

5-YEAR STATUS REVIEWS/ENDANGERED SPECIES ACT: U.S. FISH AND WILDLIFE SERVICE NOTICE OF INITIATION FOR 59 ANIMAL AND PLANT SPECIES (Including Five Whose Range Includes Arkansas)



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The United States Fish and Wildlife Service (“USFWS” or “the Service”) announced on June 6th that it initiated status reviews for fifty-nine animal and plant species under the Endangered Species Act (“ESA”). See 89 Fed. Reg. 48,437.

Four of the identified species, all freshwater mussels, have ranges that include the State of Arkansas.

Pursuant to the ESA, codified at 16 U.S.C. § 1531 et seq., the Service maintains lists of Endangered and Threatened Wildlife and Plants (collectively referred to as “the List”). The Service maintains the List in title 50 of the Code of Federal Regulations, 50 CFR 17.11 (for animals) and 50 CFR 17.12 (for plants). The ESA requires the Service to review each listed species’ status at least once every five years.

The Service’s 5-year status review “is based on the best scientific and commercial data available at the time of the review.” 85 Fed. Reg. at 48,437. And in conducting the review, USFWS requests “submission of any such information that has become available since the last review for the species” Id.

Such data typically includes:

- Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;
- Habitat conditions, including but not limited to amount, distribution, and suitability;
- Conservation measures that have been implemented that benefit the species;
- Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the ESA); and
- Other new information, data, or corrections, including but not limited to taxonomic and nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Several of the fifty-nine species included in the announcement have ranges within the State of Arkansas, including: the Arkansas fatmucket (*Lampsilis powelli*), Fat pocketbook (*Potamilus capax*), Neosho mucket (*Lampsilis rafinesqueana*), and the Rabbitsfoot (*Quadrula cylindrica cylindrica*). 85 Fed. Reg. at 48,438-39.

Many readers in Arkansas will recall the scrutiny and public engagement generated by the proposed and final critical habitat designations for the Neosho mucket and Rabbitsfoot. See 80 Fed. Reg. 24,692 (Apr. 30, 2015).

The Service requests new information on the species no later than August 5, 2024.

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