



Protecting the heritage, resources and economy of the Allegheny-Blue Ridge region

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Barbara Douglas
Acting Project Leader/Senior Endangered Species Biologist
West Virginia Field Office
U.S. Fish and Wildlife Service
90 Vance Drive
Elkins, WV 26241
barbara_douglas@fws.gov

Re: Questions concerning evaluation of projects affecting candy darter habitat

Dear Ms. Douglas,

The Allegheny-Blue Ridge Alliance and its member organizations are working for preservation of ecosystem integrity in the region that includes the remnant distribution of the endangered candy darter (*Etheostoma osburni*).

Please see the attached map showing the relationship between proposed designated critical habitat (PDCH) of the candy darter and a number of development projects that involve habitat alteration and require approvals of federal agencies. These projects include:

1. MVP: The Mountain Valley Pipeline corridor, which, together with access roads, is proposed to cross PDCH for the candy darter in two locations, the Gauley River in West Virginia and Stony Creek in Virginia.
2. ACP: The Atlantic Coast Pipeline corridor, which, together with access roads, is proposed to cross PDCH for the candy darter in the Clover Creek/Greenbrier River area of West Virginia.
3. BRP: The Big Rock Project, a timber harvest/habitat improvement project in the Monongahela National Forest (MNF) in the watershed of the Cranberry River in West Virginia
4. GSE: The Greenbrier Southeast Project, a timber harvest/habitat improvement project in the MNF in the watershed of the East Fork of the Greenbrier River in West Virginia.
5. PRP: The Panther Ridge Project, a timber harvest/habitat improvement project in the MNF in the watershed of the Greenbrier River in West Virginia.

Note that the PRP is located within the historic range of the candy darter downstream of the PDCH, whereas the other four listed projects are located within the PDCH. Note also that there are additional projects, on both public and private land, that may negatively impact the candy darter. Some of these projects may have been initiated too late to have been included in US Fish and Wildlife Service (FWS) completion of the Species Status Assessment (SSA) and the Recovery Outline for the candy darter.

We also call attention to a recent Forest Service announcement (copy attached) cancelling at least part of the Big Rock Project due to concerns related to the candy darter and the need for the FWS to issue the first-ever incidental take statement with an associated calculation of take for the species. This raises a number of important questions concerning FWS responsibility for determinations related to the candy darter. Among these questions:

1. When will the FWS issue a final critical habitat designation for the candy darter?
2. When will the FWS issue a Recovery Plan for the candy darter?
3. What data and analysis will the FWS consider as a basis for biological opinions and incidental take statements for the above projects and the candy darter?
4. How will the FWS account for the effects of multiple recent, ongoing, and proposed projects on the viability of the candy darter?
5. What timeline has the FWS adopted for issuing biological opinions and incidental take statements for the above-listed projects?

Finally, we note that FWS analyses included in the SSA and in the Recovery Outline for the candy darter describe a species with dim prospects for survival. These documents describe critical uncertainties related to both assessment of current status and projection of future status of the species. We do know that the loss of candy darter has been extreme. Of 35 historically known populations, only 19 persist. Model projections, based on current understanding, indicate that within 25 years the number of populations will be reduced to only five. In this context, negative impacts to any of the remnant populations may compromise the viability of the species.

Although the FWS has primary responsibility for implementation of the Endangered Species Act in general and for preservation of the candy darter in particular, we recognize that the public, as well as other agencies, also have responsibilities. By providing answers to our questions you will help both the public and the agencies in fulfillment of these responsibilities.

Thank you for your attention to our comments.

Sincerely,

A handwritten signature in black ink that reads "Lewis Freeman". The signature is written in a cursive, flowing style.

Lewis Freeman
Executive Director

Enclosures