

Five-Factor Analyses of Petitioned Species

Pro-actively addressing status reviews to avoid listing for select species

Statement of Need:

Since 2010, the U.S. Fish and Wildlife Service (USFWS) has received numerous listing petitions for potentially imperiled species. The first was a mega-petition filed by the Center for Biological Diversity (CBD) and others that included 404 aquatic species. Of these species, 61 had already been designated by the USFWS as candidates for Endangered Species Act (ESA) protection. The USFWS entered into a settlement agreement with CBD that established a schedule for final decisions on the status of the petitioned species. In 2012, the USFWS received an additional petition from CBD to evaluate 53 reptiles and amphibians, and the Agency continues to receive petitions seeking action on additional species. As a result of the increased level of focus, the FWS determined that 72 species did not need federal protection. The USFWS Northeast Regional Office has the lead for approximately 15% of the species for which final decisions are needed. More than 25% of the species on the complete list occur in at least one state of the Northeast Association of Fish and Wildlife Agencies (NEAFWA). Many of these species have been included as Species of Greatest Conservation Need in one or more Wildlife Action Plans developed by NEAFWA state members.

A preliminary evaluation by state fish and wildlife agencies in the NEAFWA (following a parallel exercise completed in the southeast, then modified and adopted by the USFWS as its “Methodology for Prioritizing Status Reviews and Accompanying 12-Month Findings on Petitions for Listing Under the Endangered Species Act” (USFWS 2016a)) identified a number of these species for which states think that sufficient information exists to support a case that federal protection under the ESA is not warranted. These perspectives are the result of 1) implementation of proactive conservation actions that are helping conserve the species; 2) additional species information that was either not considered by the petitioners or has been collected since the petitions were submitted; 3) a lack of substantial information on the species to inform a listing decision; and/or 4) a re-evaluation of threats to the survival of the species. Specifically, these species are ones categorized in “Bin” 2, 3, or 4 (USFWS 2016a, USFWS 2016b).

During the past several years, documents which synthesized key information in one location that were developed by the state partners in the Southeast have resulted in petitioners requesting a withdrawal of species from listing consideration. While the USFWS has scheduled most species in “Bins” 1-4 for consideration in the next seven years and will be completing formal Species Status Assessments, the state NEAFWA partnership believes that actions may be able to be taken sooner if relevant data are assembled for species of potentially lower conservation concern.

Objective:

By December 2017, facilitate state input and engagement in the USFWS listing process by synthesizing existing state and regional information, using the “five-factor analysis” approach of the USFWS for status reviews of five to 10 species that have already been judged to have

substantial available information, on-going conservation action, and possibly a lower likelihood of federal listing.

Results/Benefits:

For each species identified by the Northeast Fish and Wildlife Diversity Technical Committee (NEFWDTC; a sub-unit of the NEAFWA), a report outlining the available documentation related to the five factors of Endangered Species Review would be provided to the states and the USFWS. By providing this information in a form readily used by the Endangered Species review team, the NEAFWA states can facilitate and/or potentially accelerate listing decisions for species of relatively low conservation concern and decrease the time needed for agency staff to respond to Service requests for information. The ultimate potential benefit is reduction of state agency staff time needed for Section 7 compliance reviews for all WSFR funded grants.

Approach:

In December 2015-January 2016, NEAFWA state experts classified species in several bins, following the methodology outlined by the USFWS. This initiative will focus on species classified in Bins 2(b) (strong data exist and listing is likely not warranted) and 4 (conservation opportunities are in development or underway).

Species classified in Bin 2(b) by at least two states include:

Taxa Group	Common Name	Scientific Name
Herps	Turtle, spotted	<i>Clemmys guttata</i>
Herps	Cooter, northern red-bellied (range-wide)	<i>Pseudemys rubriventris</i>
Herps	Turtle, wood	<i>Glyptemys insculpta</i>
Fish	Darter, longhead	<i>Percina macrocephala</i>
Mammals	Bat, eastern red	<i>Lasiurus borealis</i>
Fish	Logperch, Chesapeake	<i>Percina bimaculata</i>
Inverts	Amphipod, Tidewater	<i>Stygobromus indentatus</i>
Fish	Darter, Tippecanoe	<i>Etheostoma tippecanoe</i>
Fish	Shiner, popeye	<i>Notropis ariommus</i>
Inverts	Butterfly, monarch	<i>Danaus plexippus plexippus</i>
Mammals	Bat, hoary	<i>Lasiurus cinereus</i>

Species classified in Bin 4 by at least two states include:

Taxa Troup	Common Name	Scientific Name
Inverts	Butterfly, frosted elfin	<i>Callophrys irus</i>
Birds	Thrush, Bicknell's	<i>Catharus bicknelli</i>
Inverts	Butterfly, monarch	<i>Danaus plexippus plexippus</i>
Herps	Turtle, wood	<i>Glyptemys insculpta</i>
Herps	Salamander, Cow Knob (white spotted)	<i>Plethodon punctatus</i>
Herps	Turtle, Blandings	<i>Emydoidea blandingii</i>
Mammals	Bat, little brown	<i>Myotis lucifugus</i>

Using the lists above, the approach to this project will be:

1. The NEFWDTC select 5-10 species, with emphasis on those for which habitat range focused in the northeast and for which listing decisions are at least 2 years out.

2. The NEFWDTC representatives will identify appropriate species experts in their respective states.
3. Contract will be implemented with a third party (possibly Conservation Management Institute at Virginia Tech).
4. NEFWDTC project advocate and contractor hold a conference call with species experts to discuss initial ideas related to the five factors.
The “five factors,” which have historically been a part of the listing consideration, include:
 - present or threatened destruction, modification, or curtailment of its habitat or range;
 - over-utilization of the species for commercial, recreational, scientific, or educational purposes;
 - disease or predation;
 - inadequacy of existing regulatory mechanisms; and
 - other natural or manmade factors affecting its continued existence.
5. Contractor collects written information from the experts and documents information gaps, if any exist.
6. Contractor prepares draft report following USFWS model of 5-factors analysis and shares report with state experts for review. An iterative process is followed until experts and the NEFWDTC are satisfied with the species report.
7. The NEFWDTC make report available to states within the species’ range and to USFWS regional Endangered Species Program. The NEFWDTC will share information in a public forum (e.g., reports available on NEAFWA and RCN web sites; presentations at conferences) to make it available to petitioners and other interested parties.

Schedule

- Species selection and identification of subject matter experts: Completed by December 15, 2016
- Initial conference calls with species subject matter experts: late December 2016
- Contract executed: January 2017
- Data gathering and synthesis: February-August 2017
- Initial reports prepared: August/September 2017
- Final reports: December 2017

Budget: \$30,000 RCN funds

We estimate a cost of \$3,000-\$5,000 per species for these analyses. By paying consultants to produce reports, we can limit the workload burden on species experts while still responding to an immediate USFWS need for assistance in reviewing species.

Non-Federal Match (\$30,000): Time the experts spent on conference calls, compiling information, and reviewing the report will be used to match the project funds and will be tracked with a standard timesheet and reported on quarterly. The valuation of this match will be based on actual salary and fringe benefit costs for individual participants, based on their state salaries, times the number of hours those individuals

participate in the process. Since the species have not yet been selected, the subject matter experts have not been selected; therefore, the match provided below is an estimate. Additionally, we will seek some portion of waived indirect costs from our selected contractor.

	GRANT FUNDS	MATCH*	TOTAL
<u>Personal Service Cost</u>			
Salaries and/or Wages		\$21,000	\$21,000
Fringe Benefits		\$ 6,000	\$ 6,000
Personal Service Indirect Cost %			
<u>Non-personal Service Cost</u>			
Travel			
Equipment			
Supplies & Materials			
Contractual Services	\$30,000	\$ 3,000	\$33,000
Other			
Non-personal Indirect Cost___%			
TOTAL	\$30,000	\$30,000	\$60,000