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Endangered Species Act: U.S. Fish and Wildlife Service Proposal to List the Texas Hornshell as an Endangered Species

Arkansas Environmental, Energy, and Water Law Blog

08/25/2016

The United States Fish and Wildlife Service ("Service") issued an August 10th Federal Register Notice proposing to list the Texas hornshell as an endangered species under the Endangered Species Act ("ESA"). See 81 Fed. Reg. 52796.

The Texas hornshell is a freshwater mussel whose habitat is located in New Mexico and Texas.

The ESA provides that if a species is determined to be endangered or threatened throughout all or a significant portion of its range, the Service (in case of terrestrial species) is required to publish a proposal in the Federal Register and make a final determination within one year. Further, critical habitat is required to be designated, to the maximum extent prudent and determinable, for any species that is deemed endangered or threatened.

The Texas hornshell is a candidate species for which the Service states it has on file sufficient information on biological vulnerability and threats to support preparation of a listing proposal. However, the development of a listing regulation had been precluded by what the Service deemed as other higher priority listing activities. The proposed rule is stated to reassess all available information regarding the status of and threats to the Texas hornshell.

The Federal Register preamble provides information regarding the Texas hornshell such as:

- Species description
- Habitat and range
- Species needs
- Summary of biological status and threats
- Loss of flowing water
- Barriers to fish movements
- Increased Predation
- Effects of climate change
- Conservation actions and regulatory mechanisms
- Current condition
- Future condition

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