

Coal country crawfish get critical habitat protections

By Michael Doyle

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The Fish and Wildlife Service today designated 446 stream miles of critical habitat for the Guyandotte River and Big Sandy crawfish, two vulnerable species that have vexed the Appalachian coal mining industry.

The [designated habitat](#) for the small crustaceans, which are also called crayfish, extends through West Virginia, Kentucky and Virginia coal fields.

“The current distribution of both the Big Sandy and the Guyandotte River crayfishes is fragmented and much reduced from its historical distribution,” the Fish and Wildlife Service noted. “We anticipate that recovery will require protection of existing populations and habitat for both species.”

The agency added that “in the case of the Guyandotte River crayfish, reestablishing populations in some historically occupied streams where the species is presumed extirpated [will] increase the species’ resiliency, representation, and redundancy, thereby increasing the likelihood that it will sustain populations over time.”

At the same time, the Fish and Wildlife Service maintains that the critical habitat should not cost the mining industry too much.

“For the coal mining industry in particular, we have identified that many of the project recommendations the industry may provide already are required under other rules and regulations,” the agency said, adding that any additional costs are “substantially below the threshold for an economically significant rule.”

The Guyandotte River crawfish is considered endangered, and the Big Sandy crawfish is listed as a threatened species.

The final designation includes 83 miles of stream miles for Guyandotte River crawfish, currently found in just two streams in Wyoming County, W.Va. The plan also protects 362 stream miles of Big Sandy crawfish habitat in its home drainage spanning southern West Virginia, southwestern Virginia and eastern Kentucky.

But coal industry groups previously have pushed back on critical habitat at that size.

“The area is simply too large, and takes in streams that not only do not contain these species and that also do not contain the features and characteristics necessary to potentially support the species,” the Kentucky Coal Association declared when the critical habitat was proposed in 2020.

The industry group added that “the economic analysis suffers from certain fundamental flaws that cause it to significantly understate the costs of the critical habitat designation.”

Both species have lost at least 60 percent of their native range.

Environmentalists blame mountaintop-removal coal mining for stream sedimentation clogging high-elevation streams.

Industry groups, though, have challenged the need for federal protections, and the issue has been fought over for years.

The 1996 opinion had determined that surface mining would not affect the survival of the crawfish species found in high-elevation streams in West Virginia, Kentucky and Virginia. As part of the Office of Surface Mining Reclamation and Enforcement's Stream Protection Rule, FWS updated the biological opinion in 2016 and acknowledged mountaintop removal's role in the decline of the two species.

But the Trump administration, heeding coal industry complaints, repealed the Obama-era regulation in 2017, prompting FWS to revert to its 1996 version ([Greenwire](#), May 15, 2019).

A 2020 lawsuit brought by the Center for Biological Diversity, West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and Sierra Club argued that the Interior Department's reliance on a 1996 biological opinion put the Guyandotte River crawfish and Big Sandy crawfish at risk from erosion and pollution associated with mining ([E&E News PM](#), Sept. 4, 2019).

In a subsequent settlement, the Fish and Wildlife Service agreed to submit a new biological opinion to the Office of Surface Mining Reclamation and Enforcement, the federal agency that oversees state permitting programs.

FWS anticipates that the critical habitat designations are “likely to generate a total of approximately 285 consultations and technical assistances in a given year” on projects like roads, and pipeline and utility crossings.

The agency said the “total additional administrative cost of addressing adverse modification” is not expected to exceed \$870,000, and the cost of project modifications in unoccupied habitat for the Guyandotte River crawfish is expected to be about \$350,000 in a given year.

Some mining companies think otherwise.

“The costs of mitigating impacts to jurisdictional water are very significant,” West Virginia-based Blackhawk Mining stated in written comments, adding that “any plan modification requiring the disturbance of additional jurisdictional waters ... could easily add over one million dollars to development costs.”

Perrin de Jong, a staff attorney at the Center for Biological Diversity, said: “These unique crawdads exist nowhere else in the world and would soon be snuffed out by destructive coal mining without these essential protections. But this isn’t charity, since our fate is bound up with the fate of the crayfish. The clean water they need to survive is the same water that local residents rely on for drinking and recreation.”