



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

American Burying Beetle: U.S. Fish and Wildlife Service Proposes Reclassification/Reopening of Public Comment Period

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The United States Fish and Wildlife Service ("USFWS") announced in a September 9th Federal Register Notice that it was reopening the public comment period for its proposal to reclassify the American Burying Beetle ("ABB"). See 84 Fed. Reg. 47231.

USFWS proposed to reclassify the ABB from endangered to threatened as those terms are found in the federal Endangered Species Act ("ESA").

The September 9th Federal Register Notice reopens the public comment period on the proposed rule for 30 days to allow an additional time to comment on the proposed rule.

USFWS had previously proposed to downlist the ABB from the ESA classification of endangered to threatened. See 84 Fed. Reg. 19013.

The proposal is relevant to the State of Arkansas since the ABB's range extends into parts of western Arkansas.

Delisting is the removal of a species from the ESA list of Endangered and Threatened Wildlife and Plants. Downlisting is the reclassification of the species from endangered to threatened.

Section 4(a)(1) of the Endangered Species Act requires the USFWS to determine if a species is endangered or threatened based on one or more of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Overutilization of commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or manmade factors affecting its continued existence.

USFWS contends that the ABB is not currently at risk of extinction. As a result, it believes that the ABB does not meet the definition of endangered.

A copy of the Federal Register Notice can be downloaded [here](#).