Guidance for Conducting Status Assessments for Taxa which are Under Consideration for Listing as Threatened or Endangered Species

Fish and Wildlife Service - Region 3
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Purpose of This Guidance
We are in an era of continuing and increasing pressure on our Nation's native plant and animal resources and the habitats upon which they depend for their existence in the wild. This push toward local extirpation and rangewide extinction is accompanied by static or even declining governmental financial resources that are available to slow the loss of biological diversity at all its levels. Efforts to review the biological status of species and the source and magnitude of the threats arrayed against them must become more efficient and effective. This guidance is intended to improve these efforts in Region 3 by establishing guidelines for such biological reviews, whether they are done directly by Service personnel or by other individuals under contract to the Service. In all cases this guidance should be considered to be flexible and advisory; bend it to better fit the species, the perceived urgency, and the expected use of the status assessment report.

Purpose and Scope of the Status Assessment Process
Status assessment is the process of reviewing and summarizing relevant and existing information on a taxon to arrive at one of the following conclusions:

- sufficient information is currently available to **justify a listing proposal**; therefore, the taxon can be given Candidate status and assigned a listing priority number, with Director's concurrence;
- sufficient information currently exists to determine **the taxon does not warrant a listing proposal** due to extinction, greater abundance than previous realized, threats of lesser magnitude or immediacy than previously believed, or taxonomic questions: thus, the taxon should be removed from active consideration for listing (formerly such taxa would become "Category 3" species);
- **significant data gaps exist** and prevent the reaching of one of the above conclusions; therefore, the data gaps should be described, and optimal time frames for filling the gaps should be identified.

Status assessments are primarily reviews and summaries of published and unpublished literature, reports, plans, and data, coupled with numerous personal communications for obtaining updated information. New field surveys and other forms of research are NOT normally part of status assessments, unless they are small, short-term efforts to fill important data gaps.

If Region 3 is the lead region for the taxon, the status assessment should include the entire range of the taxon. (If contacts with other regions are needed, the Region 3 lead field office will coordinate them independently of the Region 3 Regional Office.) If another region has the lead responsibility for the taxon, prior to initiating the status assessment a contact should be made with the lead region to ensure that the status assessment will be timely and will be useful for an upcoming listing decision by the lead region. Once a multi-regional status assessment has been completed the Region 3 Listing Coordinator will work with the lead Region 3 field office to convey the recommendations to the appropriate Service offices.

Products of the Status Assessment Process

Generally two to four documents will be the end products of the status assessment process:

1) a **transmittal memo** (from the field office Supervisor to ARD-ES) containing the field office recommendations on listing and critical habitat designation and transmitting the following items:
2) a **status assessment report**, with separate **appendices** for
   a) names, addresses, phone numbers, and affiliations of individuals contacted and
   b) site locations, preferably shown on a map with a useful scale;
3) a **summary** of the assessment report, written in lay terms for use in outreach activities (including posting on the Web), generally from one to three pages in length; and
4) a **Candidate and Listing Priority Assignment Form** (if appropriate).

The Service's lead field office will always write the transmittal memo and the Candidate and Listing Priority Assignment Form (if one is appropriate). Other individuals outside the Service may have been given the responsibility for preparing the assessment report and the summary.

Some Commonly Used & Misused Terms

<u>Candidate Species</u> - those species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded by other listing actions.

<u>Category 1 Candidate Species</u> (obsolete term) - the term was previously applied to those species which are now called "candidate species"; see above definition.

<u>Category 2 Candidate Species</u> (obsolete term) - those species for which information in the possession of the Service indicated that proposing to list as endangered of threatened was possibly appropriate, but for which sufficient data on biological vulnerability and threat were not currently available to support proposed rules to list the species as threatened or endangered.

<u>Listing</u> - the process of adding a species to the Federal list of Endangered and Threatened Wildlife and Plants.

<u>Species</u> - as defined in the Endangered Species Act, the term "species" also includes any subspecies of fish or wildlife or plant, and any distinct population segment (DPS) of any species of vertebrate fish or wildlife.

<u>Species of Concern</u> - an informal term indicating that the Service has some degree of concern for the future well-being of the taxon, but the taxon does not receive any Endangered Species Act protection.

<u>Status Assessment Report (SAR)</u> (or "status report" or "status assessment") - the final written product of a review of available information on a species, focusing on the conservation needs of the species.

General Status Assessment Procedure
Collect, review, and synthesize the existing published and unpublished material on the taxon. Contacts should be made with other Federal agencies, other Service offices and regions, state nongame and Heritage programs, tribal conservation agencies, conservation organizations (e.g. The Nature Conservancy), researchers, and other knowledgeable individuals to obtain a comprehensive and current picture of the taxon. Foreign data must be included for plants and invertebrate species, and is highly recommended for vertebrates, as well. Arrangements should be made with these sources to obtain new data that subsequently become available.

Because the Service can list Distinct Populations (DPSs) of vertebrate taxa, the SAR author should consider whether the SAR should assess the conservation status and threats to such geographically delimited subsets of the larger taxon. If initial review of the data indicate that a DPS-level evaluation might be needed, contact the Region's Listing Coordinator to discuss this further.

Draft status assessment reports should be provided to the Regional Office Listing Coordinator for early review to ensure that all important aspects are adequately covered. A draft should also be provided to the Regional Nongame Migratory Bird Coordinator if the assessment covers an avian species, or to the Regional Fisheries Resources Team Leader for fish or freshwater mussel species.

An advanced draft of the status assessment report should be sent to the principal data contributors for review, to ensure that their data and recommendations have been correctly interpreted. They should clearly understand that they are reviewing a draft document that is not intended for further distribution.

Completed and updated status assessment reports should be forwarded to the Regional Office Listing Coordinator as they are completed. A memorandum from the field office supervisor should transmit the report and should also contain the field office's recommendations concerning listing and designation of critical habitat. If listing is recommended, a Candidate and Listing Priority Assignment Form should be filled out and attached to the memo.

When the final status assessment report is nearly ready to be transmitted to the Regional Office, the field office and Regional Office will jointly decide upon the appropriate coordination with Region 3 states, tribes, and other Service regions.

Completed status assessment reports will become public documents. As such they should contain primarily data and data analysis, as well as recommendations for conservation management, additional research, and improving the assessment. However, all recommendations concerning elevation to candidate species status, listing, and critical habitat designation should be contained in the transmittal memorandum. As these discussions are predecisional matters that are part of the internal Service deliberative process, they can and should be withheld from FOIA requestors. Avoid including data in the transmittal memorandum, because the data portions of the memo are subject to release under FOIA.

Content and Format Guidelines

Include in the ***Status Assessment Report****:*

Title Page - Include the common and scientific name, the geographic area covered, the author's name and office address, and the date of completion.

Disclaimer - This paragraph should follow immediately after the title page. It summarizes the purpose of a SAR and describes how it fits into the ESA listing process. Use the standard paragraph attached to the end of this guidance.

1. Common Name (and other common names)

2. Scientific Name used in *Federal Register* (and other scientific names)

3. Controversial or unsettled taxonomic issues - Provide details, as taxonomic problems may preclude listing.

4. Physical description of the taxon - In addition to the technical description of the taxon, provide a summary of the key characteristics that a biologist (not necessarily a specialist in this taxon) can use to identify individuals of the taxon. A drawing or photo is beneficial.

5. Summary of (a) biology and natural history and (b) habitat requirements of the taxon - Include such things as territory size, site fidelity, reproduction, mortality, longevity, and seasonal habitat usage.

6. Current and historical range - Include significant breeding, migration, and wintering areas

7. Current and historical population and productivity estimates & trends, broken out by state and province, and for individual local populations, if possible. It is important to distinguish between current (say within the last 10 years) and historical trends; historical trends provide background and perspective, while current trends provide the evidence that listing is warranted or unwarranted. The "ideal" is to describe the current trend (and threats, see below) for each known population unit across the entire range; get as close to the ideal as the data allow.

8. Summary of status and threats, organized by the five listing factors shown below. Explain the links between the threats and the taxon's decline; use specific examples. For past and on-going threats, document the extent of declines at specific locations and provide evidence of the causes. For anticipated future threats, assess the likelihood that a site or population will actually be affected, and describe the evidence leading to that conclusion. Use wording that can be directly incorporated into a listing proposal. As with population trends, the recent and on-going threats are more germane to a listing decision than are past or anticipated future threats.
   A. The present or threatened destruction, modification, or curtailment of its habitat or range.
   B. Overutilization for commercial, recreational, scientific, or educational purposes.
   C. Disease or predation.
   D. The inadequacy of existing regulatory mechanisms.

E. Other natural or manmade factors affecting its continued existence.

9. Current protective status under state/provincial/tribal/Federal laws and regulations.

10. Summary of land ownership and existing habitat protection for each population. This summary can be restricted to the most important populations if there are many. If landowners are identified, the addresses and phone numbers of private owners should only appear in an appendix so they can be easily removed from the main document.

11. Past and current (and anticipated) conservation activities undertaken for the benefit of the species or its habitat. What has been (is expected to be) the result?

12. Management actions (species, habitat, or people management) needed...
    a. to preclude the need for listing as endangered or threatened
    b. to bring about recovery, if listed

    This section should contain sufficiently detailed and comprehensive management recommendations so that they can be promptly undertaken if listing is not recommended or not immediately pursued due to low listing priority. Alternatively, they can become the basis for a recovery outline if the taxon is listed. The actions should be prioritized.

13. Research, surveys, and monitoring needed...
    a. to complete the status assessment and allow for an informed listing decision; include recommendations on surveying and monitoring protocols, if appropriate
    b. to bring about recovery, if listed

    These needs should be prioritized.

14. List of references used in completing the status assessment, including personal communications and "gray literature"

15. Name and office of preparer(s) and the date prepared

16. List of primary individuals contacted, including addresses and phone/fax numbers. Add this list as an appendix so it readily can be removed to comply with the Privacy Act in the event the status assessment is distributed outside the Service.

17. Site specific location information should be attached as a separate appendix so this information easily can be removed if the document is distributed outside of the Service. The inclusion of maps is strongly encouraged.

18. Copies of the most important references should be provided.

Status Assessment Report ***Summary****:*
If the SAR is longer than 8-10 pages, it should be accompanied by a summary. SAR summaries should include a brief description of the taxon, threats, population trends, conservation/management recommendations, research/monitoring needs, as well as conservation

actions that are currently underway for the taxon. Summaries should be written in language that will be understood by the general public. Limit the summary to two or three pages.

*Include in the **Transmittal Memo**:*

1. **Recommendations on listing** and/or a schedule for updating the status assessment.

2. If the recommendation is to move the taxon to candidate status a **Candidate and Listing Priority Assignment Form** should be added as another attachment to the memo. The form must assign and justify a listing priority number.

3. If the recommendation is to elevate the taxon to candidate status, provide recommendations on the designation of **Critical Habitat**. Critical habitat is that occupied and unoccupied habitat that is needed for recovery of the taxon.

    a. Is critical habitat prudent? That is, is it likely to significantly benefit the taxon beyond the other benefits provided by listing, especially the "jeopardy threshold"? Is it likely to result in additional threats (e.g., collection, vandalism) that might outweigh its benefits to the taxon? If so, document those threats.
    b. Is critical habitat determinable at this time? If not, explain what steps must be taken to determine biologically appropriate critical habitat, and estimate the time needed to do so.
    c. If critical habitat designation is recommended, provide preliminary maps of the recommended area(s), a list and brief discussion of the biological and physical elements of the area(s) which are believed to be essential to the taxon (“primary constituent elements”), and a discussion of current or anticipated activities having a Federal nexus that may adversely affect those elements.

Electronic Matters:
Prepare the status assessment report using WordPerfect or Word. Furnish the Regional Office with a paper and an electronic copy (on diskette or via e-mail) of the report, the summary, and the Candidate and Listing Priority Assignment Form. (The Regional Office can provide a blank electronic copy of this form, if needed.) If possible, provide electronic files containing a black and white drawing and a color photograph for use on the World Wide Web. (Contact the Regional Endangered Species Outreach Coordinator for format and size recommendations.)

Regional Office Follow-up
Based upon the status assessment report and the field office recommendation, the Regional Office will prepare a decision memorandum. This document will state what the Region intends to do as a result of the status assessment, as well as actions recommended for other agencies. If appropriate, the Regional Office will transmit the Candidate and Listing Priority Assignment Form to Washington and may immediately begin working with the lead field office to initiate a listing proposal. Concurrence memos must be obtained from all affected regions prior to adding or removing candidates or changing listing priority numbers.

A “public version” of the internal decision document will be prepared for use on the Region’s Web site. The SAR, the summary, or both will be posted on the Web for public information. In some instances, a news release, fact sheet, or other outreach materials will be prepared by the Region's information and education specialists.

Disclaimer for Region 3 Status Assessment Reports
This paragraph should be included near the front of all future status assessment reports that are done, or contracted, by Region 3 for species having the potential for being listed as threatened or endangered:

> This document is a compilation of biological data and a description of past, present, and likely future threats to *[species common & scientific name]*. It does not represent a decision by the U.S. Fish and Wildlife Service (Service) on whether this taxon should be designated as a candidate species for listing as threatened or endangered under the Federal Endangered Species Act. That decision will be made by the Service after reviewing this document; other relevant biological and threat data not included herein; and all relevant laws, regulations, and policies. The result of the decision will be posted on the Service's Region 3 Web site (refer to: http://midwest.fws.gov/endangered/lists/concern.html). If designated as a candidate species, the taxon will subsequently be added to the Service's candidate species list that is periodically published in the Federal Register and posted on the World Wide Web (refer to: http://endangered.fws.gov/wildlife.html). Even if the taxon does not warrant candidate status it should benefit from the conservation recommendations that are contained in this document.

Questions? Contact the Endangered Species Coordinator at the appropriate U.S. Fish and Wildlife Service Ecological Services Field Office, or the Regional Listing Coordinator (612-713-5350) in Ft. Snelling, Minnesota. Ecological Services Field Office phone numbers can be found on the World Wide Web at: http://midwest.fws.gov/eco_serv/fld_off.htm.