Finding

Based on our review of the best available scientific and commercial information pertaining to the Act's five threat factors, we conclude that the Huachuca-Canelo population of the Arizona treefrog does not meet the significance criterion of the DPS Policy, as detailed above and, therefore, is not a valid DPS under our DPS Policy. As a result, we find that the Huachuca-Canelo population of the Arizona treefrog is not a listable entity under section 3(16) of the Act. Therefore, we find that listing the Huachuca-Canelo population of Ārizona treefrog as an endangered or a threatened species is not warranted throughout all or a significant portion of its range at this time, and consequently, we are removing it from candidate status.

As a result of the Service's 2011 multidistrict litigation settlement with the Center for Biological Diversity and WildEarth Guardians, the Service is required to submit a proposed listing rule or a not-warranted 12-month finding to the Federal Register by September 30, 2016 (In re: Endangered Species Act Section 4 Deadline Litigation, No. 10-377 (EGS), MDL Docket No. 2165 (D.D.C. May 10, 2011)), for all 251 species that were included as candidate species in the Service's November 10, 2010, CNOR. This document satisfies the requirements of that settlement agreement for the Huachuca-Canelo population of the Arizona treefrog. A detailed discussion of the basis for this finding can be found in the species-specific assessment form for the Huachuca-Canelo population of the Arizona treefrog and other supporting documents (see ADDRESSES, above).

## Arkansas Darter (*Etheostoma* cragini)

Previous Federal Actions

The Arkansas darter was first identified as a candidate for listing under the Act in 1989 (54 FR 554; January 6, 1989), as a Category 2 candidate species. Category 2 candidate species were identified as those taxa for which the Service possessed information indicating proposing to list the taxa was possibly appropriate, but for which conclusive data on biological vulnerability and threats sufficient to support a proposed listing rule was lacking. On February 28, 1996, the CNOR (61 FR 7596) discontinued recognition of Categories 1-3. Because listing the Arkansas darter was warranted but precluded, we assigned the species an LPN of 5. In 2002, we

changed the LPN from 5 to 11 (67 FR 40657; June 13, 2002).

On May 11, 2004, the Service received a petition dated May 4, 2004, from the Center for Biological Diversity and others to list 225 species, including the Arkansas darter. The Service published a 12-month finding in the Federal Register on May 11, 2005, with a reaffirmed determination that listing was warranted but precluded and that the taxon had an LPN of 11 (70 FR 24870). We have continued to evaluate the status of the candidate taxon through our annual CNOR and maintained the LPN of 11 for this species (see September 12, 2006 (71 FR 53756), December 6, 2007 (72 FR 69034), December 10, 2008 (73 FR 75176), November 9, 2009 (74 FR 57804), November 10, 2010 (75 FR 69222), October 26, 2011 (76 FR 66370), November 21, 2012 (77 FR 69994), November 22, 2013 (78 FR 70104), December 5, 2014 (79 FR 72450), and December 24, 2015 (80 FR 80584)).

## Background

The Arkansas darter (Etheostoma *cragini*) is a small fish in the perch family native to the Arkansas River basin. The species occurs most often in sand- or pebble-bottomed pools of small, spring-fed streams and marshes, with cool water, and broad-leaved aquatic vegetation. Arkansas darters prefer flowing, spring-fed streams and pools in contact with groundwater sources. However, the species is very tolerant to periods of very poor water quality, including high water temperatures, low dissolved oxygen, high turbidity, and hypereutrophication.

The Arkansas darter's range includes eastern Colorado, southwest and central Kansas, northwest and northeast Oklahoma, southwest Missouri, and northwest Arkansas. Recent surveys have expanded our knowledge of occupied Arkansas darter populations. We currently consider to be extant a total of 80 populations within 15 metapopulations rangewide. This is more than we knew of for previous assessments of this species.

## $Summary\ of\ Status\ Review$

In completing our status review for the Arkansas darter, we reviewed the best available scientific and commercial information and compiled this information in the Species Status Assessment Report (SSA Report) for the Arkansas darter. In previous candidate assessments and findings for this species, the identified threats we considered were water depletion, water quality degradation, urbanization and development, confined-animal feeding operations, dams and reservoirs, salt cedar invasion, disease, and predation. Although localized negative effects have been observed, all of these stressors (other than water depletion) occur at a limited scale and scope, and the overall impact at the population and species level is minimal.

Water depletion is the stressor with the largest potential impact to the Arkansas darter's viability, affecting approximately 25 percent of the geographic range, resulting mainly from groundwater withdrawals for agriculture. Seasonal low flows and intermittency of streams are common within the Great Plains portion of its range, and it appears the species is adapted to this phenomenon. However, the continued existence of the species in these areas is dependent on localized areas of refugia. Typically refugia exist where groundwater flows come to the surface and create permanent pools or small wetland areas along the stream course. When seasonal precipitation occurs and the streams become flowing systems, typically in the spring, the stream then provides habitat for spawning, rearing, and dispersal of young and adult individuals throughout the watershed. Climate change projections forecast minimal change in average annual precipitation in the Arkansas River basin and do not forecast reduced or diminished streamflow as a result of future changes in precipitation patterns. Therefore, we do not expect to see climate-changedriven decreased trends in precipitation and related stream flows.

Water depletion results in decreased resiliency of populations affected in the portions of the range in southwestern Kansas, northwestern Oklahoma, and parts of Colorado, approximately 25 percent of the range. However, the species has endured over 40 years of groundwater withdrawals in these areas, indicating continued resiliency of these populations. The large number of populations (80) spread across the multi-State range provides the Arkansas darter species with a high level of redundancy should a catastrophic event occur somewhere within its occupied range. Multiple populations and metapopulations currently occupying the unique ecological settings of the three unique physiogeographic areas, the same physiogeographic areas that this species was known to occupy historically, allow the species to maintain adaptive potential and the underlying genetic makeup to adapt to changing environmental conditions.

Over the next 30 years, under our expected scenario, we are likely to see