

Endangered Species Act Update

U.S. Fish and Wildlife Service
Northeast Region
July 29, 2022

White-Nose Syndrome (WNS) (All States)

WNS/*Pd* Surveillance: Since the last update, the detection of *Pseudogymnoascus destructans* (*Pd*) on bats in southeastern Idaho was announced by Idaho Fish and Game and by the US Forest Service, making it the 42nd state to announce finding evidence of its presence. The fungus was found on six of 33 bats swabbed, including little brown, long-legged, and Yuma myotis, but there was no sign of disease at the site. In June, Montana Fish, Wildlife, and Parks announced that a survey of Azure Cave, Phillips Co., Montana, revealed a 98% decline in the winter population at that site - one of the largest known little brown myotis winter colonies west of the Mississippi River. WNS has been confirmed in 38 states and 7 Canadian provinces. Four additional states and one province have found evidence suggestive of *Pd* or WNS being present: Idaho, Louisiana, New Mexico, California, and Saskatchewan. A current interactive map of the spread of *Pd* and WNS in North America is on <https://www.whitenosesyndrome.org/where-is-wns>.

WNS Grant Opportunities: The three primary funding opportunities offered by the WNS Program have closed for FY2022. Announcement of awards for the Service's [WNS Grants to States and Tribes](#) are anticipated in August 2022. Proposals are under review now for the [WNS Research for Conservation Grants](#). Awards for the [Bats for the Future Fund](#), managed by the National Fish and Wildlife Foundation, are anticipated to be announced by the end of October (Bat Week), 2022. A fourth grant program, focusing on the development of novel tools to manage WNS, is anticipated to be posted by August, 2022. This program will remain open for several months, with periodic proposal review to maximize opportunities for submission.

North American Bat Monitoring Program: NABat released the first of what will be regular status and trends reports for bats in the U.S. and Canada. The interactive results from summer occupancy analyses are available at <https://sciencebase.usgs.gov/nabat/#/results>.

WNS 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, Canada, and Mexico. 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 is available at <https://www.whitenosesyndrome.org/>.

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

Bats and SARS-CoV-2 (All States)

To reduce the potential risk of people transmitting SARS-CoV-2 to bats, Service Director Aurelia Skipwith released guidance in June 2020 directing Service employees, contractors, volunteers, permittees, fund recipients, and people working with bats on Service lands use COVID-specific protective equipment, including a nonvented N95 respirator (or equivalent) to conduct work involving contact with live, wild bats, or consider alternatives that don't require close contact with wild bats. This guidance remains in effect. Other Federal agencies and state agencies have instituted additional precautions for work within their jurisdictions. The Service's lead biologists for listed bats are the main points of contact about any plans for winter surveys and other work with these species.

The USGS-National Wildlife Health Center has conducted a second challenge experiment with SARS-CoV-2, this time with Mexican free-tailed bats (*Tadarida brasiliensis*). This study follows initial challenge experiments with big brown bats (*Eptesicus fuscus*), [published in 2020](#) by Hall et al. Results of this latest study are anticipated to be published in July 2022.

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

Experimental Populations - Proposed Rule

On June 7, 2022, the Service published in the *Federal Register* a proposed rule to revise the regulations under section 10j of the ESA concerning experimental populations of endangered and threatened species. We are proposing to remove language generally restricting the introduction of experimental populations to only the species' "historical range" to allow for the introduction of populations into habitat outside of their historical range for conservation purposes. To provide for the conservation of certain species, we have concluded that it may be increasingly necessary and appropriate to establish experimental populations outside of their historical range if the ability of the habitat to support one or more life history stages has been reduced due to threats, such as climate change or invasive species. We are also proposing minor changes to clarify the existing regulations. Public comments will be accepted until August 8, 2022. The proposed rule can be found at <https://www.govinfo.gov/content/pkg/FR-2022-06-07/pdf/2022-12061.pdf>

5-Year Reviews

- 1) **Notice of Initiation of 5-Year Reviews** (CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, WV) – On November 8, 2021, the Service’s Northeast Region published a *Federal Register* Notice announcing initiation of 5-year reviews for eight species: Shenandoah salamander (*Plethodon shenandoah*) (VA), rough rabbitsfoot (*Quadrula cylindrica strigillata*) (PA, WV), Roanoke logperch (*Percina rex*) (VA), and Harperella (*Ptilimnium nodosum*) (MD, VA, WV), Madison Cave isopod (*Antrolana lira*) (VA, WV), small whorled pogonia (*Isotria medeoloides*) (CT, DE, MA, ME, NH, NJ, NY, RI, VA, WV), sensitive joint-vetch (*Aeschynomene virginica*) (MD, NJ, VA), and Cheat Mountain salamander (*Plethodon nettingi*) (WV). The notice is available at <https://www.fws.gov/policy/library/2021/2021-24350.pdf>
- 2) **Notice of Initiation of 5-Year Reviews** (DE, MD, MA, NJ, NY, VA) – On May 13, 2022, the Service’s Southeast Region published a *Federal Register* Notice announcing initiation of 5-year reviews for two species occurring in the Northeast Region: yellow lance (*Elliptio lanceolata*) (MD, VA) and seabeach amaranth (*Amaranthus pumilus*) (DE, MD, MA, NJ, NY, VA). The notice is available at <https://www.govinfo.gov/content/pkg/FR-2022-05-13/pdf/2022-10342.pdf>

Recovery Planning

- 1) **Big Sandy Crayfish and Guyandotte River Crayfish – Initiation of Recovery Planning** (VA, WV) – The Service has initiated recovery planning for the threatened Big Sandy crayfish (*Cambarus callainus*) and the endangered Guyandotte River crayfish (*Cambarus veteranus*). We have contacted internal and external partners to request any new information and to invite them to participate in recovery planning. We have not set a date for announcement of a public comment period on the draft recovery plan. For more information, contact Jennifer Norris in our West Virginia Field Office at jennifer_l_norris@fws.gov.
- 2) **Virginia Big-Eared Bat – Recovery Plan Amendment** (VA, WV) – The Service has prepared a draft recovery plan amendment for the endangered Virginia big-eared bat (*Corynorhinus* (= *Plecotus*) *townsendii virginianus*). The Service’s West Virginia Field Office coordinated these efforts with state natural resource agency and Service field office personnel in West Virginia, Virginia, North Carolina, Tennessee, and Kentucky. A Notice of Availability of the draft plan amendment was published in the *Federal Register* on August 6, 2019, for public comment; the comment period ended on September 5, 2019. We expect to issue a final plan amendment in FY 2023.

The draft amendment is available at

https://ecos.fws.gov/docs/recovery_plan/20190313_Draft%20VBEB%20Recovery%20Plan%20Amendment.pdf

For more information, contact Jennifer Norris in our West Virginia Field Office at jennifer_l_norris@fws.gov.

- 3) **Red Knot – Draft Recovery Plan** (All States) – On May 12, 2021, the Service announced the availability of the draft recovery plan for the threatened rufa red knot (*Calidris canutus rufa*). The announcement started a public comment period, which closed on July 12, 2021. We expect to issue a final recovery plan in FY 2023.

The draft plan is available at

<https://www.fws.gov/policy/library/2021/2021-10064.pdf>

For more information, contact Wendy Walsh in our New Jersey Field Office at wendy_walsh@fws.gov.

- 4) **Candy Darter – Initiation of Recovery Planning** (VA, WV) – The Service will soon initiate recovery planning for the endangered candy darter (*Etheostoma osburni*). We will contact internal and external partners to request any new information and to invite them to participate in recovery planning. We have not set a date for announcement of a public comment period on the draft recovery plan. For more information, contact Jennifer Norris in our West Virginia Field Office at jennifer_l_norris@fws.gov.
- 5) **Diamond Darter – Initiation of Recovery Planning** (WV) – The Service has initiated recovery planning for the endangered diamond darter (*Crystallaria cincotta*). We have contacted internal and external partners to request any new information and to invite them to participate in recovery planning. We anticipate announcement of a public comment period on the draft recovery plan in FY 2023. For more information, contact Jennifer Norris in our West Virginia Field Office at jennifer_l_norris@fws.gov.
- 6) **Northern Riffleshell and Clubshell Mussels – Initiation of Recovery Planning** (NY, PA, WV) – The Service has requested that internal and external partners provide any new information about the endangered northern riffleshell (*Epioblasma rangiana*) and clubshell (*Pleurobema clava*) that may inform development of recovery implementation strategies consistent with the existing recovery plan for the species. For more information, contact Bob Anderson in our Pennsylvania Field Office at robert_m_anderson@fws.gov.
- 7) **Hay's Spring Amphipod – Draft Recovery Plan** (DC) – On March 7, 2022, the Service announced the availability of the draft recovery plan for the endangered Hay's spring amphipod (*Stygobromus hayi*). The announcement started a public comment period, which closed on May 9, 2022. We expect to issue the final plan in FY 2022.

The draft recovery plan is available at

https://ecos.fws.gov/docs/tess/species_nonpublish/3680.pdf

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

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

- 1) **Laurel Mountain Wind HCP (WV)** – AES Laurel Mountain, LLC, is revising their draft HCP addressing incidental take of the Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus* (=Plecotus) *townsendii virginianus*) resulting from operation of the Laurel Mountain Wind Facility in Randolph County, West Virginia. When the Service receives the revised plan, the draft environmental assessment (EA) for the project will be revised. The Service expects to publish in the *Federal Register* a Notice of Availability of the HCP and EA for public comment in 2022. For more information, contact Jennifer Norris in our West Virginia Field Office at jennifer_l_norris@fws.gov.
- 2) **Allegheny Wood Products Blackwater Canyon HCP (WV)** – Allegheny Wood Products (AWP) is developing an HCP to cover take of seven listed and nonlisted species resulting from timber harvest and residential development activities on its Blackwater Canyon property in Tucker County, WV. The Service is working with AWP on development of the HCP and preparing a draft environmental assessment. For more information, contact Jennifer Norris in our West Virginia Field Office at jennifer_l_norris@fws.gov.
- 3) **General Conservation Plan for the Indiana Bat and the Northern long-eared bat (NY, PA, WV, possibly others)** – The Service’s northeast Regional Office and New York, Pennsylvania, and West Virginia Field Offices are collaborating on the development of a General Conservation Plan (GCP) for certain recurring project types that could result in incidental take of the Indiana bat and the northern long-eared bat. If approved, the GCP could be adopted by eligible applicants as part of their applications for incidental take permits. Applicants that satisfy requirements outlined within the GCP and meet statutory and regulatory issuance criteria may be issued individual incidental take permits. For more information, contact Eric Tattersall in our Regional Office at eric_tattersall@fws.gov.
- 5) **New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) HCP for Piping Plover at Jones Beach State Park, Robert Moses State Park and Hither Hills State Park (NY)** – The NYSOPRHP proposes to address a number of recreational and maintenance activities at three Long Island parks, and their impacts to the federally listed piping plover (*Charadrius melodus*). The Service is working with NYSOPRHP on development of the HCP. For more information, contact Steve Papa in our Long Island Field Office at steve_papa@fws.gov.

LISTING – Candidate Assessment; Petition Findings; Listing, Critical Habitat Designation Rulemakings

- 1) **National Listing Workplan (All States)** – On March 4, 2022, the Service announced a 6-year plan to address our ESA listing workload. The new National Workplan covers actions for fiscal years 2022-2027. This 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 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 Listing Workplan, updated as of March 2022, is available at <https://www.fws.gov/media/national-listing-workplan-fiscal-years-2022-2027>

The National Workplan identifies each action's completion date; work on the action will begin approximately 2 years before this date, depending on the species' range, other biological complexities, and staffing considerations. In initiating each scheduled Species Status Assessment (SSA), the Service will coordinate with State Directors and biological staff. If you have information or questions about the species that occur in your area, we ask that you coordinate with the Field Office in the appropriate state. For some of these species, the Service's lead field office is one located in another Service Region.

For more information, contact Matt Hinderliter in our Regional Office at matthew_hinderliter@fws.gov.

- 2) **Northern Long-eared Bat – Proposed Uplisting Rule** (all States) – On Feb 23, 2022, the Service published in the *Federal Register* a proposed rule to reclassify the northern long-eared bat (*Myotis septentrionalis*) as an endangered species. The Service's Midwest Region is the lead region for this species. Publication of the proposed rule opened a public comment period, which closed on May 23, 2022. We expect to issue a final decision on the proposal in FY 2023.

The proposed rule is available at <https://www.govinfo.gov/content/pkg/FR-2022-03-23/pdf/2022-06168.pdf#page=1>

For more information, contact Noelle Rayman in our New York Field Office at noelle_rayman@fws.gov.

- 3) **Bog Turtle, southern population – 90-Day Petition Finding** (VA) – On January 13, 2022, the Service received a petition from the Center for Biological Diversity to list the southern population of the bog turtle (*Glyptemys muhlenbergii*) as an endangered or threatened species. The Service's Southeast Region is the lead Region for this population and will lead preparation of the 90-day finding. If the 90-day finding is positive, the 12-month finding will be prioritized and added to the National Listing Workplan.

The petition can be found at: <https://ecos.fws.gov/docs/tess/petition/3637.pdf>

For more information, contact Matt Hinderliter in our Regional Office at matthew_hinderliter@fws.gov.

- 4) **Roughhead Shiner – 90-Day Petition Finding** (VA) – on March 25, 2022, the Service received a petition from the Center for Biological Diversity to list the roughhead shiner

(*Notropis semperasper*) as an endangered or threatened species. If this finding is positive, the 12-month finding will be prioritized and added to the National Listing Workplan.

The petition can be found at:

<https://ecos.fws.gov/docs/tess/petition/3687.pdf>

For more information, contact Matt Hinderliter in our Regional Office at

matthew_hinderliter@fws.gov.

- 5) Wood Turtle – SSA to Inform 12-Month Petition Finding** (CT, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV) – On September 18, 2015, the Service published in the *Federal Register* a 90-day finding that a petition to list the wood turtle (*Glyptemys insculpta*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status assessment (SSA), which will inform a 12-month finding, and we expect to complete the SSA by FY 2024.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23315.pdf#page=1>

For more information, contact Julie Slacum in our Chesapeake Bay Field Office at

julie_thompson@fws.gov.

- 6) Spotted Turtle – SSA to Inform 12-Month Petition Finding** (CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV) – On July 1, 2015, the Service published in the *Federal Register* a 90-day finding that a petition to list the spotted turtle (*Clemmys guttata*) presented substantial information indicating that listing the species may be warranted. The Service has initiated a species status assessment (SSA), which will inform a 12-month finding, and we expect to complete the SSA by FY 2024.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2015-07-01/pdf/2015-16001.pdf#page=1>

For more information, contact Julie Slacum in our Chesapeake Bay Field Office at

julie_thompson@fws.gov.

- 7) Rye Cove Isopod – SSA to Inform 12-Month Petition Finding** (VA) – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Rye Cove isopod (*Lirceus culveri*) presented substantial information indicating that listing the species may be warranted. The Service completed a species status assessment (SSA) in 2021, which will inform a 12-month finding to be completed in FY 2022.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2011-09-27/pdf/2011-24633.pdf#page=2>

For more information, contact Rose Agbalog in our Virginia Field Office at

rose_agbalog@fws.gov.

- 8) West Virginia Spring Salamander – 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 West Virginia spring salamander (*Gyrinophilus subterraneus*) presented substantial information indicating that listing the species may be warranted. The Service completed a species status assessment (SSA) in the fall of 2021, which will inform a 12-month finding to be completed in FY 2023.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2011-09-27/pdf/2011-24633.pdf#page=2>

For more information, contact Briana Smrekar in our West Virginia Field Office at briana_smrekar@fws.gov.

- 9) Bog Buck Moth – Proposed Listing Rule (NY) –** On October 14, 2021, the Service published in the *Federal Register* a proposed rule to list the bog buck moth (*Hemileuca maia menyanthevora*) (= *H. iroquois*) as an endangered species. Publication of the proposed rule opened a public comment period, which closed on December 13, 2021. We expect to issue a final decision on the proposal in 2022.

The proposed rule is available at

<https://www.govinfo.gov/app/details/FR-2021-10-14/2021-21856>

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

- 10) American Bumblebee – SSA to Inform 12-Month Petition Finding (All States) –** On September 29, 2021, the Service published in the *Federal Register* a 90-day finding that a petition to list the American bumble bee (*Bombus pensylvanicus*) provided substantial information indicating that listing the species may be warranted. The Service’s Midwest Region has the lead for this species. The Service is initiating a species status assessment (SSA), which will inform a 12-month finding.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2021-09-29/pdf/2021-20963.pdf#page=1>

For more information, contact Matt Hinderliter in our Regional Office at matthew_hinderliter@fws.gov

- 11) Rufa Red Knot – Revised Proposed Critical Habitat Designation (DE, MA, NJ, NY, VA) –** On July 15, 2021, the Service published in the *Federal Register* a proposed critical habitat designation rule for the rufa red knot (*Calidris canutus rufa*), which was listed as a threatened species on December 11, 2014. Publication of the proposed rule opened a public comment period, which closed September 13, 2021. The Service held a virtual public meeting and hearing via Zoom and teleconference on August 18, 2021. The Service is

preparing a revised proposed critical habitat rule to incorporate changes made in response to new information; the revised proposal will open a second public comment period. We expect to publish this revised proposed rule in the summer of 2022.

The proposed critical habitat rule is available at

<https://www.govinfo.gov/content/pkg/FR-2021-07-15/pdf/2021-14406.pdf>

Other documents pertaining to the critical habitat rulemaking are available on the Service's rufa red knot web page at:

<https://www.fws.gov/species/red-knot-calidris-canutus-rufa>

For more information, contact Wendy Walsh in our New Jersey Field Office at

wendy_walsh@fws.gov.

- 12) Suckley's Cuckoo Bumble Bee – 90-Day Finding (NY, ME)** – On May 11, 2021, the Service published a 90-day finding that a petition to list the Suckley's cuckoo bumble bee (*Bombus suckleyi*) presented substantial information indicating that listing the species may be warranted. The range of the species is still being definitively determined. The Service's Alaska Region has the lead for this species. An SSA to inform a 12-month finding will follow in the next few years.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2021-05-11/pdf/2021-09707.pdf#page=1>

For more information, contact Matt Hinderliter in our Regional Office at

matthew_hinderliter@fws.gov.

- 13) Monarch Butterfly – 12-Month Petition Finding (All States)** – On December 17, 2020, the Service published in the *Federal Register* a 12-month finding that listing of the *plexippus* subspecies of the monarch butterfly (*Danaus plexippus*) as an endangered or threatened species is warranted but precluded by higher priority listing actions. The Service's Midwest Region is the lead Region for this species.

The 12-month finding is available at

<https://www.govinfo.gov/content/pkg/FR-2020-12-17/pdf/2020-27523.pdf>

For more information, contact Matt Hinderliter in our Regional Office at

matt_hinderliter@fws.gov.

- 14) Sickle Darter – Proposed Listing Rule and 4(d) Rule – (VA)** – On November 12, 2020, the Service published in the *Federal Register* a proposed rule to list the sickle darter (*Percina williamsi*) as a threatened species with a 4(d) rule. The proposed rule opened a 60-day public comment period, which closed on January 11, 2021. The Service's Southeast Region has the lead for this species. We expect to complete a final decision on the proposal in FY 2022.

The proposed rule is available at

<https://www.govinfo.gov/link/fr/85/71859?link-type=pdf>

Additional information about the species, including the species status assessment (SSA) report and other supporting material, is available at

<https://ecos.fws.gov/ServCat/DownloadFile/188184>

For more information, contact Jordan Richard in our Southwest Virginia Field Office at jordan_richard@fws.gov.

- 15) Longsolid Mussel – Proposed Listing Rule, Critical Habitat Designation Rule, and 4(d) Rule (NY, PA, VA, WV)** – On September 29, 2020, the Service published in the *Federal Register* a proposed rule to list the longsolid mussel (*Fusconaia subrotunda*) as a threatened species, to designate critical habitat, and to identify prohibited take under section 4(d) of the ESA. The public comment period closed on December 28, 2020. The Service’s Southeast Region is the lead Region for this species. The Service expects to make a final decision on the proposal in FY 2022.

The proposed rule is available at

<https://www.govinfo.gov/link/fr/85/61384?link-type=pdf>

For more information, contact Rose Agbalog in our Southwest Virginia Field Office at rose_agbalog@fws.gov.

- 16) Round Hickorynut Mussel – Proposed Listing Rule, Critical Habitat Designation Rule, and 4(d) Rule (PA, WV)** – On September 29, 2020, the Service published in the *Federal Register* a proposed rule to list the round hickorynut (*Obovaria subrotunda*) as a threatened species, to designate critical habitat, and to identify prohibited take under section 4(d) of the ESA. The public comment period closed on December 28, 2020. The Service’s Southeast Region is the lead Region for this species. The Service expects to make a final decision on the proposal in FY 2022.

The proposed rule is available at

<https://www.govinfo.gov/link/fr/85/61384?link-type=pdf>

For more information, contact Pamela Shellenberger in our Pennsylvania Field Office at pamela_shellenberger@fws.gov.

- 17) Lake Sturgeon – SSA to Inform 12-Month Petition Finding (NY, PA, VT, WV)** – On August 15, 2019, the Service published in the *Federal Register* a 90-day finding that a petition to list the lake sturgeon (*Acipenser fulvescens*) presented substantial information indicating that listing the species may be warranted. The Service’s Midwest Region is the lead Region for this species. The Service has initiated a species status assessment (SSA), which will inform a 12-month finding.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2019-08-15/pdf/2019-17569.pdf#page=1>.

For more information, contact Barbara Hosler in the Midwest Regional Office at barbara_hosler@fws.gov.

- 18) Black-capped Petrel – Proposed Listing Rule and 4(d) Rule (VA)** – On October 9, 2018, the Service published in the *Federal Register* a proposed rule to list the black-capped petrel (*Pterodroma hasitata*) as a threatened species with a 4(d) rule. This pelagic seabird breeds on the Caribbean Islands and migrates long distances to foraging areas in the western Atlantic and southern Caribbean basins. The Service's Southeast Region is the lead Region for this species. The Service has determined that designating critical habitat is not prudent at this time. The proposed rule opened a 60-day public comment period that ended on December 10, 2018, and new information has been received which has prompted a revision of the SSA. We expect to complete a final decision on the proposal in 2023.

The proposed rule is available at
<https://www.gpo.gov/fdsys/pkg/FR-2018-10-09/pdf/2018-21793.pdf>

Additional information about the species, including the species status assessment (SSA) report and other supporting material, is available at
<https://www.fws.gov/southeast/wildlife/birds/black-capped-petrel/>

For more information, contact Emily Argo in our Virginia Field Office at emily_argo@fws.gov.

- 19) Regal Fritillary Butterfly – SSA to Inform 12-Month Petition Finding (CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV)** – On September 18, 2015, the Service published in the *Federal Register* a 90-day finding that a petition to list the regal fritillary butterfly (*Speyeria idalia*) provided substantial information indicating that listing the species may be warranted. The Service is conducting a species status assessment (SSA), which will inform the 12-month finding. The Service expects to complete the SSA and the 12-month finding in FY 2023.

The 90-day finding is available at
<https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23315.pdf#page=1>

For more information, contact Pam Shellenberger in our Pennsylvania Field Office at pamela_shellenberger@fws.gov.

- 20) Green Floater – SSA to Inform 12-Month Petition Finding (DC, MD, NJ, NY, PA, VA, WV)** – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the green floater (*Lasmigona subviridis*) presented substantial information indicating that listing the species may be warranted. The Service has completed a species status assessment (SSA), which will inform a 12-month finding. We expect to complete the 12-month finding in FY 2023.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2011-09-27/pdf/2011-24633.pdf#page=2>

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

- 21) Chowanoke Crayfish – SSA to Inform 12-Month Petition Finding (VA)** – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list the Chowanoke crayfish (*Faxonius [Orconectes] virginianus*) presented substantial information indicating that listing the species may be warranted. The Service has completed a species status assessment (SSA), which will inform a 12-month finding. We expect to complete the 12-month finding in FY 2022.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2011-09-27/pdf/2011-24633.pdf#page=2>

For more information, contact Jennifer Stanhope in our Virginia Field Office at jennifer_stanhope@fws.gov.

- 22) Saltmarsh Sharp-tailed Sparrow – SSA to Inform Discretionary Status Review and Conservation Strategy (CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA)** – The Service is working with partners to evaluate the status of the saltmarsh sharp-tailed sparrow (or saltmarsh sparrow for short) (*Ammodramus caudacutus*) and implement conservation. The Service has completed a report that describes the current condition of the saltmarsh sparrow, its habitat, and threats to the species and its habitat. Building on the current conditions report, we initiated a Species Status Assessment (SSA) on December 9, 2021, and we will be completing this assessment in 2023. We expect to complete a listing determination in FY 2024. We are leveraging our capacity and resources across the agency and with our partners to implement urgently needed conservation for the saltmarsh sparrow, while also supporting the listing recommendation.

Additional information about the saltmarsh sparrow is available at

<http://acjv.org/coordinated-conservation-for-saltmarsh-sparrow/>

For more information, contact Suzanne Paton in our Southern New England Coastal Program office at suzanne_paton@fws.gov.

- 23) Frosted Elfin Butterfly – SSA to Inform Discretionary Status Review and Conservation Strategy (CT, DC, DE, MA, MD, NH, NJ, NY, PA, RI, VA, VT, WV)** – The discretionary status review for the frosted elfin (*Callophrys irus*) is scheduled to be completed by FY 2025. To facilitate coordination among partners and implementation of conservation actions, we prepared a biological report describing the species' current condition and threats to inform development of a conservation strategy. To reduce species distribution data gaps, we drafted pilot rangewide survey protocols and coordinated surveys, primarily in the northeast Region, in spring 2019. We will complete a Species Status Assessment (SSA) before making a recommendation on its status.

For more information, contact Ian Drew in our New York Field Office at ian_drew@fws.gov.

- 24) Tricolored Bat – SSA to Inform 12-Month Petition Finding (All States)** – On December 20, 2017, the Service published in the *Federal Register* a substantial 90-day finding on a petition to list the tricolored bat (*Perimyotis subflavus*) as an endangered or threatened species. The Service completed a Species Status Assessment (SSA), which will inform a 12-month finding to be completed in FY 2022.

The 90-day finding is available at

<https://www.govinfo.gov/content/pkg/FR-2017-12-20/pdf/2017-27389.pdf#page=1>

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

- 25) Little Brown Bat – SSA to Inform Discretionary Status Review (All States)** – The Service has completed a Species Status Assessment (SSA) for the little brown bat (*Myotis lucifugus*) to inform a discretionary status review. The Service's Midwest Region is the lead Region for this species. The Service expects to complete status determination in FY 2023. In a letter dated June 15, 2020, the Center for Biological Diversity sent a letter to the states within the range of the species informing them that it intends to file a petition under the ESA to list the little brown bat and designate critical habitat.

For more information, contact Susi vonOettingen in our New England Field Office at susi_vonoettingen@fws.gov.

- 26) Three Cave Amphipods: Cooper's Cave amphipod (WV), Morrison's Cave amphipod (VA, WV), and Minute Cave amphipod (WV) – SSA to inform 12-Month Petition Finding** – On September 27, 2011, the Service published in the *Federal Register* a 90-day finding that a petition to list three cave amphipod species (Cooper's Cave amphipod (*Stygobromus cooperi*), Morrison's Cave amphipod (*S. morrisoni*), and Minute Cave amphipod (*S. parvus*) presented substantial information indicating that listing the species may be warranted. The Service has completed a species status assessment (SSA), which will inform the 12-month finding. We expect to complete the 12-month finding in FY 2022.

Additional information on each of the three WV cave amphipod species is available at

<https://ecos.fws.gov/ecp/species/5908>

<https://ecos.fws.gov/ecp/species/3150>

<https://ecos.fws.gov/ecp/species/7901>

For more information, contact Sarah Furtak in our Northeast Regional Office at sarah_furtak@fws.gov.

- 27) VA Cave Beetles – SSA to Inform 12-Month Petition Finding (VA)** – On April 20, 2010, the Service published in the *Federal Register* a 90-day finding that a petition to list 17 cave beetles (Vernus [*Pseudanophthalmus avernus*], Crossroad's [*P. intersectus*], Cudjo's [Cumberland Gap; *P. hirsutus*], Holsinger's [*P. holsingeri*], Hubbard's [*P. hubbardi*],

Hubricht's [*P. hubrichti*], Little Kennedy [*P. cordicollis*], Maiden spring [*P. virginicus*], Narrows [New River Valley; *P. egeri*], Natural Bridge [*P. pontis*], overlooked [*P. praetermissus*], St. Paul [*P. sanctipauli*], Shenandoah [Madden's; *P. limicola*], Silken Cave [*P. sericus*], South Branch Valley [*P. potomaca*], Thin-necked [*P. parvicollis*], Thomas' [*P. thomasi*]) provided substantial information indicating that listing the species may be warranted. The Service initiated a Species Status Assessment (SSA), under the package name 17 Cave Beetles (occurring in both VA and WV), to inform a 12-month finding. However, in early 2022 the SSA Core Team re-evaluated all 17 species for possible removal from the National Listing Workplan (NLWP) based on data insufficiency and preliminary assessment of potential risk. The 2022-2027 NLWP addresses 6 species (*P. holsingeri*, *P. hubbardi*, *P. cordicollis*, *P. limicola*, *P. praetermissus*, and *P. parvicollis*) included in the new SSA package (titled VA Cave Beetles), which occur only in VA. We expect to complete the SSA and the 12-month finding in FY 2023.

For more information, contact Kim Maison in our Southwest Virginia Field Office at kimberly_maison@fws.gov

- 28) Three Stoneflies – SSA to Inform 12-Month Petition Finding (VA)** – On April 20, 2010, the Service published in the Federal Register a 90-day finding that a petition to list 3 stoneflies (Blueridge springfly [*Remenus kirchneri*], Virginia stone [*Acroneuria kosztarabi*], and lobed roachfly [*Tallaperla lobata*]) provided substantial information indicating that listing the species may be warranted. The Service has initiated a Species Status Assessment (SSA), which will inform the 12-month finding. The Service expects to complete the SSA and the 12-month finding in FY 2024.

For more information, contact Kim Maison in our Southwest Virginia Field Office at kimberly_maison@fws.gov

Delisting and Downlisting Rulemakings

- 1) Delisting/Downlisting Workplan (All States)** – In September 2021, the Service announced a 3-year plan to address our ESA delisting and downlisting workload, to cover Fiscal Years 2021 through 2024.

The National Delisting/Downlisting Workplan is posted at <https://www.fws.gov/sites/default/files/documents/three-year-downlisting-delisting-workplan.pdf>

For more information, contact Matt Hinderliter in our Regional Office at matthew_hinderliter@fws.gov.

- 2) **Green Blossom (Pearlymussel) and Tubercled Blossom (Pearlymussel) – Proposed delisting due to extinction** (VA, WV) – On September 30, 2021, the Service published in the *Federal Register* a proposal to delist 23 species due to extinction, including the green blossom (pearlymussel) (*Epioblasma torulosa gubernaculum*) and tubercled blossom (pearlymussel) (*Epioblasma torulosa torulosa*). Publication of the proposal opened a public comment period, which closed on November 29, 2021. We expect to publish a final decision on the proposal in FY 2022. The Service’s Southeast Region is the lead Region for these species.

The proposed rule is available at

<https://www.govinfo.gov/content/pkg/FR-2021-09-30/pdf/2021-21219.pdf>

For more information, contact Matt Hinderliter in our Regional Office at matthew_hinderliter@fws.gov.

- 3) **Smooth Coneflower – Final Downlisting Rule and Final 4(d) Rule** (VA) – On July 6, 2022, the Service published in the *Federal Register* a final rule downlisting the smooth coneflower (*Echinacea laevigata*) from endangered to threatened. This rule is effective August 5, 2022. The Service’s Southeast Region is the lead Region for this species.

The final rule is available at

<https://www.govinfo.gov/app/details/FR-2022-07-06/2022-14291>

For more information, contact Sumalee Hoskin in our Virginia Field Office at sumalee_hoskin@fws.gov.

- 3) **Northern Red-bellied Cooter – Proposed Downlisting Rule** (MA) – On March 25, 2022, the Service completed a 5-year review for the endangered northern red-bellied cooter (*Pseudemys rubriventris*) concluding that the species should be downlisted to threatened. The Service is preparing a proposed downlisting rule and will add it to our National Workplan to address downlisting and delisting recommendations.

The 5-year review is available at

https://ecos.fws.gov/docs/tess/species_nonpublish/3686.pdf

For more information, contact Eliese Dykstra in our New England Field Office at eliese_dykstra@fws.gov.

- 4) **Furbish’s Lousewort – Proposed Downlisting Rule and Proposed 4(d) Rule** (ME) – On January 15, 2021, the Service published in the *Federal Register* a proposed rule to downlist the Furbish’s lousewort (*Pedicularis furbishiae*) from endangered to threatened. The 60-day public comment period ended on March 16, 2021, and we expect to complete a final decision on the proposal in FY 2022.

The proposed rule is available at

<https://www.federalregister.gov/d/2020-28978>.

For more information, contact Matt Hinderliter in our Regional Office at matthew_hinderliter@fws.gov.

- 5) **Red-cockaded Woodpecker – Proposed Rule to Downlist and Proposed 4(d) Rule (VA)** – On October 8, 2020, the Service published in the Federal Register a proposed rule to downlist the red-cockaded woodpecker (*Picoides borealis*) from endangered to threatened with a 4(d) rule. The proposed rule opened a 60-day public comment period, which closed on December 7, 2020. We expect to complete a final decision on the proposal in FY 2022. The Service’s Southeast Region is the lead Region for these species.

The proposed rule is available at <https://www.govinfo.gov/link/fr/85/63474?link-type=pdf>

For more information, contact Sumalee Hoskin in our Virginia Field Office at sumalee_hoskin@fws.gov.

- 6) **American Hart’s-Tongue Fern – Proposed Delisting Rule and Draft Post-delisting Monitoring Plan (NY)** – On July 29, 2020, the Service completed a 5-year review concluding that the American hart’s-tongue fern (*Asplenium scolopendrium* var. *americanum*) is recovered and no longer meets the definition of threatened or endangered. The review was based on a species status assessment (SSA). A post-delisting monitoring plan is under development, and publication of a proposed rule to delist the species is expected in FY 2023.

The 5-year review is available at https://ecos.fws.gov/docs/five_year_review/doc6488.pdf

For more information, contact John Wiley in our New York Field Office at john_wiley@fws.gov.

- 7) **Virginia Sneezeweed – Proposed Delisting Rule and Draft Post-delisting Monitoring Plan (VA)** – On April 23, 2020, the Service completed a 5-year review for the threatened Virginia sneezeweed (*Helenium virginicum*), which recommends that the species be delisted due to recovery. The Service is preparing a proposed delisting rule, and, in cooperation with the states, a post-delisting monitoring plan. In December 2020, state agency experts were requested to provide review and comment on a draft post-delisting monitoring plan. We expect to publish in the *Federal Register* the proposed delisting rule and notice announcing availability of a post-delisting monitoring plan in FY 2023.

The 5-year review is available at https://ecos.fws.gov/docs/five_year_review/doc6388.pdf

For more information, contact Kimberly Maison in our Southwest Virginia Field Office at kimberly_maison@fws.gov.

- 8) **Northeastern Bulrush – Proposed Delisting Rule and Draft Post-delisting Monitoring Plan** (MD, MA, NH, NY, PA, VT, VA, WV) – On August 28, 2019, the Service completed a 5-year review for the Northeastern bulrush (*Scirpus ancistrochaetus*), which recommends that the species be delisted due to recovery. The Service is preparing a proposed delisting rule, and, in cooperation with the states, a post-delisting monitoring plan. We expect to publish in the *Federal Register* the proposed delisting rule and notice announcing availability of a post-delisting monitoring plan in FY 2023.

The 5-year review is available at

https://ecos.fws.gov/docs/five_year_review/doc6123.pdf.

For more information, contact Maria Tur in our New England Field Office at maria_tur@fws.gov.

- 9) **Sandplain Gerardia – Proposed Rule to Delist and SSA to Inform Status Determination for Revised Taxon** (CT, MA, MD, NY, PA, RI, VA) – On June 19, 2019, the Service completed a 5-year review for the sandplain gerardia (*Agalinis acuta*). The review recommends that the species be delisted due to a change in taxonomy. The review is based on a review of the results of genetics analyses indicating that the sandplain gerardia is part of a more widespread *Agalinis* species (*A. decemloba*). We are working with the states to plan additional surveys of the new larger taxon. We will initiate a species status assessment (SSA) to inform a listing determination for the revised taxon to be published in the near future.

The 5-year review is available at

https://ecos.fws.gov/docs/five_year_review/doc6037.pdf.

For more information, contact Steve Sinkevich in our Long Island Field Office at steve_sinkevich@fws.gov.