

## U.S. Fish and Wildlife Service Rejects Fourteen Freshwater Snails of Twenty-six Pacific Northwest Mollusks Proposed for Listing and sets a Dangerous Precedent

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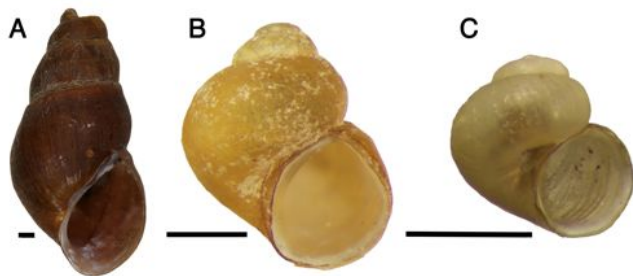
The 2007 decision to discontinue the Survey and Manage Program (SMP) under the Northwest Forest Plan (NWFP) (USDA & USDI, 1994) prompted five conservation organizations, led by the Center for Biological Diversity (CBD), to petition the U.S. Fish and Wildlife Service (USFWS) in 2008 to list 32 terrestrial and freshwater gastropod species as threatened or endangered under the Endangered Species Act (ESA) (Curry et al., 2008; USFWS, 2011; Johannes, 2012). All but 2 of the petitioned species are SMP species. Of the 44 SMP mollusk species, 15 were not included in the petition. The SMP species were from a larger list of mollusks drawn up by a 1993 Mollusk Viability Panel, consisting of three members (Terrence Frest, Barry Roth and Edward Johannes). This panel formed as part of the Forest Ecosystem Management Working Group (FEMAT) convened by the behest of President Clinton to evaluate species considered old-growth associates occurring within the range of the Northern Spotted Owl in western Washington, Oregon and California. Since 1993, 8 of the 19 undescribed SMP mollusk species have been described (Hershler et al., 2003, 2007). To reflect the taxonomic changes, the petition was amended by CBD in 2009 to include 29 species of mollusks. USFWS found that the CBD petition presented substantial scientific or commercial information to indicate that listing 26 of the 29 petitioned mollusks as threatened or endangered might be warranted under the ESA (USFWS, 2011; Johannes, 2012). USFWS felt 3 petitioned SMP mollusks did not warrant listing. As mentioned in an earlier Dredgings (Vol. 51, No. 6; 7-8), USFWS initiated a status review of the 26 freshwater and terrestrial snails. Public comment was requested on scientific and commercial data and other information on the 26 mollusks during a 60-day comment period, which ended on 5 December 2011 (USFWS, 2011).

USFWS has submitted a 12-month finding on 14 (freshwater mollusks only; terrestrial species to be handled at a later date) of the 26 species (USFWS, 2012; Table 1). Listing of the 8 undescribed species was not considered warranted because these snails do not constitute listable entities under the ESA (Table 1). However, USFWS (2012) admits "It is rare for us to list entities that have not been formally described, but we have occasionally done so in the past". Since the inception of the ESA, 5 undescribed species or subspecies have been listed. Three are fish: Hutton tui chub (*Gila bicolor* ssp.), Fosskett speckled dace (*Rhinichthys osculus* ssp.) and Bluemask Darter (formerly *Etheostoma* sp., now *Etheostoma akatulo* Layman & Mayden, 2009); and 2 are mollusks (Terry Frest and author were involved in their listing): Banbury Springs lanx or limpet (*Lanx* sp.) and Bliss Rapids snail (now *Taylorconcha serpenticola* Hershler, Frest, Johannes, Bowler & Thompson, 1994). It is curious that only 2 undescribed fish are mentioned in the 12-month finding despite the listing of 2 undescribed middle Snake River, Idaho mollusks (USFWS, 1992). Listing of an additional 6 described snails was not considered warranted under section 4(a)(1) of the ESA (USFWS, 2012; **Table 1**).

The CBD petition included both *Fluminicola* n. sp. 3 (diminutive pebblesnail) and *Fluminicola* n. sp. 11 (nerite pebblesnail) (Curry et al., 2008). However USFWS (2012) believed that these were "incorrect rather than simply alternate common names because Frest and Johannes (the original discoverers of these snails) referred to all four named mollusks as separate species" and "in this document we will refer to the petitioned mollusk *Fluminicola* n. sp. 3 as the Klamath Rim pebblesnail and to the petitioned mollusk *Fluminicola* n. sp. 11 as the Fredenburg pebblesnail, rather than as the diminutive and nerite pebblesnails, respectively". It is obvious that the species information supplied for the diminutive pebblesnail and the nerite pebblesnail in the CBD petition is a mix of these two species and the Klamath Rim and Fredenburg pebblesnails, respectively (the latter two being SMP species). However, the replacement of the diminutive and nerite pebblesnails by two other species not on the original amended CBD petition raises the question of the legality of such an action by USFWS and sets a bad precedent for future petitions.

**Table 1.** Fourteen snail species rejected for listing by USFWS.

### References:



**Fig. 1.** Three of the 14 freshwater snails rejected for listing. A. *Juga* n. sp. 3, cinnamon juga; B. *Fluminicola anserinus* Hershler, Liu, Frest & Johannes, 2007, Goose Valley pebblesnail; C. *Colligyrus convexus* Hershler, Frest, Liu & Johannes, 2003, canary dusksnail.

Scale bars = 1 mm. Photos Edward Johannes © Deixis Consultants.

Scientific Name	Common Name
<i>Colligyrus convexus</i> <sup>3</sup>	canary dusksnail
<i>Colligyrus</i> n. sp. 1	Columbia dusksnail
<i>Colligyrus</i> n. sp. 2	masked dusksnail
<i>Fluminicola anserinus</i> <sup>3</sup>	Goose Valley pebblesnail
<i>Fluminicola multifarius</i>	Shasta pebblesnail
<i>Fluminicola</i> n. sp. 2	tall pebblesnail
<i>Fluminicola</i> n. sp. 3 <sup>1</sup>	Klamath Rim pebblesnail
<i>Fluminicola</i> n. sp. 11 <sup>2</sup>	Fredenburg pebblesnail
<i>Fluminicola potemicus</i>	Potem Creek pebblesnail
<i>Fluminicola seminalis</i>	nugget pebblesnail
<i>Fluminicola umbilicatus</i>	Hat Creek pebblesnail
<i>Juga</i> n. sp. 2	basalt juga
<i>Juga</i> n. sp. 3 <sup>3</sup>	cinnamon juga
<i>Vorticifex</i> n. sp. 1	knobby rams-horn 1

1 *Fluminicola* n. sp. 3 (diminutive pebblesnail) replaced in USFWS (2012)

2 *Fluminicola* n. sp. 11 (nerite pebblesnail) replaced in USFWS (2012)

3 Specimens illustrated in Fig. 1.

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**References:**

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- USFWS. 2012. "Endangered and threatened wildlife and plants; 12-Month finding on a petition to list 14 aquatic mollusks as endangered or threatened; proposed rule". *Federal Register* 77: 57922-57948.