

U.S. Fish and Wildlife Service
Region 5 Endangered Species Act Update
October 30, 2017

Recovery Planning and Implementation

- **White-Nose Syndrome (WNS)** (All States) – As of October 12, 2017, WNS has been confirmed in 31 states and 5 Canadian provinces. The causative fungus has also been detected in two additional states (MS and TX).
 - **WNS Grants:**
 - **2017 State Capacity Grants:** The Service awarded over \$1 million in grant awards to 37 states and the District of Columbia to help combat WNS. The grants bring the total funding to states for WNS response over the last 8 years to \$7.2 million.
 - **USFWS 2017 WNS Research Grants:** The Service received 46 proposals in response to our open call, with a total request of over \$7.3 million. The Service research grants program complements the other WNS funding opportunities described here to address the needs and actions of the WNS National Plan. The Service awarded over \$1.5 million to 13 projects through the open call, plus an additional \$270K through interagency agreements with USGS and Army Corps for 2 projects.
 - **Bats for the Future Fund:** The National Fish and Wildlife Foundation (NFWF) and the Service, in partnership with the U.S. Forest Service, Shell Oil Company, and Southern Company, established the Bats for the Future Fund (BFF) to support the development and implementation of tools to improve survival of bats affected by WNS. The NFWF received 27 proposals in response to the BFF RFP, with a total request of over \$5.2 million. In October, NFWF announced over \$1.3 million in grant funding for six projects. Funded projects include vaccine development and testing, probiotic approach to reduce WNS severity, UV light treatment, further testing of chitosan as a treatment, PEG 8000, and microclimate manipulation. More information is available at <http://www.nfwf.org/bats>.
 - **WNS Small Grants:** The Service is working with the Wildlife Management Institute again in 2017 to offer \$250K in small grants (up to \$30K). That program is anticipated to open in November, 2017.
 - **Treatment Field Trials:** In Winter 2017-2018, several treatments, including those funded through the BFF, are being tested in the field in Pennsylvania, Wisconsin, Michigan, Texas, and Georgia.
 - **Bat Week 2017 (October 24 to 31):** The themes of this year's Bat Week are "Go to Bat for Bats" and bat's role in agriculture. To open Bat Week, Secretary of the Interior Ryan Zinke, Secretary of Agriculture Sonny Perdue, and States across the country signed proclamations for Bat Week 2017. More information is available at www.batweek.org.

- The Service published a new “story map” webpage to highlight recent and ongoing work on bat conservation. More information is available at <https://www.fws.gov/home/batconservation/>.
- Monthly Conference Calls: The Service continues to host two monthly WNS conference calls, held on the first and third Thursdays of each month, to discuss WNS-related topics with state, Federal, tribal, and nongovernmental partners in the United States and Canada. Please contact Jeremy Coleman, National WNS Coordinator (jeremy_coleman@fws.gov), with requests to be added to the email list.

More information on the national response to WNS can be found at <https://www.whitenosesyndrome.org/>.

For more information, contact Jeremy Coleman, jeremy_coleman@fws.gov, or Jonathan Reichard, jonathan_reichard@fws.gov, at the Regional Office.

- 2) **Atlantic Salmon Recovery Plan (ME)** – On May 31, 2016, the public comment for the Draft Recovery Plan for the expanded Gulf of Maine Distinct Population Segment of Atlantic Salmon closed. The Service and National Marine Fisheries Service share jurisdiction of the species and jointly prepared the draft plan, which includes recovery objectives that, when met, would allow us to consider reclassifying the DPS from endangered to threatened and, ultimately, to delist the DPS. The agencies are now addressing independent peer review comments. Completion of the final plan is expected this year.

The draft plan can be found at <http://atlanticsalmonrestoration.org/resources/documents/atlantic-salmon-recovery-plan-2015>

For more information, contact Mary Parkin of our Regional Office at mary_parkin@fws.gov.

- 3) **Canada Lynx Status Assessment and Recovery Plan (ME, NH, VT)** – On June 14, 2014, the U.S. District Court for the District of Montana ordered the Service to complete a recovery plan for the U.S. Distinct Population Segment (DPS) of Canada lynx by January 15, 2018, unless the Service finds that such a plan will not promote the conservation of the lynx. The Service is nearing completion of a species status assessment (SSA) for the DPS, after which we will issue a 5-year review recommendation based upon results of the assessment. We expect to finalize the 5-year review in 2017. If it is determined that the DPS should remain listed, we will immediately initiate recovery planning, again using the SSA framework as a foundation for proposing recovery criteria and recommended actions.

Detailed information about the Canada lynx can be found at <http://bit.ly/CanadaLynxUSFWS>

For more information, contact Mark McCollough in our Maine Field Office at mark_mccollough@fws.gov.

Section 10 Incidental Take Permits - Habitat Conservation Plans (HCPs)

- 1) **Pennsylvania Forestry HCP (PA)** – The Pennsylvania Game Commission (PGC) and the Department of Conservation and Natural Resources (DCNR) are developing an HCP for Indiana and northern long-eared bats to support a section 10 permit application for forest management-related activities on 1.4 million acres of PGC State Game Lands, 2.2 million acres of DCNR State Forests, and 295,000 acres of DCNR State Parks. The PGC and DCNR were awarded a section 6 grant to fund continued work on the HCP. The Service is developing an environmental impact statement for the project and anticipates making a permit issuance decision in 2018. For more information, contact Pamela Shellenberger in our Pennsylvania Field Office at pamela_shellenberger@fws.gov.
- 2) **Duke Energy North Allegheny Wind HCP (PA)** -- The Service has received an incidental take permit application from North Allegheny Wind, LLC, a wholly owned subsidiary of Duke Energy Renewables, Inc., who owns and operates the North Allegheny Wind Facility, for take of Indiana bats resulting from operation of its 35-turbine wind facility. The Service is developing an environmental assessment for the project and anticipates making a permit issuance decision in 2018. For more information, contact Melinda Turner in our Pennsylvania Field Office at melinda_turner@fws.gov.
- 3) **Oil and Gas Coalition Multi-State HCP (OH, PA, WV)** – A coalition of 10 oil and gas companies is developing an HCP to cover midstream and upstream oil and gas exploration, production, and maintenance activities in Ohio, Pennsylvania, and West Virginia over a 50-year period. The Coalition has indicated that it intends to request ITP coverage for five bat species: the endangered Indiana bat (*Myotis sodalis*), the threatened northern long-eared bat (*Myotis septentrionalis*), the little brown bat (*Myotis lucifugus*), the eastern small-footed bat (*Myotis leibii*), and the tricolored bat (*Perimyotis subflavus*). The Service held five scoping meetings and one webinar in December 2016 to seek public input regarding development of the draft EIS. For more information, contact Pamela Shellenberger in our Pennsylvania Field Office at pamela_shellenberger@fws.gov.

Classification – Candidate Assessment, Petition Finding, Listing, Delisting, Reclassification, Critical Habitat Designation

- 1) **National Listing Workplan (All States)** – On September 1, 2016, the Service announced a 7-year (fiscal year (FY) 2017 to 2023) plan to address our ESA listing workload. The National Workplan is based on the July 2016 final ESA Status Review Prioritization Methodology (<https://www.gpo.gov/fdsys/pkg/FR-2016-07-27/pdf/2016-17818.pdf>). The Prioritization Methodology and resulting Workplan allow us to address our current status review backlog in an efficient, predictable, and transparent manner. Under this approach, each status review is assigned to one of five priority categories, according to the imminence of threats, availability of relevant information, and ongoing conservation efforts by states and other stakeholders.

The National Workplan is posted at

https://www.fws.gov/endangered/improving_ESA/index.html

There are three documents:

- a FY 2017 plan that shows ongoing carryover actions from FY16 as well as new actions; this is a more complete picture of the Service's listing work and helps explain why, due to workload capacity and conservation priority, there are actions scheduled for other years;
- a FY17 to FY 2023 plan that shows only new actions scheduled according to workload capacity and conservation priority; and
- a list of currently unscheduled actions, mostly for species that lack data.

The National Workplan identifies each action's completion date; work on the action will begin at least a year or two before this date, depending on the species' range, other biological complexities, and staffing consideration. If you have information or questions about the species that occur in your areas, we ask that you coordinate with the Field Office Supervisor in the appropriate state. For some of these species, the Service's lead field office is one located in another Service Region. As of FY 2017, the National Workplan addresses status reviews for 112 species occurring in Region 5 (69 R5 lead; 43 non-R5 lead). For more information, contact Krishna Gifford in our Regional Office at krishna_gifford@fws.gov.

- 2) Tricolored Bat 90-Day Petition Finding** (All States) – On June 14, 2016, the Service received a petition to list the tricolored bat (*Perimyotis subflavus*) as an endangered or threatened species. If we find that the petition presents substantial information indicating that the petitioned action may be warranted, we will initiate a status review for the species. The 90-day petition finding for the species should be published by the end of 2017. For more information, contact Krishna Gifford in our Regional Office at krishna_gifford@fws.gov.
- 3) Kenk's Amphipod Final Listing Determination – Not Warranted** (DC, MD, VA) – On September 29, 2017, the Service published in the *Federal Register* a withdrawal of the September 30, 2016, proposed rule to list the Kenk's amphipod (*Stygobromus kenki*) as an endangered species. The withdrawal was based on our conclusion that the threats to the species as identified in the proposed rule were not as significant as we previously determined and the proposed listing was not warranted. We based this conclusion on our analysis of new information concerning the results of new surveys, current and future threats, and conservation efforts. We found that the best scientific and commercial data available indicated that the Kenk's amphipod does not meet the statutory definitions of an endangered or threatened species. Therefore, we withdrew our proposed rule to list the Kenk's amphipod as an endangered species.

The Kenk's amphipod is a small crustacean inhabiting shallow groundwater and associated springs and seeps. Historically, it was found at a total of six wooded hillside seepage spring sites in Montgomery County, Maryland (MD) and the District of Columbia (DC). More recently, the species was also located at six sites on Fort A.P. Hill in Caroline County, Virginia (VA) and at one site on The Nature Conservancy's Voorhees Preserve in Westmoreland County, VA.

The *Federal Register* publication of the withdrawal rule can be accessed at <https://www.gpo.gov/fdsys/pkg/FR-2017-09-29/pdf/2017-21052.pdf>. Supporting documents can be viewed through www.regulations.gov under docket #FWS-R5-ES-2016-0030:

For more information, contact Julie (Thompson) Slacum in our Chesapeake Bay Field Office at julie_thompson@fws.gov.

- 5) **Bicknell's Thrush 12-Month Petition Finding – Not Warranted** (R5 Current Breeding Range States: ME, VT, NH, NY; R5 Current Migration Range States: CT, DE, MA, MD, NJ, PA, RI, VA, WV) – On October 5, 2017, the Service published in the *Federal Register* a 12-month petition finding that the Bicknell's thrush (*Catharus bicknelli*) does not warrant ESA listing at this time. While we expect that the species will continue to face some rangewide losses in its forested habitat, the best available data suggest that the Bicknell's thrush is likely to continue to occupy most of its historical range and have access to enough breeding and wintering habitat for populations to persist through the foreseeable future. While temperature and precipitation patterns are changing in the species' breeding and wintering range, and deforestation of its wintering grounds is likely to continue, we have determined that these changes are not likely to place the Bicknell's thrush in danger of extinction within the foreseeable future, which, for this decision, we consider to be the next 30 years. Therefore, the Bicknell's thrush does not meet the statutory definition of either a threatened species or an endangered species.

Regardless of the ESA decision, the Service remains committed to ongoing conservation efforts for the species through our Migratory Birds program and participation in the International Bicknell's Thrush Conservation Group. If new information becomes available in the future that indicates that the Bicknell's thrush may warrant ESA listing, we will reevaluate the species' status at that time.

The finding was part of a batched *Federal Register* notice for 25 species, published at <https://www.gpo.gov/fdsys/pkg/FR-2017-10-05/pdf/2017-21352.pdf>. Supporting documents can be viewed through www.regulations.gov under docket # FWS-R5-ES-2012-0056.

For more information, contact Krishna Gifford in our Regional Office at krishna_gifford@fws.gov.

- 6) **Candy Darter Proposed Listing Rule** (VA, WV) – On Wednesday, October 4, 2017, the Service published in the *Federal Register* a proposed rule to list the candy darter (*Etheostoma osburni*) as a threatened species. The proposed rule will be available for public comment until December 4, 2017.

The candy darter is a small (2 to 3 inches long), freshwater fish endemic to second order and larger streams and rivers within portions of the upper Kanawha River basin, which is synonymous with the Gauley and greater New River watersheds in Virginia and West Virginia. Our analysis of the best scientific and commercial information available regarding the past, present, and future threats to the candy darter indicates that hybridization

with variegate darters (*Etheostoma variatum*) is the primary threat affecting the candy darter now and into the future.

Variegate darters were once blocked by the Kanawha Falls from naturally traveling upstream into candy darter populations. But in the late 20th century, variegate darters were introduced above the falls, possibly as a result of unused bait (which can consist of live fish) being dumped into streams and rivers, a once common practice that is now discouraged. These two closely related, short-lived species can successfully mate, resulting in fertile hybrid offspring. Both fish have a lifespan of 2 to 3 years, and after multiple, quickly successive generations of interbreeding, candy darter genes are being diluted out of the population. As a result, several candy darter populations have disappeared, and biologists estimate that all populations in the Greenbrier River watershed in southeastern West Virginia may be hybridized within 10 years. While hybridization between candy and variegate darters continues in certain rivers, large dams prevent the natural spread of variegate darters into 10 remaining candy darter populations in the Upper Gauley, Middle New and Upper New River watersheds. Preventing the transfer of live baitfish into these watersheds is vital to the continued existence of candy darters in these areas.

At this time, the Service has determined that designation of critical habitat for the candy darter is prudent but not determinable. We are seeking comments on and new information to help inform both a proposed 4(d) rule and proposed critical habitat rule.

The proposed rule can be found at <https://www.gpo.gov/fdsys/pkg/FR-2017-10-04/pdf/2017-21351.pdf>. Supporting documents can be viewed through www.regulations.gov under docket # FWS-R5-ES-2017-0056.

For more information, contact Keith Hastie in our Regional Office at keith_hastie@fws.gov.

- 7) **Kirtland's Snake 12-Month Petition Finding – Not Warranted** (IL, IN, KY, MI, MO, OH, PA, TN) – On October 5, 2017, the Service published in the *Federal Register* a 12-month finding that the Kirtland's snake (*Clonophis kirtlandii*) does not warrant ESA listing.

This small, nonvenomous snake in the watersnake subfamily is usually found in areas close to permanent or seasonal water sources, such as wetlands, streams, reservoirs, lakes and ponds. The Service's review indicates that the core of the Kirtland's snake's range includes Illinois, Indiana, Michigan, and Ohio. Recent surveys have also documented this snake in Kentucky, eastern Missouri, and Tennessee (one county). The species historically occurred in southern Wisconsin and western Pennsylvania. It is considered extirpated in Wisconsin, and its status in Pennsylvania is unknown.

The Kirtland's snake is notoriously difficult to detect, even with focused survey effort, because it lives primarily underground. At least 60 counties within the range have extant populations of the species. Negative survey data available for other sites are not rigorous enough to verify that the snake is extirpated. Although we lack information on population trends at most sites, our review of the species' status did not find evidence of significant threats affecting extant populations, and we found no portions of the Kirtland's snake's range where potential threats are concentrated or substantially greater than in other portions

of its range. Our review of the best available scientific and commercial information indicates that the Kirtland's snake is not in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Therefore, we find that listing the Kirtland's snake as an endangered or threatened species under the ESA is not warranted.

However, new information concerning the status of, or threats to, the Kirtland's snake can be submitted at any time to the Ohio Ecological Services Field Office (4625 Morse Road, Suite 104 Columbus, OH 43230) whenever it becomes available. New information will help the Service monitor the Kirtland's snake and encourage its conservation.

The finding was part of a batched *Federal Register* notice for 25 species published at <https://www.gpo.gov/fdsys/pkg/FR-2017-10-05/pdf/2017-21352.pdf>. Supporting documents can be viewed through www.regulations.gov under docket # FWS-R3-ES-2017-0039.

- 8) Eastern Cougar Final Delisting Determination** (All States) – On June 17, 2015, the Service published in the *Federal Register* a proposed rule to delist the eastern cougar (*Felis concolor cougar*). The proposal is based on the 5-year review issued on March 2, 2011, which concluded that the eastern cougar is extinct and recommended the subspecies be delisted. The public comment period closed on August 17, 2015. On June 28, 2016, the comment period was reopened for 30 days to obtain comments from peer reviewers. We expect to publish a final determination on the proposal in late 2017.

Documents pertaining to this rulemaking can be found at the following links:

Proposed rule: <http://www.gpo.gov/fdsys/pkg/FR-2015-06-17/pdf/2015-14931.pdf>

Reopening notice: <https://www.gpo.gov/fdsys/pkg/FR-2016-06-28/pdf/2016-15227.pdf>

For more information, contact Mark McCollough in our Maine Field Office at mark_mccollough@fws.gov.

- 9) American Burying Beetle SSA to Inform 12-Month Petition Finding** (AR, KS, OK, MA, NE, OH, RI, SD, TX) – On March 16, 2016, the Service published in the *Federal Register* a 90-day finding that a petition to delist the American burying beetle (*Nicrophorus americanus*) presented substantial information indicating that delisting the species may be warranted. The Service prepared a species status assessment (SSA) report, which will support a 12-month finding. The Service expects to complete the 12-month finding in 2017.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05699.pdf>.

Information can be sent to Kevin Stubbs in the Oklahoma Field Office at kevin_stubbs@fws.gov.

- 10) Rufa Red Knot Proposed Critical Habitat Designation** (All States) – On January 12, 2015, the Service's final rule to list the rufa red knot (*Calidris canutus rufa*) as a threatened species throughout its range became effective. The range includes: Argentina, Aruba, Bahamas, Barbados, Belize, Brazil, British Virgin Islands, Canada, Cayman Islands, Chile,

Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, France (Guadeloupe, French Guiana), Guatemala, Guyana, Haiti, Jamaica, Mexico, Panama, Paraguay, Suriname, Trinidad and Tobago, Uruguay, Venezuela, and the United States (AL, AR, CT, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NE, NC, ND, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, WY, Puerto Rico, U.S. Virgin Islands). Interior states are included in the range because rufa red knots have been documented in those states during migration.

Documents pertaining to the listing rulemaking can be found at <http://www.fws.gov/northeast/redknot/>.

The Service is developing a proposed critical habitat designation rule for the red knot; a publication date for this determination has not been set. For more information, contact Krishna Gifford in our Regional Office at krishna_gifford@fws.gov.

- 11) Big Sandy Crayfish and Guyandotte River Crayfish Proposed Critical Habitat Designation (VA, WV, KY)** – The Service is developing a proposed critical habitat designation rule for the Big Sandy crayfish (*Cambarus callainus*) and the Guyandotte River crayfish (*C. veteranus*), which were listed as threatened and endangered, respectively, on April 7, 2016.

Documents pertaining to the listing can be found at the following links:

Final rule:

<https://www.gpo.gov/fdsys/pkg/FR-2016-04-07/pdf/2016-07744.pdf>

Big Sandy and Guyandotte River Crayfishes website:

<http://www.fws.gov/northeast/crayfish/>

For more information, contact Keith Hastie in our Regional Office at keith_hastie@fws.gov.

- 12) Frosted Elfin Butterfly SSA to Inform Conservation Strategy (AL, AR, CT, DC, DE, FL, GA, IL, IN, KY, KS, LA, MA, MD, MI, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV; Canada (Ontario)** – The Service is proactively assessing the conservation status of the frosted elfin (*Callophrys irus*), including whether the species may warrant listing under the ESA. The Service has prioritized the frosted elfin’s status review, using the July 2016 Methodology for Assessing Status Reviews, as a Bin 4 (species for which proactive conservation efforts by states, landowners, and stakeholders are underway or being developed). As such, making a recommendation on the frosted elfin’s status is scheduled for September 30, 2023, in our National Listing Workplan. To facilitate coordination among partners and implementation of conservation actions, we have committed to drafting a conservation strategy for the species by December 31, 2017. The New York Field Office is the lead office for this effort.

In support of developing the conservation strategy, we will conduct two out of three components of a Species Status Assessment (SSA). The SSA will use the best available scientific information to evaluate the species’ needs, as well as its past and current resiliency, redundancy, and representation. The SSA analysis for the frosted elfin will

provide supporting biological information to draft a conservation strategy for this species and ensure that we are focusing on the primary drivers of its viability in the most appropriate locations. Prior to making a recommendation on its status in FY2023, we will revise and update the SSA to add the final component, projecting the future status of the species.

A request for information will be sent to the States, Tribes, Federal agencies, and other partners in late March-early April 2017. We are currently seeking information about the species' occurrence, host plants, potential stressors, and conservation actions. We will accept information at any time, but it would be most helpful to receive that information by April 30, 2017.

For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.

- 13) Yellow Banded Bumble Bee SSA to Inform 12-Month Petition Finding** (CT, IL, KY, MA, MD, ME, MI, MN, MT, NC, ND, NH, NY, OH, PA, RI, SD, TN, VA, VT, WI, WV, Canada) – On March 16, 2016, the Service published in the *Federal Register* a 90-day finding that a petition to list the yellow banded bumblebee (*Bombus terricola*) presented substantial information indicating that listing the species may be warranted. Potential threats to the species include habitat loss, degradation, and modification (agricultural intensification and urban development), disease (*Locustacarus buchneri* and *Nosema bombi*), the inadequacy of existing regulatory mechanisms, and other natural or manmade factors (via climate change, the use of pesticides, and population dynamics and structure). The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-16/pdf/2016-05699.pdf>.

Information can be sent to Sandra Lary in our Regional Office at sandra_lary@fws.gov.

- 14) Brook Floater SSA to Inform Freshwater Mussel 12-Month Petition Finding** (CT, DC, GA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT, WV, Canada) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the brook floater (*Alasmidonta varicosa*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Sandie Doran in our New York Field Office at sandra_doran@fws.gov

- 15) Seaside Alder SSA to Inform 12-Month Petition Finding** (DE, MD, GA, OK) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the seaside alder (*Alnus maritima*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Cherry Keller in our Chesapeake Bay Field Office at cherry_keller@fws.gov.

- 16) Elk River Crayfish SSA to Inform 12-Month Petition Finding** (WV) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Elk River crayfish (*Cambarus elkensis*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Barbara Douglas in our West Virginia Field Office at barbara_douglas@fws.gov.

- 17) Tippecanoe Darter SSA to Inform 12-Month Petition Finding** (IN, KY, OH, PA, TN, WV) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Tippecanoe darter (*Etheostoma tippecanoe*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status review and will prepare a species status assessment (SSA) report, which will support a 12-month finding. As part of the National Listing Workplan the Service will complete the 12-month finding by September 30, 2018.

The *Federal Register* notice can be found at <https://www.gpo.gov/fdsys/pkg/FR-2011-09-27/pdf/2011-24633.pdf>.

For more information, contact Melinda Turner in our Pennsylvania Field Office at melinda_turner@fws.gov.

18) Chittenango Ovate Amber Snail Petition (NY) – The Service received a petition dated January 6, 2012, to designate critical habitat for the Chittenango ovate amber snail; adopt a rule to prohibit hydraulic fracturing and related activities within 3,000 feet of the boundaries of critical habitat designated for any federally threatened or endangered species; and adopt a rule requiring any state to consult with the Service prior to issuing any permits for activities that might adversely impact the ecosystem upon which critical habitat is directly dependent for any listed species. These actions are petitionable under the Administrative Procedure Act but not the ESA. On November 9, 2012, we sent a letter to the petitioner stating that we have determined that critical habitat designation would not provide significant conservation benefit to the snail and that therefore we will not designate critical habitat for the species. We have not yet responded to the petitioner's second and third rulemaking requests. For more information, contact Robyn Niver in our New York Field Office at robyn_niver@fws.gov.