Endangered Species Act/ Mammoth Spring Crayfish: U.S. Fish & Wildlife Service Finds Species Not Warranted For Listing As An Endangered or Threatened Species



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On Wednesday, July 6, 2022, the U.S. Fish & Wildlife Service ("Service") published a notification of findings that three species – the evening fieldslug (*Deroceras hesperium*), Mammoth Spring crayfish (*Faxonius marchandi*), and Weber's Whitlow grass (*Dabra weberi*) – are not warranted for listing as endangered or threatened species under the Endangered Species Act (ESA). *See* 87 Fed. Reg. 40,172 (July 6, 2022). The Mammoth Spring crayfish is present in the Spring River watershed in Arkansas.

Background

Pursuant to Section 4(b)(3)(B) of the ESA, the Service must make a finding on whether or not a petitioned action is warranted within 12 months after receiving a petition that the Service determined contains substantial scientific or commercial information indicating that the action may be warranted. This is commonly referred to as a "12-month finding." The Service must determine that the petitioned action is:

(1) Not warranted;

(2) warranted; or

(3) warranted, but precluded by other listing activities.

Under the ESA, the Service may determine that a species is endangered or threatened species because of any of five factors:

1. the present or threatened destruction, modification, or curtailment of its habitat or range;
2. overutilization for 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. 16 U.S.C. § 1533(a). The ESA defines an "endangered species" as a species that is in danger of extinction throughout all or a significant portion of its range. In turn a species is "threatened" if it is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. 16 U.S.C. § 1532(6) and (20).

Prior Action

The Service previously received a petition from the Center for Biological Diversity and other organizations to list the Mammoth Spring crayfish as endangered or threatened under the ESA. See 87 Fed. Reg. at 40,174. The Service subsequently concluded that "the petition presented substantial scientific or commercial information indicating that listing may be warranted." *Id*. Wednesday's notification constituted the Service's 12-month finding.

Not Warranted

The Mammoth Spring crayfish is a "medium-sized, reddish-brown crayfish with blackish specks on its broad pincers." *Id*. The species has a very localized distribution in the central and eastern portion of the Spring River watershed including Fulton, Lawrence, Randolph, and Sharp Counties, Arkansas. *Id*.

The Service reviewed the best scientific and commercial information available and found the primary threats facing the crayfish include periodically degraded water quality, sedimentation, extreme events, and nonnative crayfish invasion of the gap ringed crayfish. However, the Service found "these threats have not reduced the species' resiliency, redundancy, or representation." *Id*. And, therefore, the Service found the "Mammoth Spring crayfish is not in danger of extinction throughout all of its range" and "is not likely to become in danger of extinction within the foreseeable future throughout all of its range." *Id*. at 40,174-75.

In short, the Service determined that listing the Mammoth Spring crayfish as an endangered or threatened species under the ESA is not warranted.

A copy of the Service's notification of findings can be found HERE.