

combination of exposure and some corroborating evidence of how the species is likely impacted could suffice. The mere identification of factors that could impact a species negatively is not sufficient to compel a finding that listing is appropriate; we require evidence that these factors are operative threats that act on the species to the point that the species meets the definition of endangered or threatened under the Act.

The analysis of threats (the five factors) to determine if the status of GPE meets the definition of endangered or threatened was particularly challenging, because the range of the species appears to be greater than it was originally thought to be. In addition to the Palouse area prairie, the species has been documented in dry forest habitat on the east slope of the Cascades. Survey effort for this species has been low, especially outside of the Palouse grasslands, and appropriate survey methods remain to be developed. In addition, the life history of the GPE is not completely understood. There is still some scientific debate regarding whether the GPE is an anecic or endogeic species, although the most recent field observations and prevailing scientific evidence indicates it is a deep-burrowing anecic species (Johnson-Maynard 2010, p. 2), which would result in a different exposure to threats than if it were an endogeic species. There is no scientific basis to conclude that any of the activities identified as threats by the petitioners are, in fact, threats to the GPE.

Based on our review of the best available scientific and commercial information pertaining to the five factors, we find that the threats are not of sufficient imminence, intensity, or magnitude to indicate that the GPE is in danger of extinction (endangered), or likely to become endangered within the foreseeable future (threatened), throughout all of its range. Therefore, we find that the GPE does not meet the definition of an endangered or threatened species throughout its range.

#### *Distinct Vertebrate Population Segment and Significant Portion of the Range Analysis*

After assessing whether the species is endangered or threatened throughout its range, we next consider whether a distinct vertebrate population segment (DPS) or whether any significant portion of the GPE range meets the definition of endangered or is likely to become endangered in the foreseeable future (threatened), in accordance with the Service's Policy Regarding the Recognition of Distinct Vertebrate

Population Segments under the Endangered Species Act (61 FR 4722, February 7, 1996). Because the GPE is not a vertebrate species, the Distinct Vertebrate Population Segment policy is not applicable to this finding.

#### *Significant Portion of the Range*

Having determined that the GPE does not meet the definition of an endangered or threatened species, we must next consider whether there are any significant portions of the range where the GPE is in danger of extinction or is likely to become endangered in the foreseeable future. Because of significant uncertainties regarding the range of the GPE, the limited survey efforts, and the paucity of information regarding its life history, there is nothing to suggest that threats are disproportionately acting on any portion of the species' range, such that the species is at risk of extinction now or in the foreseeable future. Therefore, we find that listing the GPE as an endangered or threatened species is not warranted throughout all or a significant portion of its range. The designation of critical habitat for this species as requested by the petitioner is not appropriate, based on our determination that the species does not warrant listing under the Act.

The Service continues to be interested in the status of this unique species. We request that you submit any new information concerning the status of, or threats to, the GPE to our Washington Fish and Wildlife Office (see **ADDRESSES**) whenever it becomes available. New information will help us monitor the GPE and encourage its conservation.

#### **References Cited**

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request from the Washington Fish and Wildlife Office (see **ADDRESSES**).

#### **Author(s)**

The primary authors of this notice are the staff members of the Washington Fish and Wildlife Office.

#### **Authority**

The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 12, 2011.

#### **David Cottingham,**

*Acting Director, U.S. Fish and Wildlife Service.*

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **50 CFR Part 17**

[FWS-R3-ES-2011-N107; 30120-1113-0000-C4]

#### **Endangered and Threatened Wildlife and Plants; 5-Year Status Reviews of Seven Listed Species**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews under the Endangered Species Act of 1973, as amended (Act), of seven animal and plant species. We conduct these reviews to ensure that our classification of each species on the Lists of Endangered and Threatened Wildlife and Plants as threatened or endangered is accurate. A 5-year review assesses the best scientific and commercial data available at the time of the review. We are requesting the public to send us any information that has become available since the most recent status reviews on each of these species. Based on review results, we will determine whether we should change the listing status of any of these species.

**DATES:** To ensure consideration, please send your written information by September 26, 2011. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For how and where to send comments or information, see "VIII. Contacts" under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** To request information, see "VIII. Contacts" under **SUPPLEMENTARY INFORMATION**. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8337 for TTY (telephone typewriter or teletypewriter) assistance.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Why do we conduct a 5-year review?**

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. Then, under section 4(c)(2)(B), we determine whether to remove any species from the List (delist), to

reclassify it from endangered to threatened, or to reclassify it from threatened to endangered. Any change in Federal classification requires a separate rulemaking process.

In classifying, we use the following definitions, from 50 CFR 424.02:

(A) *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, that interbreeds when mature;

(B) *Endangered species* means any species that is in danger of extinction

throughout all or a significant portion of its range; and

(C) *Threatened species* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

We must support delisting by the best scientific and commercial data available, and only consider delisting if data substantiate that the species is neither endangered nor threatened for one or more of the following reasons (50 CFR 424.11(d)):

(A) The species is considered extinct;

(B) The species is considered to be recovered; or

(C) The original data available when the species was listed, or the interpretation of data, were in error.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing the species we are reviewing.

**II. What species are under review?**

This notice announces our active 5-year status reviews of the species.

**CURRENT LISTING STATUS OF SPECIES UNDER 5-YEAR STATUS REVIEW**

Common name	Scientific name	Status	Where listed	Final listing rule publication date and citation
<b>ANIMALS</b>				
Bat, gray .....	<i>Myotis grisescens</i> .....	Endangered .....	Central and Southeastern U.S.A.	April 28, 1976 (41 FR 17736).
Bat, Indiana .....	<i>Myotis sodalis</i> .....	Endangered .....	Eastern and Midwestern U.S.A.	March 11, 1967 (32 FR 4001).
Snake, copperbelly water .....	<i>Nerodia erythrogaster neglecta</i> .	Threatened .....	IN north of 40° N. Lat., MI, OH.	January 29, 1997 (62 FR 4183).
Mussel, scaleshell .....	<i>Leptodea leptodon</i> .....	Endangered .....	U.S.A. (AL, AR, IA, IL, IN, KY, MN, MO, OH, OK, SD, TN, WI).	October 9, 2001 (66 FR 51322).
Pearlymussel, Curtis' .....	<i>Epioblasma florentina curtisii</i>	Endangered .....	U.S.A. (AR, MO) .....	June 14, 1976 (41 FR 24062).
<b>PLANTS</b>				
Decurrent false aster .....	<i>Boltonia decurrens</i> .....	Threatened .....	U.S.A. (IL, MO). .....	November 14, 1988 (53 FR 45858).
Fassett's locoweed .....	<i>Oxytropis campestris</i> var. <i>chartacea</i> .	Threatened .....	U.S.A. (WI) .....	September 28, 1988 (53 FR 37972).

**III. What do we consider in our review?**

We consider all new information available at the time we conduct a 5-year status review. We consider the best scientific and commercial data that have become available since our current listing determination, or most recent status review that is accessible from our Web site [http://www.fws.gov/midwest/Endangered/recovery/5yr\\_rev/completed5yrs.html](http://www.fws.gov/midwest/Endangered/recovery/5yr_rev/completed5yrs.html), such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends (see five factors under heading "How Do We Determine Whether a Species Is Endangered or Threatened?"); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information

contained in the List, and improved analytical methods.

For the copperbelly water snake, we specifically request information that pertains only to the northern distinct population segment (DPS). The copperbelly watersnake was listed as a DPS of a vertebrate taxon. The listed DPS occurs in Michigan, Ohio, and Indiana north of 40 degrees north latitude (approximately Indianapolis, Indiana). A DPS is defined in the February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722). Three elements are considered to list a population under the Act as a DPS: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) The significance of the population segment to the species to which it belongs; and (3) The population segment's conservation status in relation to the Act's standards for listing (*i.e.*, is the population segment endangered or threatened?). Distinct population segments of vertebrate species, as well as subspecies of all listed species, may

be proposed for separate reclassification or for removal from the List. As required by the DPS policy, we will assess the validity of the current DPS designation during the 5-year review. The southern population (*i.e.*, in Illinois, Kentucky, and Indiana south of 40 degrees north latitude) is not listed as a threatened species at this time and is not part of this 5-year review.

**IV. How do we determine whether a species is endangered or threatened?**

Section 4(a)(1) of the Act requires that we determine whether a species is endangered or threatened based on one or more of the five following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

Under section 4(b)(1) of the Act, we must base our assessment of these factors solely on the best scientific and commercial data available.

**V. What could happen as a result of our review?**

For each species under review, if we find new information that indicates a change in classification may be warranted, we may propose a new rule that could do one of the following:

- (A) Reclassify the species from threatened to endangered (uplist);
- (B) Reclassify the species from endangered to threatened (downlist); or
- (C) Remove the species from the List (delist).

If we determine that a change in classification is not warranted, then the species remains on the List under its current status.

**VI. Request for New Information**

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new

information from all sources. See “What Information Do We Consider in Our Review?” for specific criteria. If you submit information, support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Submit your comments and materials to the appropriate U.S. Fish and Wildlife Service office listed under “VIII. Contacts.”

Submit all electronic information in Text or Rich Text format to *FW3MidwestRegion\_5YearReview@fws.gov*. Please send information for each species in a separate e-mail. Provide your name and return address in the body of your message, and include the following identifier in your e-mail subject line: Information on 5-year review for [NAME OF SPECIES].

**VII. Public Availability of Comments**

Before including your address, phone number, e-mail address, or other

personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

**VIII. Contacts**

Send your comments and information on the following species, as well as requests for information, to the corresponding contacts. You may view information we receive in response to this notice, as well as other documentation in our files, at the following locations by appointment, during normal business hours.

Species	Contact person, phone, e-mail	Contact address
Gray bat .....	Dr. Paul McKenzie, (573) 234–2132, extension 107, <i>paul_mckenzie@fws.gov</i> .	Columbia Missouri Field Office, U.S. Fish and Wildlife Service, 101 Park DeVillie Drive, Suite A, Columbia, MO 65203–0007.
Indiana bat .....	Mr. Andrew King, (812) 334–4261, extension 1216, <i>andrew_king@fws.gov</i> .	Bloomington Field Office, U.S. Fish and Wildlife Service, 620 S. Walker Street, Bloomington, IN 47403–2121.
Copperbelly water snake .....	Ms. Barbara Hosler, (517) 351–6326, <i>barbara_hosler@fws.gov</i> .	East Lansing Field Office, U.S. Fish and Wildlife Service, 2651 Coolidge Road, Suite 101, East Lansing, MI 48823–6316.
Scaleshell mussel and Curtis pearlymussel.	Mr. Andy Roberts, (573) 234–2132, extension 110, <i>andy_roberts@fws.gov</i> .	Columbia Missouri Field Office, U.S. Fish and Wildlife Service, 101 Park DeVillie Drive, Suite A, Columbia, MO 65203–0007.
<i>Boltonia decurrens</i> .....	Ms. Jody Millar, (309) 757–5800, extension 202, <i>jody_millar@fws.gov</i> .	Rock Island Field Office, U.S. Fish and Wildlife Service, 1511 47th Avenue, Moline, IL 61265.
<i>Oxytropis campestris</i> var. <i>chartacea</i> .	Ms. Catherine Carnes, (920) 866–1732, <i>cathy_carnes@fws.gov</i> .	Green Bay Field Office, U.S. Fish and Wildlife Service, 2661 Scott Tower Drive, WI 54229–9565.

**IX. Authority**

We publish this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 14, 2011.

**Lynn M. Lewis,**

*Assistant Regional Director, Ecological Services, Midwest Region.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[FWS–R3–ES–2011–0025; MO 92210–0008–B2]

**Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Frigid Ambersnail as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the frigid ambersnail (*Catinella gelida*) under the

Endangered Species Act of 1973, as amended (Act). After reviewing all available scientific and commercial information, we find that listing the frigid ambersnail is not warranted because currently living individuals that were identified as frigid ambersnails do not constitute a unique and valid, currently living taxon; therefore, it is not considered to be a listable entity under the Act.

**DATES:** The finding announced in this document was made July 26, 2011.

**ADDRESSES:** This finding is available on the Internet at <http://www.regulations.gov> at Docket Number FWS–R3–ES–2011–0025. The complete file for this finding is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Rock Island