



July 30, 2021

*Submitted by Mail*

Debra Bills, FWS Field Supervisor  
Public Comments Processing  
Attn: FWS-R2-ES-2019-0019  
U.S. Fish and Wildlife Service  
MS: PRB/3W  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

**RECEIVED**

**AUG 11 2021**

Policy & Regulations Branch  
(PERMA/PRB)

**RE: Comments in support of Endangered Species Act Protection and Critical Habitat Designation for the Peppered Chub (*Macrhybopsis tetranema*) 80 FR 60962**

Dear Ms. Bills,

Please accept these comments from the Center for Biological Diversity in support of Endangered Species Act (ESA) protection for the Peppered Chub (*Macrhybopsis tetranema*), on behalf of our over 1.2 million members. We request these comments be added to the record. The survival of the peppered chub is of scientific, moral, aesthetic, recreational, economic, spiritual, and other value to the members, supporters, and staff of our organizations.

We support the Fish and Wildlife Service's listing of the peppered chub and the designation of its critical habitat. We particularly support the determination that recovery of the peppered chub requires critical habitat to be extended to non-occupied areas. We encourage the Service to designate additional critical habitat that was once part of the peppered chub's historical range because the currently proposed habitat, located on almost entirely private land, may not be enough to recover the species.

The peppered chub is a small freshwater minnow that is nearly transparent in appearance, with small, black dots scattered on its back. Peppered chubs are found in prairie streams with shallow water, swift currents, and sandy stream bottoms. The peppered chub's historical range once spanned over Colorado, Kansas, New Mexico, Oklahoma, and Texas. Today, the peppered chub can only be found as a single population in the upper portion of the South Canadian River in Texas and New Mexico.



Peppered Chub, Photo by Daniel Fenner, USFWS

The current range of the peppered chub has been reduced to just six percent of the historical range. This loss can be attributed primarily to habitat degradation and fragmentation. The peppered chub faces threats from altered flow regimes from dams and groundwater extraction, stream fragmentation, modified geomorphology, reduced water quality, and invasive species. These threats are expected to worsen over time, so it is imperative that the government step in.

In making its determination, the Service analyzed the three conservation biology principles of resiliency, representation, and redundancy. The peppered chub has low resiliency due to habitat degradation and fragmentation resulting primarily from impoundments. It thus has a low probability of remaining extant and withstanding periodic or stochastic disturbances under its current condition. Additionally, representation for the peppered chub has been reduced because of the loss of populations within its historical distribution. This has led to a loss in species-level genetic and ecological diversity over time. And lastly, redundancy has declined dramatically because there is only one population, which in turn increases the risk of extinction from a catastrophic event. Therefore, the Service correctly determined that the peppered chub is in danger of extinction throughout all of its range.

We recognize the many benefits the Service's ESA listing conveys upon the peppered chub. For example, the section 9 take prohibition applies to all who may harm the peppered chub. State and federal governments will be able to work together under section 6 which provides grants to states for development and implementation of conservation programs. The Service itself will develop and implement a recovery plan designed to recover the species. And any federal actions will receive scrutiny under section 7(a)(2) consultation to ensure the species is not jeopardized nor its

critical habitat destroyed or adversely modified. Furthermore, Section 10 agreements, like Habitat Conservation Plans provide a voluntary framework for conserving the peppered chub.

In addition, the ESA provides for the designation of critical habitat. Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features that are essential for the conservation of that species. The peppered chub is presently occupying a 197-mile stretch of river on the Upper South Canadian River. The Service determined that currently occupied areas alone are not adequate for the conservation of the species and that based on the best scientific data available, that the failure to designate non-occupied areas as critical habitat will result in the extinction of the species. We support this finding and the designation of critical habitat for peppered chub on the Upper South Canadian River, the Lower South Canadian River, the Cimarron River, and the South Ninescah/Arkansas River.

Though the Service proposes to designate 1,068 rmi of critical habitat, we are concerned that it may not be enough to recover the peppered chub because the four habitat units proposed for designation occur almost entirely on private land. Private entities are only subject to the section 9 take prohibition. The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Recovery and conservation of the peppered chub would be enacted on a mostly voluntary basis. Currently, there are no conservation plans or management activities that are in place with private landowners that are specific to the peppered chub.

There are approximately 2,260<sup>1</sup> miles of combined river that were once part of the historical range of the peppered chub that have not yet been proposed as critical habitat. Because 95 percent of the peppered chub's historic range is located on private property, we recommend that the Service expand its critical habitat designation in order to give the peppered chub a fighting chance at survival.

We encourage the Service to fully use the authorities of critical habitat designation that Congress granted, including a careful and critical examination of what areas are truly needed to ensure resiliency, representation, and redundancy can be met so that the species is recovered.

Thank you for taking our comments into consideration.

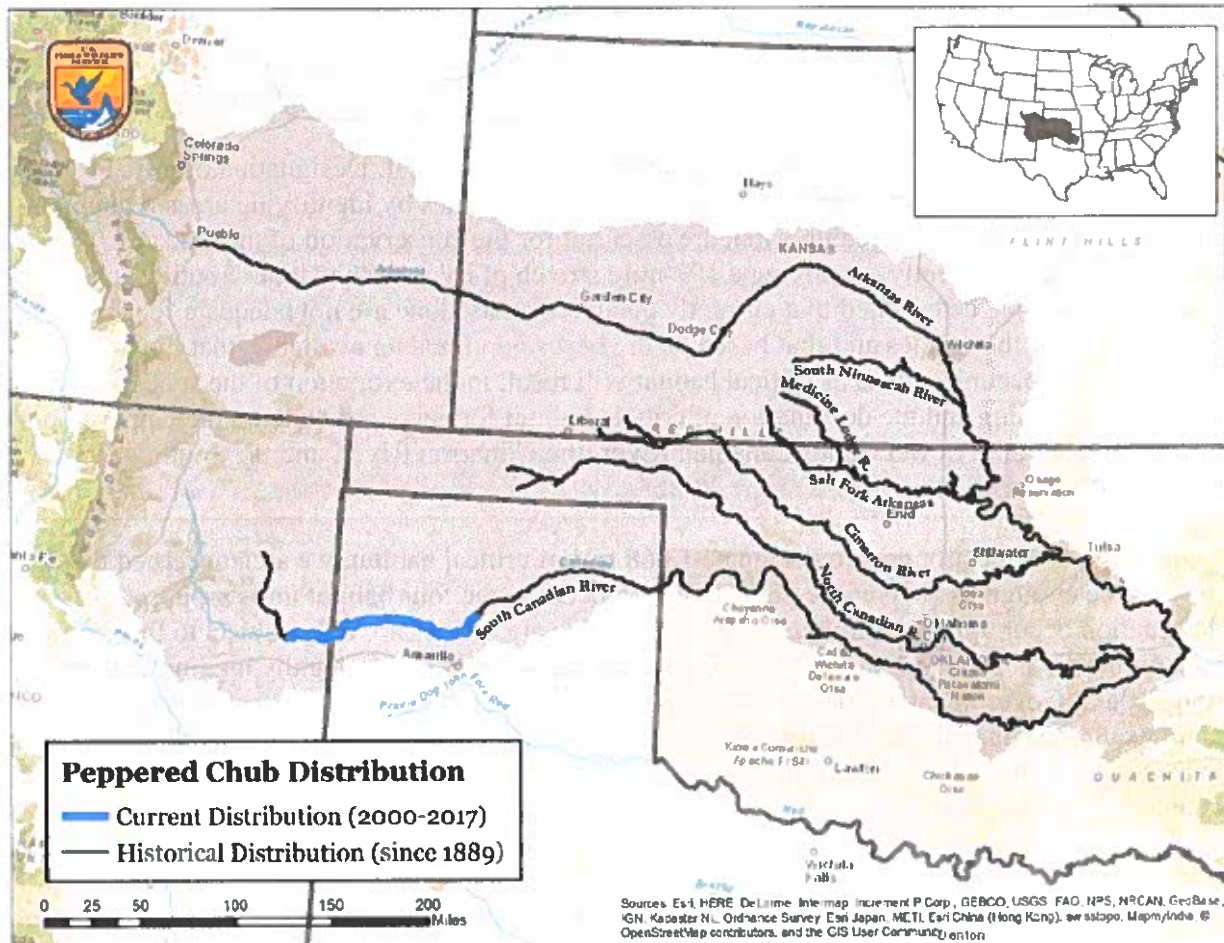
On behalf of all parties,

*Victoria White*

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<sup>1</sup> Arkansas River (1,450 miles), North Canadian River (440 miles), Salt Fork River (239 miles) and Medicine Lodge River (130 miles).



Peppered chub historical and current distribution map. USFWS Arkansas River Shiner and Peppered Chub SSA, October 2018

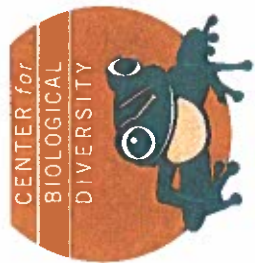
## References

U.S. Fish and Wildlife Service. 2018. Endangered Species Status for the Peppered Chub and Designation of Critical Habitat. Available from: <https://www.govinfo.gov/content/pkg/FR-2020-12-01/pdf/2020-25257.pdf#page=1>

U.S. Fish and Wildlife Service. 2018. Species Status Assessment Report for the Arkansas River Shiner (*Notropis girardi*) and Peppered Chub (*Macrhybopsis tetranema*). Version 1.0a October 2018. Albuquerque, NM. Available from: <https://ecos.fws.gov/ServCat/DownloadFile/189394>



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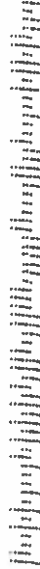
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