Endangered Species Act/Ozark Shiner: U.S. Fish and Wildlife Service Publishes Decision Not to List as Endangered/Threatened



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09/08/2025

The United States Fish and Wildlife Service ("Service") published a September 4th "Notification of Findings" in the Federal Register identifying five species it has determined are not warranted for listing as endangered or threatened under the Endangered Species Act ("ESA"). See 90 Fed. Reg. 42725.

The referenced species include:

- Jackson Prairie crayfish
- Ozark shiner
- Speckled burrowing crayfish
- Spiny scale crayfish
- Spotted turtle

The Ozark shiner's range includes part of the state of Arkansas.

Under Section 4(b)(3)(B) of the ESA the Service is required to make a finding on whether or not a petitioned action is warranted within 12 months after receiving any petition that it determines contains substantial scientific or commercial information indicating that the petitioned action may be warranted.

The Service is required to make a finding that the petitioned action is:

1. not warranted;
2. warranted; or
3. warranted, but precluded by other listing activity.

Petitions were submitted for each of the referenced species.

The Service may determine whether any species is an endangered species or a threatened species because of any of the following 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.

The Service in discussing its findings regarding the Ozark shiner states that it is a fish endemic to the Ozark Plateaus Physiographic Province (i.e., the ‘‘Ozarks’’) in northern Arkansas and southern Missouri. It is stated to occur in the drainages of the White, Black, and St. Francis River.

The Ozark shiner is described as a slender-bodied, pale yellow, with silver sides containing a dusky stripe, and a silvery-white belly. They require medium-to-large sized upland rivers with appropriate flow and velocity, as well as appropriate water quality conditions.

Cited as primary threats affecting its biological status include:

- Hydrologic alteration.
- Sedimentation.
- Chemical contaminants.
- Dams.
- Reservoirs.
- Urbanization contributing to hydrologic alteration and sedimentation.

The Service states it determined that available data indicate that the Ozark shiner is present throughout its historical range. Further, it is stated to have adequate resiliency to withstand stochastic events.

The Service concluded that the Ozark shiner is not likely to become endangered within the foreseeable future throughout all of its range. Therefore, it determined that the species did not meet the definition of an endangered or threatened species.

A copy of the Federal Register Notification can be downloaded here.