



Humpback Chub *Gila cypha*

Proposed downlisting with 4(d)

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USFWS



Briefing to the GCD/AMWG

February 12, 2020



Humpback Chub Proposed Downlisting Rule: Overview

The USFWS proposes to reclassify the humpback chub from endangered to threatened status, revise the species' recovery plan, and establish a 4(d) rule - <https://www.federalregister.gov/documents/2020/01/22/2020-00512/endangered-and-threatened-wildlife-and-plants-reclassification-of-the-humpback-chub-from-endangered>

Process History and Supporting Documents:

- Decision supported by Species Status Assessment (March 2018:)
https://www.fws.gov/mountain-prairie/pressrel/2018/HumpbackChub_SSAv1.1_Final_30May2019_wAppendixB&C.pdf
 - Science Team - Arizona, Utah, NPS, USGS, WAPA & FWS
- 5-year review (March 2018) provided the recommendation -
<https://www.regulations.gov/document?D=FWS-R6-ES-2018-0081-0003>



Humpback Chub *Gila cypha*

SSA Ch. 2.1

Colorado River basin endemic fish
ecologically adapted to highly variable environment

Large body (up to 480mm)

Long lifespan (20-40 years)





Humpback Chub Species Needs

SSA Ch. 2.1

Rocky canyon reaches; Suitable flows & temps;
Reliable food supply; Few nonnative predators



Grand Canyon, Arizona



Westwater Canyon, Utah⁴



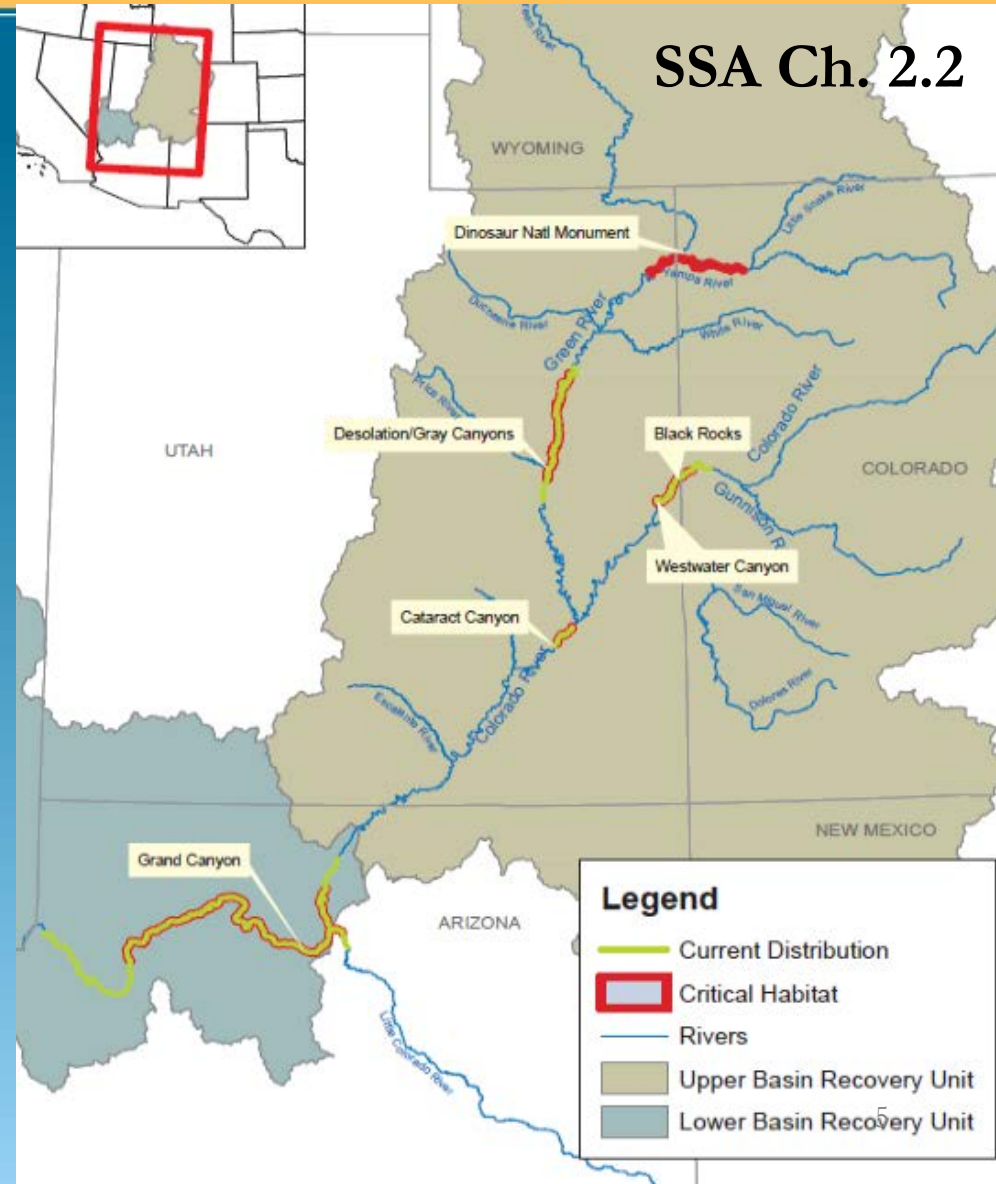
Humpback Chub Range

Upper Basin

- Desolation/Gray canyons (UT)
- Blacks Rocks (CO)
- Westwater Canyon (UT)
- Cataract Canyon (UT)
- **Dinosaur NM (CO/UT)**
 - **extirpated ~2004**

Lower Basin

- Grand Canyon (AZ)
 - Core Little Colorado River
 - Mainstem aggregations
 - Havasu Creek translocation
 - Western Grand Canyon

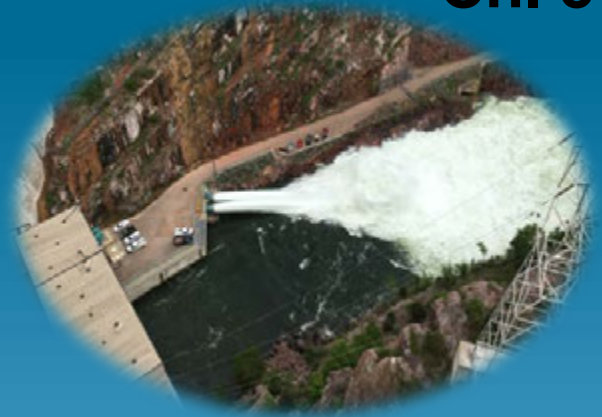




Humpback Chub Threats

Ch. 5

- Reduced river flow
 - Decreasing snowpack & runoff
- Nonnative fish: predation and competition
 - Smallmouth bass in upper basin
 - Brown trout in Grand Canyon
- Food supply (Grand Canyon only)





Humpback Chub Conservation Efforts

Two multi-stakeholder organizations
with federal, state, tribal, and private partners
implement the majority of conservation efforts for humpback chub:
flow management, nonnative fish removal, monitoring, etc.

Upper Colorado River Endangered Fish Recovery Program

Established 1988
(Public Law 106–392 et al.)

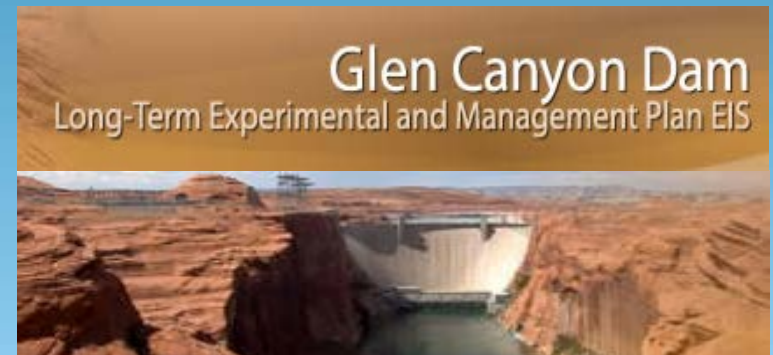
Upper Colorado River



Endangered Fish
Recovery Program

Glen Canyon Dam Adaptive Management Program

Grand Canyon Protection Act of 1992
(Public Law 102-575)





Humpback Chub

Current Condition

SSA Ch. 4.0

U.S. Fish and Wildlife Service

Species Status Assessment for the Humpback Chub (*Gila cypha*)



U.S. Fish and Wildlife Service
Mountain-Prairie Region (6)
Denver, CO

Large, stable Grand Canyon population
Four stable upper basin populations
Resources fair to good

Managed flow regimes benefit the species
Nonnative fish not impacting 4 of 5 pops.

Dinosaur NM population extirpated

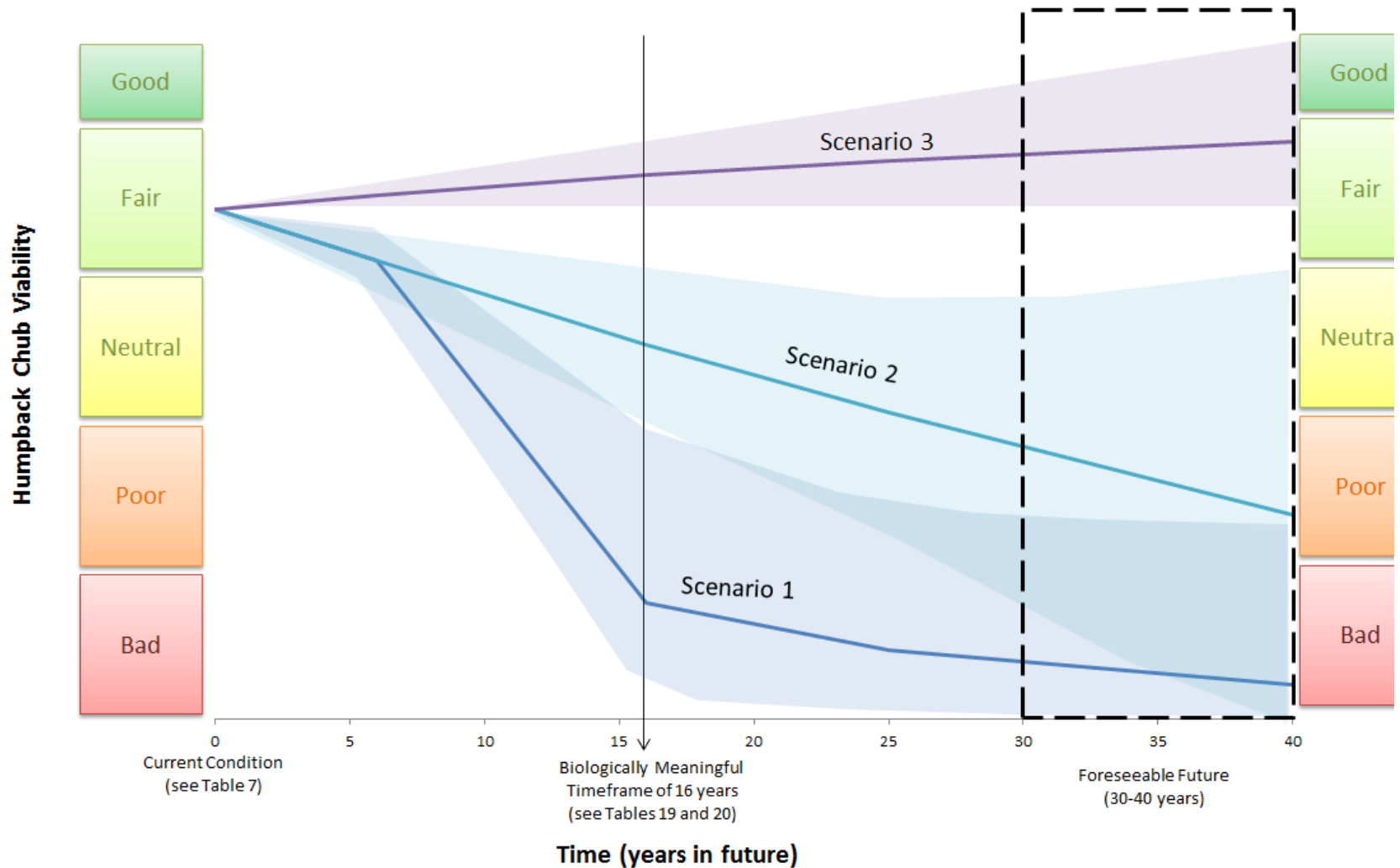
Upper basin populations are small
Nonnative fish are a persistent threat

Core team:
Arizona, Utah, NPS,
USGS, & FWS

Humpback Chub

Current and Future Condition

SSA Ch. 5.0





Humpback Chub

Proposed Rule Conclusion

Reclassify from endangered to threatened

Not in danger of extinction throughout all of its range, based on current conditions, thus does not meet endangered definition;

- Fair to good existing resource conditions;
- Resilient, large Grand Canyon population;
- Redundant upper basin populations;
- Low risk of multiple population extirpations;





Humpback Chub

Proposed Rule Conclusion

Reclassify from endangered to threatened

Likely to become an endangered species in the foreseeable future of 16-40 years, throughout all of its range; thus does meet threatened definition;

- Upper Basin Recovery Program could be eliminated (scenario 1)
- Environmental change could outpace conservation efforts (scenario 2)
- Continued diligence could improve species condition (scenario 3)





Humpback Chub

2002 Downlisting Criteria

Over a 5-year period:

- | | |
|----------------------------------|--|
| 1. Adults don't decline (6 pops) | 1. Not met: 1 extirpated; 5 stable |
| 2. Recruitment \geq mortality | 2. Met: 5 pops. stable over 10+ yr. |
| 3. Two pops $>$ 2,100 adults | 3. Met: Grand Canyon (11,500) & Westwater (3,600 [prelim]) |
| 4. Management actions completed | 4. Mixture of achieved, ongoing, & no longer applicable |

- Recovery goals and criteria outdated
- Recovery planning will begin after rulemaking process
- Will revise entire Recovery Plan



Humpback Chub

4(d) rule



Purpose:

Facilitate states and other agency' conservation of humpback chub
Coordinated with Arizona, Utah, and Colorado wildlife agencies



Humpback Chub

4(d) rule exempted activities

1. Creating and maintaining humpback chub refuge populations
2. Expanding the species range, including translocating wild fish and stocking hatchery-reared fish





Humpback Chub

4(d) rule exempted activities

3. Reducing or eliminating nonnative fish from habitats adjacent to, or occupied by, humpback chub
4. Chemical treatments in support of the recovery of humpback chub (upstream of occupied habitat)





Humpback Chub

4(d) rule exempted activities

5. Catch-and-release angling activities associated with humpback chub:

Angling in the six core populations (not for non-humpback chub)

Angling for humpback chub in newly established areas



Rule Publishes on January 22, 2020

❑ Legacy Region 6 led outreach w/ coordination in Leg. Reg. 2

❑ Considerable media attention in upper and lower basin (print and radio).

60 Day comment period closes on March 23, 2020



3586 Federal Register / Vol. 85, No. 14 / Wednesday, January 22, 2020 / Proposed Rules

■ 10. In § 97.303, revise paragraphs (h) and (i) and remove and reserve paragraph (q) as follows:

§ 97.303 Frequency sharing requirements.

(h) Amateur stations transmitting in the 70 cm band, the 33 cm band, the 23 cm band, the 5 cm band, the 3 cm band, or the 24.05–24.25 GHz segment must not cause harmful interference to, and must accept interference from, stations authorized by the United States Government in the radiolocation service.

(i) Amateur stations transmitting in the following segments must not cause harmful interference to radio astronomy stations: 76–81 GHz, 136–141 GHz, 241–248 GHz, 275–323 GHz, 327–371 GHz, 388–424 GHz, 426–442 GHz, 453–510 GHz, 623–711 GHz, 795–900 GHz, or 926–945 GHz. In addition, amateur stations transmitting in the following segments must not cause harmful interference to stations in the Earth exploration-satellite service (passive) or the space research service (passive): 275–286 GHz, 298–306 GHz, 313–356 GHz, 361–365 GHz, 369–382 GHz, 397–399 GHz, 409–411 GHz, 416–434 GHz, 439–467 GHz, 477–502 GHz, 523–527 GHz, 538–581 GHz, 613–630 GHz, 634–654 GHz, 657–692 GHz, 713–718 GHz, 729–733 GHz, 750–754 GHz, 771–776 GHz, 823–846 GHz, 859–874 GHz, 857–862 GHz, 866–882 GHz, 905–928 GHz, 951–956 GHz, 968–973 GHz and 985–990 GHz.

(j) [Reserved]

§ 97.305 [Amended]

■ 11. In § 97.305, amend the SHF portion of the table in paragraph (c) by removing the entry of “6 cm band”.

[FR Doc. 2020-00320 Filed 1-21-20; 8:43 am]
BILLING CODE 4710-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R6-ES-2018-0081;
605000112]

RN 1018-BD47

Endangered and Threatened Wildlife and Plants; Reclassification of the Humpback Chub From Endangered to Threatened With a Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to reclassify the humpback chub (*Gila cypha*) from an endangered species to a threatened species on the Federal List of Endangered and Threatened Wildlife, due to partial recovery. Based on the best available scientific and commercial data, threats to the humpback chub identified at the time of listing have been eliminated or reduced to the point that the species no longer meets the definition of an endangered species under the Endangered Species Act of 1973, as amended (Act), but is likely to become an endangered species within the foreseeable future. We also propose a rule issued under section 4(d) of the Act that is necessary and advisable to provide for the conservation of the humpback chub.

DATES: We will accept comments received or postmarked on or before March 23, 2020. Comments submitted electronically using the Federal Rulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by March 9, 2020.

ADDRESSES: Written comments: You may submit comments by one of the following methods:

(1) Electronically: Go to the Federal Rulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R6-ES-2018-0081, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment Now!”

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R6-ES-2018-0081; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Document availability: Supporting documentation used to prepare this proposed rule, including the 5-year review and the species status assessment (SSA) report, are available on the internet at <http://www.regulations.gov> under Docket No. FWS-R6-ES-2018-0081. Additionally, supporting documentation is available for public inspection by appointment at our Upper Colorado River Endangered Fish Recovery Program Office (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Tom Chart, Director, U.S. Fish and Wildlife Service, Upper Colorado River Endangered Fish Recovery Program, P.O. Box 25486, DFC, Lakewood, CO 80225; telephone: 303-236-9885. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

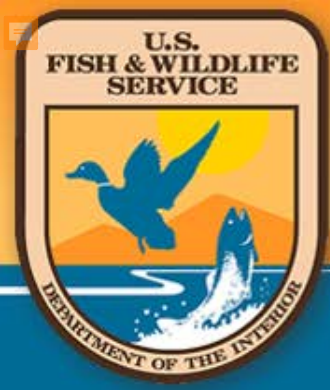
Executive Summary

Why we need to publish a rule. Under the Act, if a species is determined to be an endangered or threatened species throughout all or a significant portion of its range, we are required to publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. Reclassifying a species as an endangered or threatened species can only be completed by issuing a rule.

This rule proposes to reclassify the humpback chub from endangered to threatened (i.e., to “downlist” the species) on the Federal List of Endangered and Threatened Wildlife, with a rule issued under section 4(d) of the Act, based on the species’ current status, which has been improved through implementation of conservation actions. This proposed rule and the associated species status assessment (SSA) report measure all available information regarding the status of and threats to the humpback chub.

The basis for our action. Under the Act, we determine whether a species is an “endangered species” or “threatened species” based on any of five factors: (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; or (E) other natural or manmade factors affecting its continued existence. We may reclassify a species if the best available commercial and scientific data indicate the species no longer meets the applicable definition in the Act. For the reasons discussed below, we believe the humpback chub no longer meets the Act’s definition of an endangered species, but does meet the Act’s definition of a threatened species. The actions of multiple conservation partners over the past 30 years have improved the condition of humpback





Proposed Rule - Comments

On or before March 23, 2020

Written comments:

*Electronically: Go to the Federal eRulemaking Portal:
<http://www.regulations.gov> In the Search box use the
Docket No. FWS–R6–ES–2018–0081 > Click on Proposed Rule
> click “Comment Now!”*

*By hard copy: Submit by U.S. mail or hand-delivery to:
Public Comments Processing, Attn: FWS–R6–ES–2018–
0081 U.S. Fish and Wildlife Service, MS: BPHC, 5275
Leesburg Pike, Falls Church, VA 22041–3803.*



Closing Thoughts

- Reclassification is supported by strong science and decades of conservation collaboration = Important milestone for Programs
- A Threatened species is one that is still at risk of extinction in the foreseeable future, therefore
- Downlisting should be viewed as a sign of progress, but sustained commitment to recovery is needed.
- 4(d) rule calls for the same protections from 'take' as an endangered species with some exceptions to facilitate future recovery actions.



Thank You – Questions?



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