should be organized and likely to reduce the threats to the species.
- (5) **Limited Data Currently Available** – Species for which there is little information on status and threats available to inform a petition finding.

The resulting list of prioritized actions will be developed into a National Listing Workplan for the Service, to be shared with states and stakeholders and posted online. This workplan will be updated annually as new information is obtained.

The notice will publish in the Federal Register on January 15, 2016, and also will be available at www.fws.gov/policy/frsystem/default.cfm by clicking on the 2016 Notices link. Public comments on this draft methodology can be made at www.regulations.gov by entering the docket number FWS-HQES-2015-0169. Comments will be accepted until February 16, 2016, 30 days following publication in the Federal Register, so send yours in NOW.

In 2014, all but formerly active proposals had been closed, leaving only a single open proposal remaining for four Micronesian tree snails from Guam; the fragile tree snail (*Samoana fragilis*), Guam tree snail (*Partula radiolata*), humped tree snail (*Partula gibba*), and Langford's tree snail (*Partula langfordi*); each proposed as Endangered. All four were listed as Endangered this past November. These accompany existing listed tree snails from Hawaii, Guam, Samoa, and Lanai. The cause of the declines in the Marianas are primarily due to habitat destruction and introduction of invasive predators such as *Gonaxis* spp. and *Euglandina rosea*.

In April, Critical Habitat was formerly designated for the Neosho mucket (*Lampsilis rafinesqueana*) and rabbitsfoot (*Quadrula cylindrica cylindrica*). Some 483 river miles in the Elk, Fall, Illinois, Neosho, Shoal, Spring, North Fork Spring, and Verdigris Rivers in Arkansas, Kansas, Missouri, and Oklahoma were designated for the Neosho mucket. For the rabbitsfoot, 1437 river miles were designated in the Neosho, Spring (Arkansas River system), Verdigris, Black, Buffalo, Little, Ouachita, Saline, Middle Fork Little Red, Spring (White River system), South Fork Spring, Strawberry, White, St. Francis, Big Sunflower, Big Black, Paint Rock, Duck, Tennessee, Red, Ohio, Allegheny, Green, Tippecanoe, Walhonding, Middle Branch North Fork Vermilion, and North Fork Vermilion Rivers and Bear, French, Muddy, Little Darby, and Fish Creeks in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, and Tennessee.

What is critical habitat? Critical habitat is habitat believed to be essential to the ultimate conservation of the species. It essentially affects activities that involve federal permits, licenses or government funding AND are likely to destroy or modify the area affected. It does NOT preclude development in these areas but only a requirement to make special effort to conserve species in these areas. The USFWS and NOAA and quick to tell you that designation of Critical Habitat promotes species recover because it conserves both occupied habitat at time of listing as well as unoccupied habitat needed to support increased population size and range to promote delisting when a species is secure from threats. This is likely true but whether it is due to actual protection Critical Habitat provides or the added layer of bureaucracy involved in completing projects that might harm the species in these areas is up for debate.

Public comment period extensions are the result of public requests to allow for more time for the public to review of documentation relevant to listing. This is not too uncommon but should not dissuade any of you from commenting on future proposals in a timely fashion. Some proposals that have already been put forth will likely have comment periods reopened because, to put it bluntly, many of us do not bother to reply or would like to reply but do not know how. Well, now's your chance.

As new proposals are put forth, I will do my best to keep you all abreast of changes as they happen including deadlines for submitting comments or questions so that they might be offered in a timely fashion.

Until next time,

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SUMMARIES FOLLOW:

U.S. Fish and Wildlife Service Releases Annual List of Candidates for Endangered Species Act Protection

***Lampsilis rafinesqueana* (Neosho mucket) and *Quadrula cylindrica cylindrica* (rabbitsfoot)**

- POSTED: April 30, 2015
- SUMMARY: Proposed Rule to dedicate Critical Habitat for *Lampsilis rafinesqueana* (Neosho mucket) and *Quadrula cylindrica cylindrica* (rabbitsfoot) = **Critical Habitat designated**
- JUSTIFICATION: To be determined.
- RESULTS: **CLOSED**
- LINK: <http://www.fws.gov/policy/library/2015/2015-09200.pdf>

***Samoana fragilis* (fragile tree snail), *Partula radiolata* (Guam tree snail), *Partula gibba* (humped tree snail), *Partula langfordi* (Langford's tree snail)**

- POSTED: October 1, 2015
- SUMMARY: Proposed Rule to list *Samoana fragilis* (fragile tree snail), *Partula radiolata* (Guam tree snail), *Partula gibba* (humped tree snail), *Partula langfordi* (Langford's tree snail) as Endangered = **species listed as Endangered but Critical Habitat not yet designated**
- JUSTIFICATION: This finding is based on information provided under factors (A) imminent and severe degradation from development, military training, and urbanization; (B) overutilization of tree snails due to collection or trade for market; (D) inadequate regulatory mechanisms within the Mariana Islands which encompass two territories: Guam and the Northern Mariana Islands; making conservation administration very difficult; and (E) other natural and manmade factors, such as ordinance and live-fire training, water extraction, few populations, and small population size.
- RESULTS: **CLOSED**
- LINK: <http://www.fws.gov/policy/library/2015/2015-24443.pdf>