

American Malacological Society (AMS) Conservation Committee Imperiled Species News April 2013 (Part II)

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Hello American Malacological Society (AMS) members and non-members. Since 2010, I have served as the AMS Conservation Committee chair. The American Malacological Society's Policy on Biological Conservation can be found at <http://www.malacological.org/conservation/index.php>. At last year's joint annual meeting with the Conchologist's of America in Philadelphia, I put forth the idea of keeping AMS members up to date on current and proposed U.S. and Canadian federal legislation and regulations regarding mollusks. This will allow AMS members to play an active role in conservation of mollusks directly, either as a society, or individually. This is the belated April Part II installment covering January, February, and March 2013 (note: the previously listed "April 2013" installment only includes a year-end summary of 2012) of a listserv update on current and proposed U.S. federal legislation and regulations regarding mollusks. Similar postings will be updated at the beginning of each annual quarter (formerly every month but maintaining monthly reports has proved too difficult) dealing with such issues. I will post the same announcement on other relevant listservs (so you can read them twice if you like).

2013 marked the 40th Anniversary of the passage of the Endangered Species Act signed into law by President Nixon (prior to his less than inspirational impeachment days) on December 28, 1972, with overall support from both houses of Congress. Since then, the ESA has become one of the most important, if not the most important, environmental laws ever enacted. Upon its signature, President Nixon wrote "Nothing is more priceless and more worth of preservation than the rich array of animal life with which our country has been blessed. It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage we all share as Americans." At the time, the bald eagle, *Haliaeetus leucocephalus*, the symbol of America, was in serious decline; along with other once widespread American animal and plant species. The first mollusk species protected under the Act were 26 freshwater mussels in 1976. Cooperative action on the part of the USFWS, NOAA, state wildlife offices, government agencies, and non-profit institutions; among others, have gone on to protect some 2000 species and populations listed under the ESA. This number includes species protected in other countries. Many people are unaware that the Act can be applied to foreign species. The ultimate goal of delisting has been achieved for the bald eagle and other animals, but the vast majority of listed species remain imperiled. In addition, countless others in need of protection have not been addressed by the Act.

Thus far, it has been a relatively tame quarter for mollusk "laws". Very little legislation regarding mollusks was proposed or enacted from January through March of 2013. Only three Federal Register documents have been issued with regard to mollusks. This not only amounts to this shortened installment, but to less dull material for me to navigate. Although not particularly exciting to read (i.e. not exactly something one might read on the train on the way to work), Federal Register documents are certainly thorough.

The comment period for three treesnail species (*Newcombia cumingi* (Newcomb's treesnail), *Partulina semicarinata* (Lanai tree snail), *Partulina variabilis* (Lanai treesnail)) was reopened following initial proposal for Endangered status in November of 2010. Comment period for four Texas springsnails was also reopened. Comment periods are typically reopened either when few or no comments were received during the initial comment period or when additional information warrants further review. Unfortunately, the Rosemont talussnail (*Sonorella rosemontensis*) was removed as a candidate because it does not constitute a listable entity under the Act. The species was subsumed into the Santa Rita talussnail (*Sonorella walkeri*), which is a widespread and common species. The distribution of the Santa Rita talussnail extends across southern Arizona from the Santa Rita Atascosa Mountain Ranges in Santa Cruz County; the Whetstone Mountains in Cochise County; and south into Sonora, Mexico. Under the Act, a "species" is defined as including any subspecies of fish or wildlife or plants, and any distinct population segment (DPS) of any species of vertebrate fish or wildlife which interbreeds when mature. The original description of the Rosemont talussnail (previously *Sonorella rosemontensis*) was made in error with the species synonymous with the Santa Rita talussnail (*Sonorella walkeri*).

SUMMARY:

U.S. Fish and Wildlife Service Legislative Actions January through March 2013

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 (a bit arbitrary, I know). Assessments are updated annually through a Candidate Notice Review (CNOR) available online at: <http://www.fws.gov/endangered/what-we-do/cnor.html>. Update summaries for 2012 can be found at: <http://www.fws.gov/policy/frsystem/default.cfm>.

For the current and future installations, when comment periods are opened, comments may be submitted via one of the following methods:

(1) Electronically

Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search field, enter Docket No. FWS-R5-ES-2012-0054, which is the docket number for this action. Then click on the Search button. 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–R5–ES–2012– 0054; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

***Newcombia cumingi* (Newcomb’s treesnail), *Partulina semicarinata* (Lanai tree snail), *Partulina variabilis* (Lanai treesnail)**

- POSTED: January 31, 2013
- SUMMARY: Proposed Rule to list 38 species of plants and animal species [including 3 mollusks: *Newcombia cumingi* (Newcomb’s Treesnail), *Partulina semicarinata* (Lanai tree snail), *Partulina variabilis* (Lanai tree snail)] as Endangered; reaffirm listing of 2 endemic Hawaiian plant species currently listed as Endangered; designate Critical Habitat for 39 of these plant and animal species [including 3 mollusks: *Newcombia cumingi* (Newcomb’s treesnail), *Partulina semicarinata* (Lanai tree snail), *Partulina variabilis* (Lanai tree snail)] on the Hawaiian Islands of Molokai, Lanai, and Maui; designate Critical Habitat for 11 plant and animal species [no mollusks] already listed as Endangered; and revise Critical Habitat for 85 plant and animal species already listed as Endangered or Threatened on the Hawaiian Islands of Molokai, Lanai, Maui, and Kahoolawe = **comment period reopened**
- JUSTIFICATION: To be determined. Also 85 plant species
- RESULTS: Original proposal June 11, 2012 and Draft Economic Analysis (DEA) produced. Public comments solicited (submission deadline March 4, 2013).
- LINK: <http://www.fws.gov/policy/library/2013/2013-02002.pdf>

***Pseudotryonia adamantina* (Diamond Y springsnail), *Pyrgulopsis texana* (Phantom Cave snail), *Tryonia circumstriata* (Gonzales springsnail), *Tryonia cheatumi* (Phantom springsnail)**

- POSTED: February 5, 2013
- SUMMARY: Proposed Rule to list *Pseudotryonia adamantina* (Diamond Y springsnail), *Pyrgulopsis texana* (Phantom Cave snail), *Tryonia circumstriata* (Gonzales springsnail), *Tryonia cheatumi* (Phantom springsnail) as Endangered or Threatened and designate Critical Habitat = **comment period reopened**
- JUSTIFICATION: To be determined.
- RESULTS: Original proposal October 15, 2012. Comments solicited (submission deadline March 22, 2013).
- LINK: <http://www.fws.gov/policy/library/2013/2013-02051.pdf>

***Sonorella rosemontensis* (Rosemont talussnail)**

- POSTED: March 28, 2013
- SUMMARY: Proposed Rule to list *Sonorella rosemontensis* (Rosemont talussnail) as Endangered and designate Critical Habitat = **listing is not warranted at this time**
- JUSTIFICATION: Listing of *Sonorella rosemontensis* (Rosemont talussnail) is not warranted because this snail does not constitute a listable entity under the Act. The species was subsumed into the Santa Rita talussnail (*Sonorella walkeri*), which is a widespread and common species.
- RESULTS: **CLOSED**
- LINK: <http://www.fws.gov/policy/library/2013/2013-07149.pdf>

This summarizes the legislative actions issued from January through March 2013 relative to freshwater, terrestrial, and marine mollusks. Please look for future quarterly updates on ongoing legislation. Please help make a difference by commenting on proposals within the appropriate comment period and becoming involved with your local natural heritage program and state fish and wildlife office staff.

Regards,

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