

American Malacological Society (AMS) Conservation Committee Imperiled Species News
March 2013

Greetings 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 first installment of a listserv update that will be posted to members each year on a quarterly basis dealing with such issues. I will post the same announcement on other relevant listservs. This current installment will provide a brief outline of U.S. regulations as defined by the U.S. Endangered Species Act.

As we are all aware, despite their distinction as possibly the second most diverse group of organisms on Earth in terms of described species, mollusks face a degree of imperilment and associated decline found in few, if any, other groups of organisms. Ongoing threats due to inherent factors such as small geographic range (restricted distribution, disjunct populations), poor range expansion potential (island species, local river endemics, isolated spring species, cave obligates), and limited habitat tolerance (small extent of occurrence coupled with area of occupancy), K-selection (extreme longevity, slow growth, low fecundity); coupled with human-induced imperilment factors (overexploitation, habitat loss and modification, agriculture, pollution, fire, human encroachment, overharvest/fishing), invasive species and climate change, have contributed to this decline. Knowledge of issues related to these groups of imperiled animals falls largely outside of public awareness. A primary goal of the AMS should be to educate those around us, including AMS members, about current and federal regulations in a reasonable time frame such that we can play an active role in species and population conservation.

This first installment of 2013 will discuss mollusk conservation regulations in the United States. Expect a follow-up on all legislative actions taken in 2012 and continued installments on current actions. Other installments will discuss Canadian and global mollusk conservation regulations administered by Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and International Union for Conservation of Nature (IUCN), respectively. Each additional installment will also list current ongoing legislature involving mollusk conservation; much of it will solicit requests for comments on each federal proposal. This will allow AMS members to provide their own input into proposed listings or delistings of species.

The two major federal institutions that share responsibility for formally administering molluscan conservation in the United States are the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) through the U.S. Endangered Species Act (ESA) of 1973. Both institutions accomplish their goals by conducting assessments to identify species most in need of protection and working through partnerships to conserve these species by improving habitat and removing threats. The ESA requires both institutions to designate Critical Habitat and develop and implement Recovery Plans for threatened and endangered species.

Amendments to the Act include the Critical Habitat Amendment (1978) which required Critical Habitat be designated as a mandatory requirement for all threatened and endangered species and a 1982 amendment to the ESA which added the word "solely" to prevent any consideration other than the biological status of the species. Critical Habitat is a specific geographic area of habitat essential to the conservation of the species. Ideally, a Critical Habitat designation protects areas that are necessary for the conservation of the species beyond that given by the ESA to species as a whole. Although issued with good intentions, the 1978 amendment linked the listing procedure with Critical Habitat designation and economic considerations, something very difficult to establish for species with limited available information (i.e. mollusks). Subsequent regulations in 1986 severely limited the protective status of Critical Habitat which almost completely halted new listings, with almost 2,000 proposed species of organisms being withdrawn from consideration. A Congressional moratorium on new species listings lasted until 1996 resulting in a no action on a long list of species that needed proposal as threatened or endangered. Since then, the USFWS and NMFS have assigned a lower priority to meeting the demands of Critical Habitat designation so more species in need of protection can be protected and listed as endangered or threatened. Although designation of Critical Habitat is still required, it is often not completed until sometime after the species is placed on the endangered or threatened list (note: a maximum one year deadline from the time of issue is required, although frequently not adhered to).

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 include 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.

Currently, there are 123 U.S. Federally endangered or threatened mollusk species (83 freshwater bivalves, 38 terrestrial and freshwater gastropods, 2 marine gastropods). In addition, there are 12 Candidate Species. Complete lists of listed species can be found at http://ecos.fws.gov/tess_public/SpeciesReport.do?groups=F&listingType=L&mapstatus=1 (bivalves); http://ecos.fws.gov/tess_public/SpeciesReport.do?groups=G&listingType=L&mapstatus=1 (gastropods); with candidate species at http://ecos.fws.gov/tess_public/pub/SpeciesReport.do?listingType=C&mapstatus=1. Complete information on U.S. Endangered Species can be found at the U.S. Fish and Wildlife Endangered Species home page <http://www.fws.gov/endangered/> and National Oceanic and Atmospheric Administration Office of Protective Resource home page <http://www.nmfs.noaa.gov/pr/index.htm>. The American Malacological Society home page can be found at <http://www.malacological.org/index.php>.

The next installment will describe the legal definitions for listing, instructions for formal comments, and a list of all relevant legislative actions produced in 2012 plus those in 2013 through the current month. Thanks to AMS for its active role in forwarding the knowledge and

value of molluscan biodiversity and promoting mollusk conservation.

Regards,

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