

American Malacological Society (AMS) Conservation Committee Imperiled Species News End of Year Report 2014

November 2014

Hello again 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 2014 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>.

Following a period of extensive activity in Federal legislation involving rare and endangered mollusks in 2013, 2014 saw little change in number of species proposed, added, removed, modified, or reviewed under the U.S. Endangered Species List. 2013 marked the 40th Anniversary of the passage of the Endangered Species Act when President Richard Nixon signed the act into law on December 28, 1973. On the occasion of its 40th birthday at the end of 2013, the U.S. Federal Government added ten species as Endangered and one as Threatened. By the end of 2013, fourteen species of mollusks remained as Candidate Species, however. No open or proposed listings remained. Proposed listing of another species was not warranted and for the first time, an invertebrate, the Magazine Mountain shagreen (*Inflectarius magazinensis*), was delisted from the Endangered Species list due to full recovery.

In 2014, with all formerly active proposals closed, new species were not proposed for listing until late in the year on October 1 when four 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*), were proposed as Endangered. Two five-year reviews were assessed for four mollusk species including Curtis' pearlymussel (*Epioblasma florentina curtisi*), purple cat's paw (*Epioblasma (= dysnomia) obliquata obliquata*), scaleshell mussel (*Leptodea leptodon*), and Higgins eye (*Lampsilis higginsii*) in July. On September, 23rd, a five-year status review was announced for 27 species including 12 freshwater mussels. These include the southern acornshell (*Epioblasma othcaloogensis*), ovate clubshell (*Pleurobema perovatum*), southern clubshell (*Pleurobema decisum*), upland combshell (*Epioblasma metastriata*), triangular kidneyshell (*Ptychobranhus greenii*), Coosa moccasinshell (*Medionidus parvulus*), southern pigtoe (*Pleurobema georgianum*), Alabama heelsplitter inflated form (*Potamilus inflatus*), Alabama moccasinshell (*Medionidus acutissimus*), and orange-nacre mucket (*Lampsilis altilis*).

What does a five-year review entail? When assessing a five-year review (which is required of every listed species in order to maintain a species' listing), the following items are considered; the best scientific and commercial data available since the listing determination including species biology (population, distribution abundance, demographics, genetics), habitat considerations (remaining, distribution, suitability), status and trend (recovery factors), and other new information or corrections (taxonomic change, erroneous information, improved analytical methods). In such cases, comments are solicited on the proposal itself or the species or habitats in question; limited to a comment deadline set usually at 60 days. This is the principle way for anyone to make an individual difference in the potential conservation of a rare or endangered mollusk species. Anyone can comment and all comments are encouraged and considered.

Public comment periods were reopened (possibly due to paucity of comments) for designation of Critical Habitat for Neosho mucket (*Lampsilis rafinesqueana*) and rabbitsfoot (*Quadrula cylindrica cylindrica*) on May 14. Similarly, on July 8, 2014, a five-year status review was opened for Curtis' pearlymussel (*Epioblasma florentina curtisi*), purple cat's paw (*Epioblasma (= dysnomia) obliquata obliquata*), scaleshell mussel (*Leptodea leptodon*), and Higgins eye (*Lampsilis higginsii*); and these species were reviewed the same month.

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.

Currently there are over 2100 total species listed under the USESA. Over 30 species (including *Inflectarius magazinensis* (Magazine Mountain shagreen) have reached full recovery and been removed from listing. Ten mollusk species still remain as candidates (5 freshwater mussels, 3 freshwater snails, 2 terrestrial snails): Texas fatmucket (*Lampsilis bracteata*), Texas fawnsfoot (*Truncilla macrodon*), Texas hornshell (*Popenaias popei*), smooth pimpleback (*Quadrula houstonensis*), Texas pimpleback (*Quadrula petrina*), magnificent ramshorn (*Planorbella magnifica*), sisi snail (*Ostodes strigatus*), Tutuila tree snail (*Eua zebrina* or *zebrine* if you are using Microsoft Word), Huachuca springsnail (*Pyrgulopsis thompsoni*), and Page springsnail (*Pyrgulopsis morrisoni*). No species are up for proposal however a recovery plan has been delineated for the Georgia pigtoe (*Pleurobema hanleyianum*), interrupted rocksnail (*Leptoxis foremani*), and rough hornsnail (*Pleurocera foremani*). This does not mean that upcoming candidate proposals are not forthcoming. Johnson et al. (2013) drew much needed attention to the dire circumstances with respect to the extremely high imperilment status of freshwater snails in North America in their report, "Conservation status of freshwater gastropods of Canada and the United States", published in Fisheries. There are still dozens of mollusk species that have not yet been assessed but are in need of conservation action. Future postings will periodically include updates to current and proposed candidates so keep track of comment periods as they are set and make a valuable contribution toward endangered mollusk conservation by contributing insights and comments.

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.

Cheers,

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SUMMARIES FOLLOW:

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

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

- POSTED: October 1, 2014
- 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 = **proposal initiated**
- JUSTIFICATION: To be determined
- RESULTS: comments solicited (submission deadline December 1, 2014)
- LINK: <http://www.gpo.gov/fdsys/pkg/FR-2014-10-01/pdf/2014-22776.pdf>

12 Freshwater Mussel Species

- POSTED: September 23, 2014
- SUMMARY: 5-year status review of 27 listed southeastern species (including 12 mussel species- *Epioblasma othcaloogensis* (southern acornshell), *Pleurobema perovatum* (ovate clubshell), *Pleurobema decisum* (southern clubshell), *Epioblasma metastriata* (upland combshell), *Ptychobranthus greenii* (triangular kidneyshell), *Medionidus parvulus* (Coosa moccasinshell), *Pleurobema georgianum* (southern pigtoe), *Potamilus inflatus* (Alabama heelsplitter inflated form), *Medionidus acutissimus* (Alabama moccasinshell), and *Lampsilis altilis* (orange-nacre mucket) as Endangered or Threatened; many with Critical Habitat designated = **review initiated**
- JUSTIFICATION: To be determined.
- RESULTS: Public comments and scientific and commercial data solicited (submission deadline November 24, 2014).
- LINK: <http://www.fws.gov/policy/library/2014/2014-22594.pdf>

4 Freshwater Mussel Species

- POSTED: July 8, 2014
- SUMMARY: 5-year status review of 9 listed animal species (including 4 mussel species- *Epioblasma florentina curtisi* (Curtis' pearly mussel), *Epioblasma* (= *dysnomia*) *obliquata obliquata* (purple cat's paw), *Leptodea leptodon* (scaleshell mussel), and *Lampsilis higginsii* (Higgins eye) as Endangered or Threatened; many with Critical Habitat designated = **review initiated**
- JUSTIFICATION: To be determined.
- RESULTS: Public comments and scientific and commercial data solicited (submission deadline September 18, 2014).
- LINK: <http://www.fws.gov/policy/library/2014/2014-15867.pdf>

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

- POSTED: May 14, 2014
- SUMMARY: Proposed Rule to dedicate Critical Habitat for *Lampsilis rafinesqueana* (Neosho mucket) and *Quadrula cylindrica cylindrica* (rabbitsfoot) = **comment period reopened**
- JUSTIFICATION: To be determined.
- RESULTS: Public comments and scientific and commercial data solicited (submission deadline July 14, 2014).
- LINK: <http://www.fws.gov/policy/library/2014/2014-10944.pdf>

Submit by U.S. mail or hand-delivery to: Public Comments Processing, Alabama Ecological Services Field Office, U.S. Fish and Wildlife Service, 1208-B Main Street, Daphne, AL 36526; fax 251-441-6222. For information on these species, contact Jeff Powell at the ES Field Office (by phone at 251-441-5181, or by email at jeff@powell@fws.gov).