



Frequently Asked Questions on the 12-month Finding for Five Central Texas Mussels

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) www.fws.gov/southwest/

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Q. What action is the U.S. Fish and Wildlife Service (Service) taking regarding the five central Texas mussels?

A. In 2007 and 2008 the Service received two petitions from WildEarth Guardians to list the following five species of central Texas mussels: Texas fatmucket (*Lampsilis bracteata*), Texas pimpleback (*Quadrula petrina*), Golden orb (*Quadrula aurea*), Texas fawnsfoot (*Truncilla macrodon*), and Smooth pimpleback (*Quadrula houstonensis*), and six other species of mussels, as endangered under the Endangered Species Act (Act). On December 15, 2009, the Service published in the *Federal Register* a substantial 90-day finding for the five central Texas mussels indicating that the listing of these mussels may be warranted. After this positive preliminary finding, a status review, or species assessment, was conducted to determine if the mussels actually qualify for listing under the Act.

On October 6, 2011, the Service published a 12-month finding for the five central Texas mussel species that listing the species as threatened or endangered under the Act is warranted, however, their listing at this time is precluded by higher priority listing actions. As a result, the five central Texas mussel species became candidate species.

Q. What did the status review for the five central Texas mussel species find?

A. The status review for these five central Texas mussel species found that populations have substantially declined in distribution and abundance from previous levels and that the species, their habitats, or both are facing serious threats. The primary threats to all the mussels are habitat destruction and modification from impoundments and dams, which scour river beds removing mussel habitat, decrease water quality, modify stream flows, and prevent fish host migration; gravel mining; and chemical contaminants. Most of these threats are likely exacerbated by the current and projected effects of climate change. As a result of the limited distribution of these mussels and their lack of mobility, these

threats may result in the extinction of these species throughout all or a significant portion of their ranges.

Q. What does it mean to be a candidate?

A. Candidate species are those species for which the Service has sufficient information on their biological status and threats to propose them for protection as endangered or threatened under the Act, but for which development of a proposed listing regulation is precluded by other higher priority listing activities. As a candidate, other agencies and the public are made aware that these species will likely be listed and require protection in the future. The Service encourages cooperative conservation efforts for candidate species because they are, by definition, species that warrant protection under the Act but receive no formal protection under the Act.

Q. What will the candidate status mean for water users and landowners?

A. A candidate species receives no protection under the Act, therefore, there will be no new regulatory requirements of water users, land owners, or Federal, state or local agencies. The Service will work with the State of Texas, landowner and water users interested in developing and implementing voluntary measures and activities that can provide for the conservation of these species and their habitats.

Q. When will these mussels actually be listed for protection under the Act?

A. The Service will develop a proposed rule to list these species as priorities and funding allow. The Service will make any determination about critical habitat during the future development of a proposed listing rule. The Service recently created a work plan and entered into two settlement agreements resulting from past lawsuits regarding actions under our listing program nationwide. This work plan focuses on preparing proposed and final rules for listing the species that were already candidates (as of December 2010) and outlines the Service's intended listing activities from Fiscal Year (FY) 2011 through FY 2016. Therefore, the earliest the Service expects to begin work on a proposed rule for the central Texas mussels would be in FY 2017.

Until the mussels are proposed for listing, we will address the status of these candidate species through the Service's annual candidate notice of review process. Each year we will review their status and determine if each species is still warranted for listing. The results of these reviews are published each year in the *Federal Register* and the species assessment form is posted on the species profile on the ECOS web page (ecos.fws.gov).

Q. Where do these mussels occur?

A. These mussels were once widely distributed throughout the major rivers and their tributaries of central Texas, including the Brazos, Colorado, Guadalupe, San Antonio and Nueces river basins. Today they are each found in only a handful of locations and often in very low numbers. The historic ranges and the current counties of known occurrence

are included on the maps for each species and are available at http://www.fws.gov/southwest/es/AustinTexas/ESA_sp_mussels.html.

Q. What about the other species of mussels from Texas that were petitioned for listing?

A. In 2007 and 2008, the Service was also petitioned to list six other species of Texas mussels, including the Salina mucket (*Potamilus metnecktayi*), false spike (*Quadrula mitchelli*), Mexican fawnsfoot (*Truncilla cognate*), triangle pigtoe (*Fusconaia lananensis*), Louisiana pigtoe (*Pleurobema riddellii*), and Texas heelsplitter (*Potamilus amphichaenus*). The six species were also included in the Service's December 15, 2009, positive 90-day finding. Consistent with our current work plan that focuses on listing prior candidate species rather than completing our outstanding petition findings, the earliest we expect to receive funding and begin work on the status reviews would be FY 2017. The 12-month findings for those species will be published following completion of those status reviews. Until then, we will encourage that new information on the biology and threats to these species continue to be gathered for our future analysis. The Service will work with the State of Texas, landowner and water users interested in developing and implementing voluntary measures and activities that can provide for the conservation of these species and their habitats.

Q. Where can I get more information about these mussels and the candidate conservation process?

A. We have links to additional information on this process and the mussels at the http://www.fws.gov/southwest/es/AustinTexas/ESA_sp_mussels.html. You can also find more information about the Service's Candidate Conservation Program at the <http://www.fws.gov/endangered/what-we-do/index.html>.