

(c) *Exceptions.* This clause does not cover—

(1) Adjustments based on statute, Executive Order, or regulatory changes other than those identified in the EPA price adjustment method;

(2) Adjustments based on a changes clause;

(3) Adjustments based on a contract clause that authorizes an adjustment based on other specified actions or conditions.

(End of clause)

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FXES1111090FEDR–267–FF09E21000]

#### Endangered and Threatened Wildlife and Plants; Four Species Not Warranted for Listing as Endangered or Threatened Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notification of findings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce findings that four species are not warranted for listing as endangered or threatened species under the Endangered Species Act of 1973, as

amended (ESA or Act). After a thorough review of the best scientific and commercial data available, we find that it is not warranted at this time to list the Bluebridge springfly (*Remenus kirchneri*), lobed roachfly (*Tallaperla lobata*), Mojave poppy bee (*Perdita meconis*), and streamside salamander (*Ambystoma barbouri*). However, we ask the public to submit to us at any time any new information relevant to the status of any of the species mentioned above or their habitats.

**DATES:** The findings in this document were made on October 5, 2026.

**ADDRESSES:** Detailed descriptions of the bases for these findings are available on the internet at <https://www.regulations.gov> under the following docket numbers:

| Species                                     | Docket No.           |
|---------------------------------------------|----------------------|
| Bluebridge springfly & lobed roachfly ..... | FWS–R5–ES–2026–2809. |
| Mojave poppy bee .....                      | FWS–R8–ES–2026–2812. |
| Streamside salamander .....                 | FWS–R3–ES–2026–2813. |

Those descriptions are also available by contacting the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT.** Please submit any

new information, materials, comments, or questions concerning these findings to the appropriate person, as specified

under **FOR FURTHER INFORMATION CONTACT.**

**FOR FURTHER INFORMATION CONTACT:**

| Species                               | Contact information                                                                                                                                                 |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bluebridge springfly & lobed roachfly | Troy Andersen, Field Office Supervisor, Virginia Ecological Services Field Office, 804–728–0695, <a href="mailto:troy_andersen@fws.gov">troy_andersen@fws.gov</a> . |
| Mojave poppy bee .....                | Brian Croft, Field Supervisor, Palm Springs and Southern Nevada Field Office, 702–953–5494, <a href="mailto:brian_croft@fws.gov">brian_croft@fws.gov</a> .          |
| Streamside salamander .....           | Susan Cooper, Field Supervisor, Indiana Ecological Services Field Office, 812–902–1792, <a href="mailto:susan_e_cooper@fws.gov">susan_e_cooper@fws.gov</a> .        |

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1533(b)(3)(B)), we are required to make a finding on whether or not a petitioned action is warranted within 12 months after receiving any petition that we have determined contains substantial scientific or commercial information indicating that the petitioned action may be warranted (“12-month finding”). We must make a finding that the petitioned action is: (1) not warranted; (2) warranted; or (3)

warranted but precluded by other listing activity. We must publish a notification of these 12-month findings in the **Federal Register.**

#### Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and our regulations at part 424 of title 50 of the Code of Federal Regulations (CFR; 50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines “species” as including any subspecies of fish or wildlife or plants, and any distinct population segment (DPS) of any species of vertebrate fish or wildlife which interbreeds when mature. The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)) and a

“threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, the Secretary of the Interior (Secretary) may determine whether any species is an endangered species or a threatened species because of any of the following 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.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence.

In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M-Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the Service can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the

foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best scientific and commercial data available and taking into account considerations such as the species’ life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain;” it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Both definitions of endangered species and threatened species include not only the phrase “throughout all,” but also the phrase “or a significant portion of its range.” Beginning in 2001, a number of judicial opinions addressed our interpretation of the phrase “or a significant portion of its range” (the SPR phrase) in the statutory definitions of “endangered species” and “threatened species.” In *Defenders of Wildlife v. Norton*, 258 F.3d 1136 (9th Cir. 2001) regarding the flat-tailed horned lizard, the court held that the interpretation of the SPR phrase that we had applied in analyzing the status of the flat-tailed horned lizard was unacceptable because it would allow for a species to warrant listing throughout a significant portion of a species’ range only when the species “is in danger of extinction everywhere” (*id.* at 1141). The court held that the SPR phrase must be given independent meaning from the “throughout all” phrase to avoid making the SPR phrase in the statute superfluous.

In an attempt to address the judicial opinions calling into question our approach to evaluating whether a species was endangered or threatened throughout a significant portion of its range, the Services published a “Final Policy on Interpretation of the Phrase ‘Significant Portion of Its Range’ in the Endangered Species Act’s Definition of ‘Endangered Species’ and ‘Threatened Species’” (hereafter “2014 SPR Policy;” 79 FR 37578, July 1, 2014). The notice of the draft policy provides more detail about litigation before 2014 regarding the phrase (76 FR 76987, December 9, 2011). The 2014 SPR Policy included four elements:

(1) Consequence—that the consequence of determining that a species warrants listing based on its status in a significant portion of its range is to list the species throughout all of its range;

(2) Significance—a definition of the term “significant”;

(3) Range—that the species’ “range” is the current range of the species; and  
(4) DPS—that, if a [vertebrate] species is endangered or threatened in an SPR, and the population in that SPR is a DPS, the Service will list just the DPS.

Subsequently, two district courts vacated the definition of “significant” contained in the 2014 SPR Policy (*Ctr. for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) (“*CBD v. Jewell*”) and *Desert Survivors v. U.S. Dep’t of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018) (“*Desert Survivors*”). The courts found that the definition in the 2014 SPR Policy set too high a threshold and rendered the SPR language in the statute superfluous, failing to give it independent meaning from the “throughout all” phrase. In 2020, another court (*Ctr. for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020) (“*Everson*”)) also vacated the specific aspect of the 2014 SPR Policy under which, “if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range” (*id.* at 98). This was an extension of the definition of “significant,” which required a stepwise process in which we only considered whether a species may be endangered or threatened throughout a significant portion of its range when the species was not endangered or threatened throughout all of its range. In an extension of the earlier rulings from *CBD v. Jewell* and *Desert Survivors*, the court found that this aspect of the definition of the 2014 SPR Policy was not only inconsistent with the statute because it “rendered the ‘endangered in a significant portion of its range’ basis for listing superfluous,” but was also “inconsistent with ESA principles” and “not a logical outgrowth from the draft policy.” Under this ruling, if we find a species is not in danger of extinction throughout all of its range, we must evaluate whether the species is in danger of extinction throughout a significant portion of its range, even in cases where we have determined that the species is likely to become in danger of extinction within the foreseeable future (threatened) throughout all of its range. The remaining three elements of the 2014 SPR Policy remain intact.

For each species below, we address why they are not in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of their ranges. For some species, we discuss throughout all of the range first (endangered then threatened classification) and then discuss significant portion of the range. For other species we explain why not in

danger of extinction (throughout all or a significant portion of its range) and then why not likely to become endangered within the foreseeable future (throughout all or a significant portion of its range).

When assessing whether a species is endangered or threatened throughout a significant portion of its range, we address two questions because we must determine whether there is any portion of the species' range for which both (1) the portion is "significant" and (2) the species is in danger of extinction or likely to become in danger of extinction within the foreseeable future throughout that portion. We may address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

In conducting our evaluation of the five factors provided in section 4(a)(1) of the Act to determine whether the Blue Ridge springfly, lobed roachfly, Mojave poppy bee, and streamside salamander meet the Act's definition of an "endangered species" or a "threatened species," we considered and thoroughly evaluated the best scientific and commercial data available regarding the past, present, and future threats. We reviewed the petitions, information available in our files, and other available published and unpublished information for these species. Our evaluation may include information from recognized experts; Federal, State, and Tribal governments; academic institutions; foreign governments; private entities; and other members of the public.

In accordance with the regulations at 50 CFR 424.14(h)(2)(i), this document announces the not-warranted findings on petitions to list the four species. We have also elected to include brief summaries of the analyses on which these findings are based. We provide the full analyses, including the reasons and data on which the findings are based, in the decisional files for the Blue Ridge springfly, lobed roachfly, Mojave poppy bee, and streamside salamander. Below, we describe the documents containing these analyses.

The species assessment forms for the Blue Ridge springfly, lobed roachfly, Mojave poppy bee, and streamside salamander each contain more detailed biological information, a thorough analysis of the listing factors, a list of literature cited, and an explanation of why we determined that these species do not meet the Act's definition of an "endangered species" or a "threatened species." To inform our status review,

we completed species status assessment (SSA) reports for the Blue Ridge springfly, lobed roachfly, Mojave poppy bee, and streamside salamander. The SSA reports contain a thorough review of the taxonomy, life history, ecology, current status, and projected future status for these species. This supporting information can be found on the internet at <https://www.regulations.gov> under the appropriate docket number (see **ADDRESSES**, above).

### Blue Ridge Springfly & Lobed Roachfly

#### *Previous Federal Actions*

On April 20, 2010, we received a petition from the Center for Biological Diversity (CBD), Alabama Rivers Alliance, Clinch Coalition, Dogwood Alliance, Gulf Restoration Network, Tennessee Forests Council, and West Virginia Highlands to list 404 aquatic, riparian, and wetland species, including the Blue Ridge springfly and lobed roachfly, as endangered or threatened species under the Act. On September 27, 2011, we published in the **Federal Register** (76 FR 59836) a 90-day finding that the petition provided substantial information indicating 374 of those species may warrant listing, including these 2 species.

The Blue Ridge springfly appears to be restricted to small streams (first through third order streams) and spring seeps straddling the Blue Ridge Parkway and surrounding areas. Streams are shallow, often only a few centimeters deep, with minimal surface flows and substrates composed of pea-sized gravel, silt, small cobbles, woody snags, and leaf packs. Riparian vegetation varies but is often dominated by a variety of grasses and deciduous trees. The Blue Ridge springfly has been recorded within the Blue Ridge physiographic province in southwest Virginia, western North Carolina, and eastern Tennessee.

The lobed roachfly has been detected within first through third order streams, and is most often found in small, mid-elevation headwater streams. This species typically inhabits streams with substrates including pea-sized gravel, silt, small cobbles, bedrock, woody snags, and leaf packs, as well as riparian vegetation generally composed of a variety of grasses and deciduous trees. The lobed roachfly appears to only inhabit spring-fed brooks at or near the spring source, confined to the North Fork Holston River sub-basin in Virginia.

Stoneflies, including the Blue Ridge springfly and lobed roachfly, can be distinguished from other insects by the combined presence of long antennae with multiple segments, stout legs each

ending in two claws, and long paired appendages projecting from the ends of their abdomens in both nymphs and adults. The adults have two pairs of membranous thoracic wings, and nymphs of these species are entirely aquatic. Habitat preferences and life history needs differ somewhat between the two stonefly species but consist generally of clean, clear, cold, oxygenated, flowing water with suitable substrate and riparian vegetation. Stoneflies are known to be sensitive to a number of water quality parameters including temperature, dissolved oxygen, nutrients (nitrogen and phosphorus), pH, sedimentation/turbidity, conductivity, and other contaminants. Stoneflies generally require habitats with low turbidity and low levels of fine sediment because of their requirements for specific substrates in the nymphal stages. These two species rely on pea-sized gravel substrate and are more sensitive to turbidity changes due to fine sediment affecting the availability of interstitial spaces. In addition to the water quality parameters described above, stonefly nymphs require an adequate food supply for growth and survival. Specifically, streams must contain organic detritus on which the herbivorous stoneflies can feed and which provide food for the prey of predatory stoneflies. The lobed roachfly specifically requires detritus from annual leaf fall in the autumn to provide food for nymphs year-round. The primary threats affecting the biological status of the Blue Ridge springfly and lobed roachfly include changes in water quality and loss of riparian vegetation associated with human development, agriculture, forestry, wildfire, and changes in temperature and precipitation.

We delineated analysis units using the Hydrologic Unit Code (HUC) 12-digit watersheds in which the known detections of each species occur. The Blue Ridge springfly has been detected since 2000 in 20 HUC-12 watersheds (*i.e.*, analysis units) within Virginia, North Carolina, and Tennessee in the Blue Ridge physiographic province. The lobed roachfly has been delineated into four analysis units within the Valley and Ridge physiographic province in Virginia. Of the metrics that we can measure rangewide, forest cover within each analysis unit is the most indicative of potential suitable habitat for stoneflies. Forest cover within a drainage is generally associated with healthy benthic macroinvertebrate communities as forests help decrease erosion, provide food and cover, and

help to maintain naturally occurring cold stream temperatures. Decreased percentages of forest cover indicate other land cover types are present (development, agriculture, etc.), which can result in increased runoff carrying sediments and contaminants. Less forest cover can also lead to less leaf detritus that forms the base of the benthic food chain and provides cover for stonefly larvae and other benthic organisms, and less shading of streams which can affect stream temperatures. As such, we rely on forest cover as a proxy for resiliency to indicate the percentage of each watershed that is more likely to have habitat conditions that are suitable for these species.

#### Blueridge Springfly

For the Blueridge springfly, 16 out of 20 analysis units (80 percent) have been assessed as having either high or very high resiliency, in terms of percentage of forested cover. Two of the analysis units with very high habitat resiliency also have the two largest percentages of protected area within the watersheds. All watersheds have lost less than 5 percent of their total area to forest conversion since 1985. Given the species' narrow geographic range, redundancy has likely always been limited. Additionally, given the lack of unique habitat characteristics that may confer some adaptive capacity and the species' occurrence within a single physiographic province, representation is likely to be low, as is typical of somewhat narrow-ranging endemics. We assessed changes in water quality and loss of riparian vegetation associated with human development, agriculture, forestry, wildfire, and changes in temperature and precipitation as the primary potential threats to the species. We also examined risk of catastrophic events like heat waves, droughts, or large wildfires. We found the best scientific and commercial data available indicate that these potential stressors are not currently negatively affecting the Blueridge springfly.

The springfly has adequate resiliency to withstand stochastic events, as a vast majority of analysis units (80 percent) are in high or very high condition, meaning there are sufficient resources to sustain populations now and in the near term. In addition, near-term future projections do not indicate any significant decreases in forested land cover. The distribution of these moderate and high resiliency units throughout the range provides sufficient redundancy for the species to withstand catastrophic events (e.g., droughts, wildfires). While there is the possibility

for catastrophic events to impact these species, reducing both representation and redundancy, these risks remain low. Redundancy and representation are naturally limited due to its narrow range; however, this may be similar to historical conditions for this species. Thus, after assessing the best scientific and commercial data available, we conclude that Blueridge springfly is not in danger of extinction throughout all of its range.

To assess future conditions, we analyzed future land cover forecast data and projected changes in temperature and precipitation to develop habitat condition (resiliency) metrics across two climate scenarios (*i.e.*, moderate and high) for two future timesteps (*i.e.*, 2042 and 2072). Looking into the foreseeable future, under a moderate climate scenario, little change in forest cover is expected within the range of the Blueridge springfly. Based on our analysis of projected changes in forest cover within the 20 analysis units, in a high climate scenario out to 2072, 9 out of the 20 units (45 percent) remain classified as either high or very high resiliency and 8 units (40 percent) retain moderate resiliency. Redundancy is expected to remain at the current level, and catastrophic events are unlikely to affect all known populations simultaneously. These high and moderate resiliency units are expected to be able to withstand stochastic events such as annual fluctuations in rainfall and temperature. While representation is expected to remain low due to the species' narrow range, we also conclude that representation has historically always been low. After assessing the best scientific and commercial data available, we conclude that the Blueridge springfly is not likely to become endangered within the foreseeable future throughout all of its range.

We found that these threats are not disproportionately affecting the Blueridge springfly in any portion of its range. All populations have high/moderate resiliency in the near term and are distributed such that the species is at low risk from catastrophic events. In summary, we find that the Blueridge springfly is not in danger of extinction in any areas across its range (*i.e.*, in no analysis unit). Therefore, no portion of the species' range provides a basis for determining that the species is in danger of extinction throughout a significant portion of its range.

Three of the 20 analysis units (Headwaters Stewarts Creek, Stone Mountain Creek-Big Reed Island Creek, and Beaverdam Creek-Little River) are projected to have low habitat condition

under a high climate scenario, looking out to 2072. Therefore, for this portion of the range where the Blueridge springfly may become in danger of extinction within the foreseeable future, we assessed whether or not that portion is a "significant portion of the range" of the Blueridge springfly. This portion makes up a small proportion of the range and contains only 17 percent (87,462 acres (ac)) of the current range (520,598 acs). This portion also does not include important or unique habitat features for species conservation. All analysis units provide similar types of medium- to large-sized upland streams with appropriate flow, velocity, and water quality conditions to support breeding, feeding, sheltering, and dispersal. Therefore, this portion is not a significant portion of the range of the Blueridge springfly. This does not conflict with the courts' holdings in *Desert Survivors* and *CBD v. Jewell*, because, in reaching this conclusion, we did not apply the aspects of the 2014 SPR Policy, including the definition of "significant," that those court decisions held to be invalid. Thus, after assessing the best scientific and commercial data available, we conclude that the Blueridge springfly is not in danger of extinction or likely to become so within the foreseeable future throughout a significant portion of its range.

#### Lobed Roachfly

All four lobed roachfly analysis units have been assessed as having either high or very high resiliency. Three analysis units have very high habitat resiliency, with over 80 percent of the land in the watershed currently forested, and one analysis unit is considered to have high habitat resiliency with almost 77 percent of the area forested. These analysis units have had limited change in terms of forest cover over the past few decades. Since 1985, none of the units have lost more than 1 percent of their area to forest conversion; since 2001, all units have seen increased forest cover, from 3.1 to 7.4 percent of the watershed area converting to forests.

It is unclear how current redundancy relates to historical levels. However, given the narrow physiographic range where this species is located, redundancy has likely always been limited. Given the lack of information on unique habitat characteristics that may confer some adaptive capacity, and the species' occurrence within a single physiographic province, representation for lobed roachfly is likely low, as is typical of somewhat narrow-ranging endemics. We assessed changes in water quality and loss of riparian vegetation associated with human development,

agriculture, forestry, wildfire, and changes in temperature and precipitation as the primary potential threats to the species. We also examined risk of catastrophic events like heat waves, droughts, or large wildfires. We found the best scientific and commercial data available indicate that these potential stressors are not currently negatively affecting lobed roachfly.

The species has adequate resiliency to withstand stochastic events, as the entire species is in high or very high condition, meaning there are sufficient resources to sustain populations now and in the near term. In addition, near-term future projections do not indicate any significant decreases in forested land cover. The distribution of these high resiliency analysis units throughout the range provides sufficient redundancy for the species to withstand catastrophic events (e.g., droughts, wildfires). While there is the possibility for catastrophic events to impact this species, reducing both representation and redundancy, these risks remain low. Redundancy and representation are naturally limited due to the narrow range; however, this may be similar to historical conditions for this species. Thus, after assessing the best scientific and commercial data available, we conclude that lobed roachfly is not in danger of extinction throughout all of its range.

Under both climate scenarios, little change in forest cover is expected within the range of the lobed roachfly. Resiliency categories for all four analysis units remain high to very high even in the high 2072 climate scenario, so redundancy is expected to remain at the current level. While catastrophic events such as contaminant spills have the potential to impact the species due to its narrow range, the risk of this impact is assumed to be reduced due to the very low percentage of land cover that is developed or in agricultural use. While representation is expected to remain low due to the narrow range of the species, we also conclude that representation has historically always been low. After assessing the best scientific and commercial data available, we conclude that the lobed roachfly is not likely to become endangered within the foreseeable future throughout all of its range.

We evaluated the range of the lobed roachfly to determine if the species is in danger of extinction throughout a significant portion of its range by looking at the near-term future scenarios out to 2042. We found that threats are not disproportionately affecting the lobed roachfly in any portion of its

range, as all populations have high to very high resiliency in the near term and are distributed such that the species is at low risk from catastrophic events. In addition, near-term future projections do not indicate any significant decreases in forested land cover in any analysis unit. Therefore, no portion of the species' range provides a basis for determining that the species is in danger of extinction throughout a significant portion of its range. Looking out to the foreseeable future, we found that threats are not disproportionately affecting the lobed roachfly in any portion of its range within the foreseeable future. Under both climate scenarios, little change in forest cover is expected within the range of the species; resiliency categories for all four analysis units remain high to very high even in the high 2072 climate scenario. Therefore, no portion of the species' range provides a basis for determining that the species is likely to become in danger of extinction within the foreseeable future throughout a significant portion of its range. This does not conflict with the decision in *Everson* because we have determined that there is no portion of the range where the species may be in danger of extinction (*i.e.*, the species cannot be in danger of extinction throughout a significant portion of its range). Thus, after assessing the best scientific and commercial data available, we conclude that the lobed roachfly is not in danger of extinction or likely to become so within the foreseeable future throughout a significant portion of its range. After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we conclude that neither the Blueridge springfly nor the lobed roachfly meet the definition of an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. Therefore, we find that listing the Blueridge springfly or the lobed roachfly is not warranted at this time. A detailed discussion of the basis for this finding can be found in the Blueridge springfly and lobed roachfly species assessment form and other supporting documents on <https://www.regulations.gov> under Docket No. FWS-R5-ES-2026-2809 (see **ADDRESSES**, above).

#### Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors->

[memo-2016-08-22.pdf](https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf)), we solicited independent scientific reviews of the information contained in the SSA report. The SSA report included a third stonefly species, the Virginia stone (*Acroneuria kosztarabi*), whose petition was withdrawn in 2026 and therefore is not part of this 12-month finding. We sent the SSA report to three independent peer reviewers and received two responses. Results of this structured peer review process can be found at <https://www.regulations.gov> under Docket No. FWS-R5-ES-2026-2809. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

#### Mojave Poppy Bee

##### Previous Federal Actions

On October 17, 2018, we received a petition from the CBD requesting that the Mojave poppy bee be listed as an endangered species and that critical habitat be designated for this species under the Act. On September 6, 2019, we published a 90-day finding (84 FR 46927) that the petition contained substantial information indicating that listing may be warranted for the species. This document constitutes our 12-month finding on the October 17, 2018, petition to list the Mojave poppy bee under the Act.

##### Summary of Finding

The Mojave poppy bee is a small (in length) solitary bee species, about 4.5 to 7 millimeters (mm) (0.2–0.3 inches (in)) in length, found in the Mojave Desert in San Bernardino County, California, Mohave County, Arizona, and Clark County, Nevada. It was also historically found in Washington County, Utah. However, the Mojave poppy bee is considered extirpated from Utah. Mojave poppy bees are considered floral specialists, collecting pollen from plant species of the Papaveraceae family (poppies). Known host plants of the Mojave poppy bee are Las Vegas bear-poppy (*Arctomecon californica*), dwarf bear-poppy (*Arctomecon humilis*), Mojave prickly poppy (*Argemone corymbosa*), and flatbud prickly poppy (*Argemone munita*).

The life span of an individual adult Mojave poppy bee, like that of other solitary bees, is likely brief and from a few days up to a maximum of 30 days. Like other bees in the Andrenidae family, it is likely a ground nester. Population numbers of adult Mojave poppy bee can fluctuate dramatically, such that they may be abundant in some years and absent in others. Fluctuations of solitary bee species' population

abundance seem synchronized with precipitation and host plant flowering. The Mojave poppy bee requires suitable nesting conditions near abundant host plants, reliable winter precipitation to support floral resources, connectivity among populations, and sufficient genetic diversity to maintain resilient, well-distributed populations capable of adapting to environmental changes.

In undertaking our analysis of the status of the Mojave poppy bee, we reviewed the best scientific and commercial data available regarding threats to the species, its responses to those threats, and any associated conservation measures. We then assessed the cumulative effects of those threats and conservation measures under the Act's section 4(a)(1) factors. For both the current and future condition, we examined the following threats: habitat disturbance and modification (urbanization, mining, trampling, fragmentation, nonnative plants, and wildfire); herbivory and competition; predation, parasites, and disease; collection, and altered patterns of winter precipitation and spring temperatures, including cumulative effects, as well as existing regulatory mechanisms. The primary threats affecting the Mojave poppy bee's biological status include habitat modification and altered patterns of winter precipitation and spring temperatures.

In undertaking this analysis of whether the Mojave poppy bee is in danger of extinction throughout all or significant portion of its range, we evaluated whether the species has a similar near-term risk of extinction in all areas across its range by assessing its extinction risk within each representation unit (RU). We looked at RUs because at that scale, we can assess whether there are multiple resilient populations in a geographic distribution that can help guard against losses from catastrophic events. Our review indicated that the Mojave poppy bee's near-term extinction risk is similar in all three RUs across its range.

With the species widely distributed across its current range and within each RU, we consider that its redundancy is high in comparison to historical condition, meaning that it maintains its ability to withstand catastrophes. In addition, we are not aware of any plausible catastrophic events that could affect the species in the current condition. Representation has decreased from historical condition with the extirpation of the genetically and floristically unique population at Beehive Dome in Utah. However, the Mojave poppy bee still maintains

multiple resilient populations within each RU, including other genetically distinct populations. Overall, because the species maintains resiliency, representation, and redundancy, we conclude that it has a low risk of near-term extinction.

In summary, we find that the Mojave poppy bee is not in danger of extinction in any areas across its range (*i.e.*, in no RU). Thus, there is no portion of the range where the Mojave poppy bee is in danger of extinction. Because there is no portion of the range in which the Mojave poppy bee is endangered, it is necessarily not in danger of extinction throughout all of its range. Thus, after assessing the best scientific and commercial data available, we conclude that the Mojave poppy bee is not in danger of extinction throughout all or a significant portion of its range. This does not conflict with the decision in *Everson* because we have determined that there is no portion of the range where the species may be in danger of extinction (*i.e.*, the species cannot be in danger of extinction throughout a significant portion of its range). Therefore, we proceed with determining whether Mojave poppy bee is likely to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

The statutory difference between an endangered species and a threatened species is the timeframe in which the species becomes in danger of extinction; an endangered species is in danger of extinction while a threatened species is not in danger of extinction but is likely to become so within the foreseeable future. We evaluated whether the Mojave poppy bee has a similar risk of extinction within the foreseeable future in all areas across its range by assessing its extinction risk within each RU. Our review indicated that the Mojave poppy bee's extinction risk is similar in all areas across its range. In undertaking these analyses, we again reviewed the best scientific and commercial data available regarding threats to the species, its responses to those threats, and any associated conservation measures. We then assessed the cumulative effects of those threats and conservation measures within the foreseeable future under the Act's section 4(a)(1) factors.

We assessed the foreseeable future for the species as approximately 50 years, because this timeframe is biologically meaningful to the species and short enough for us to realistically predict changes to the 3Rs from influences on viability. We analyzed two future scenarios that captured the plausible

range of future conditions for the Mojave poppy bee.

One of the primary threats in the foreseeable future in all RUs is habitat disturbance and modification (primarily urbanization, mining, and trampling). Under the upper plausible limit scenario, the Las Vegas Valley population group (RU 1) may be extirpated in the foreseeable future due to potential development of Nellis Air Force Base Area III, and the White Basin population group (RU 1) may be extirpated due to mining activities. Trampling associated with offroad vehicle use could increase in the foreseeable future under this scenario for the Sunrise Valley population group (RU 1) and the Mojave River Wash population group (RU 2), and urbanization could also affect the Gale Hills population group (RU 1); however, the increase in impacts associated with these threats would be moderate rather than severe. Overall, most of the 17 extant population groups are projected to have only minimal changes compared to current viability.

In addition, patterns of winter precipitation and spring temperatures could be altered in each RU under both future scenarios. However, host plants (particularly the Las Vegas bear-poppy) appear resilient to changes in climate. In addition, with the likely ability to undergo multiple year diapause, the life history of the Mojave poppy bee allows it to persist through years of unfavorable precipitation conditions for host plants. Therefore, though there may be a slight increase in threats under all future scenarios for at least five population groups, we conclude that the Mojave poppy bee and its host plants are likely able to withstand projected shifts in precipitation and temperature.

Under both future scenarios, all RUs are forecast to either maintain multiple population groups with only a small increase in threats from the current condition (six in RU 1 and five in RU 2), or in the case of RU 3, a single population represented by multiple occurrence areas. Despite increases in threats under Future Scenario 2, each RU is expected to experience slight decreases in redundancy and no change in representation.

Those extant populations are projected to maintain resiliency, with similar levels or slight increases in threats throughout the range. Overall, though the species' ability to withstand catastrophic events could decrease slightly in the future, the species would still maintain redundancy. In addition, there are no plausible catastrophic events that could affect the species. Neither of the population groups

projected to be lost under the upper limit scenario are genetically or environmentally unique, so we do not expect that the representation would decrease compared to current condition. Therefore, we conclude that the future extinction risk is similar across the range.

In summary, we find that the Mojave poppy bee is not likely to become in danger of extinction within the foreseeable future in any areas across its range (*i.e.*, in no RUs). Thus, there is no portion of the range where the Mojave poppy bee is likely to become in danger of extinction within the foreseeable future. Because there is no portion of the range in which the Mojave poppy bee is threatened, then based on the best scientific and commercial data available, we determine that the Mojave poppy bee is not likely to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

Based on the best scientific and commercial data available, we determine that the Mojave poppy bee does not meet the definition of an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. Therefore, we find that listing the Mojave poppy bee is not warranted at this time. A detailed discussion of the basis for this finding can be found in the Mojave poppy bee species assessment form and other supporting documents on <https://www.regulations.gov> under Docket No. FWS–R8–ES–2026–2812 (see **ADDRESSES**, above).

#### Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific reviews of the information contained in the Mojave poppy bee SSA report. We sent the SSA report to four independent peer reviewers and received three responses. Results of this structured peer review process can be found at <https://www.regulations.gov> under Docket No. FWS–R8–ES–2026–2812. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

#### Streamside Salamander

##### Previous Federal Actions

On April 20, 2010, we received a petition from the CBD, Alabama Rivers Alliance, Clinch Coalition, Dogwood Alliance, Gulf Restoration Network, Tennessee Forests Council, and the West Virginia Highlands Conservancy to list 404 aquatic, riparian, and wetland species, including the streamside salamander, as an endangered or threatened species under the Act. On September 27, 2011, we published a 90-day finding (76 FR 59836) that the petition contained substantial information indicating listing may be warranted for the species. This document constitutes our 12-month finding on the April 20, 2010, petition to list the streamside salamander under the Act.

##### Summary of Finding

The streamside salamander is a medium-sized (146–168 mm (5.7–6.6 in) total length) stream-breeding ambystomid salamander (*i.e.*, a member of the mole salamander family whose juvenile and adult life stages are primarily terrestrial and spends significant time underground) and has short limbs and a short and fat tail, as well as a relatively small head and stout body. The streamside salamander's known range extends from southern Ohio and southeastern Indiana south through central Kentucky and the far western edge of West Virginia. Populations are also present in Tennessee in and around the Nashville area.

The streamside salamander uses different habitat throughout the year. The species moves from upland, non-breeding habitat to stream habitat from late fall until spring to breed and deposit eggs. These areas include seasonal/intermittent headwater streams or other water bodies lacking predatory fish. Breeding streams with surrounding forests have been shown in some areas to have the highest larval abundances; however, in other areas of the range, the species is found in agricultural and developed/urban watersheds. When seasonal lotic (*i.e.*, actively moving fresh water such as rivers and streams) systems are unavailable, the streamside salamander rapidly transitions to fishless lentic (*i.e.*, still, standing, or slow-moving fresh water such as lakes and ponds) habitats if available. Habitat connectivity is important for either type of breeding habitat. After metamorphosis, juveniles and adults move to uplands or areas adjacent to streams for summer and fall aestivation (*i.e.*, dormancy). Non-breeding habitats

appear highly varied and may be influenced by human habitation and landscape modifications. Forest may be an important part of some non-breeding habitat, although in other areas of the species' range the non-breeding habitat has been documented as a mosaic of pasture, deciduous, and mixed forest. The species is sensitive to desiccation (*i.e.*, drying out) and thus often occupies areas with water availability and high canopy cover. Juvenile and adult streamside salamanders require available burrows and canopy cover to decrease desiccation.

We have carefully assessed the best scientific and commercial data available regarding the past, present, and future threats to the streamside salamander, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary threats affecting the streamside salamander's biological status include habitat alteration and degradation due to development, flooding and high precipitation events, drought, and increasing temperatures. We also examined other factors including predation, disease, road mortality, and collection; however, the best scientific and commercial data available information does not indicate that these factors rise to such a level that they affected the species as a whole.

The vast majority of historical and recently reported occurrences of streamside salamanders are either adults in breeding condition during the breeding season, egg masses, or larvae. This indicates that breeding and reproduction are still occurring at most recently documented sites during most years, and thus likely recruitment of larvae and juveniles into the adult life stages is occurring at some level at many sites, further signifying sustained resiliency of populations, and indicating their ability to withstand environmental or demographic stochastic events. For consistency across the range, we converted all occurrences to 430 HUC–12s (the coarsest level at which we received occurrence data). These HUC–12s were used as analysis units (AUs) (and further grouped into four RUs, reflecting geographic variation and known genetic differences for the species: Kentucky-North, Kentucky-South, Ohio River, and Tennessee). There are documented recent occurrences (since 2008) in 278 of these AUs (64.6 percent), with these recent observations spread throughout the four RUs (ranging from 49.6 to 92.3 percent recent occurrences in each of the RUs). Further, occurrences within each of these RUs are geographically

widespread. The wide distribution of these AUs across and within four RUs indicates that the species has sufficient redundancy to withstand catastrophic events and has sufficient representation to adapt to near-term changing conditions.

Habitat alteration and degradation through development is the primary factor influencing the species rangewide, with developed habitat at 10.9 percent in the Kentucky-North RU, 13.1 percent in the Kentucky-South RU, 18.4 percent in the Ohio River RU, and 20.7 percent in the Tennessee RU. While a few localized extirpations of sites and reduced resiliency have been attributed to development, all RUs have multiple resilient AUs and approximately 80 percent or more of each RU has either low levels of development or is undeveloped. The core of the range in Kentucky has been described as continuing to have excellent population stability. Similarly, the species is relatively common in south-central and southeastern Indiana and has continued to show recruitment and use of both breeding and non-breeding habitat over time in protected areas and some heavily modified metropolitan habitats. Furthermore, the streamside salamander's relatively long lifespan, coupled with its genetic and behavioral adaptive capacity, allows populations to rebound from occasional poor breeding seasons due to environmental changes, including flooding and high precipitation events, drought, and increasing temperatures.

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we conclude that the streamside salamander maintains multiple resilient populations across its range. Though the species is being impacted by threats including development and environmental impacts, these threats are not currently meaningfully reducing the resiliency, representation, and redundancy of the species. Streamside salamander populations have been recently observed in the majority of the areas from which they were historically known, and populations show continued reproduction and recruitment throughout the range and in each of the RUs, indicating that the species is able to withstand stochastic events. Additionally, the species remains extant across its range and has sufficient redundancy to withstand catastrophic events. The species also maintains its environmental and genetic representation from its historical condition; thus, it retains its ability to adapt to near-term changing conditions.

In summary, we find that the streamside salamander is not in danger of extinction in any areas across its range (*i.e.*, in no RU). Thus, there is no portion of the range where the streamside salamander is in danger of extinction. Because there is no portion of the range in which the streamside salamander is endangered, it is necessarily not in danger of extinction throughout all of its range. Thus, after assessing the best scientific and commercial data available, we conclude that the streamside salamander is not in danger of extinction throughout all or a significant portion of its range. Therefore, we proceed with determining whether streamside salamander is likely to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

Into the future, we project that habitat alteration and degradation through development, as well as environmental change through flooding and high precipitation events, drought, and increasing temperatures, will continue to affect the streamside salamander throughout each of these RUs. We project that these threats will increase throughout the range of the species through the year 2099. However, while these environmental changes may have negative impacts, there are also positive effects that mitigate these negative impacts on the species (*e.g.*, high flows and flooding may displace larvae to areas where predatory fish are present, but mortality of larvae is mitigated by reduced competition for food). Streamside salamander juveniles and adults have low energetic demands, use burrows, emerge primarily at night to feed, and can behaviorally thermoregulate, mitigating the effects of higher temperatures and desiccation. The core of the species range (in Kentucky) has higher effective population sizes, which provides additional adaptive capacity that allows the species to better adapt to changing environmental conditions, and the temperature increases are not projected to be as high in the three more northern RUs.

Development is also increasing, although there are relatively low levels of development projected into the foreseeable future throughout the range of the streamside salamander, even under the lower scenario. Each RU has 70 percent or more of its AUs remaining in low development condition in 2100 (Tennessee RU: 74.6 percent low developed, Ohio River RU: 81.9 percent low developed, Kentucky-South RU: 86.4 percent low developed, Kentucky-North: 89.6 percent low developed). While the Tennessee RU has both the

highest increase in development and the highest overall percentage of development, the remaining three RUs (Ohio River, Kentucky-South, and Kentucky-North) have enough non-developed suitable habitat for the species such that we anticipate there will continue to be sufficient resilient populations distributed across the RUs to provide sufficient redundancy and representation for the species. The increased threats in these three RUs are similar and not of a magnitude to increase the risk of extinction to the point where the species is likely to become in danger of extinction within the foreseeable future in any of them.

The Tennessee RU, however, is more vulnerable to habitat alteration and degradation due to higher levels of development pressure, particularly around the greater Nashville area. Both overall rates of development and increases in development under future scenarios are higher than the rest of the species' range. Additionally, the streamside salamander in this unit is more susceptible to negative impacts from environmental change due to larger projected temperature increases at southern latitudes, which potentially exceed the species' tolerance.

For this portion of the range where the species may become in danger of extinction within the foreseeable future, we first addressed whether it is "significant." For the purposes of this analysis when considering whether a portion is "significant," we considered its conservation value for the species. Collectively, the Tennessee RU does not represent a large geographic proportion of the streamside salamander's range, as it makes up only 15.5 percent of the entire range based on area of AUs (589,772 out of 3,804,929 hectares total [1,457,358 out of 9,402,184 ac total]) or 12.1 percent of the range based on number of AUs (52 out of 430 AUs total). This portion of the range also does not contain high-quality or high-value habitat relative to the remainder of the range. This unit also does not contain any unique or unusual habitat for the taxon. The Tennessee RU does not provide a different ecological setting than the rest of the range and has similar habitat types (streams and wetlands for breeding, and nearby upland areas for non-breeding, including forest, agriculture, and developed areas) as found in other areas of the range. Thus, the Tennessee RU does not exist in a unique ecological setting that could provide important opportunities for adaptive capacity and representation. Therefore, this portion is not a significant portion of the range.

As a result of our finding that this portion of the range is not “significant,” we do not need to determine whether the streamside salamander is likely to become in danger of extinction within the foreseeable future throughout this portion of the range. Therefore, no portion of the species’ range provides a basis for determining that the species is likely to become in danger of extinction within the foreseeable future throughout a significant portion of its range. Thus, after assessing the best scientific and commercial data available, we conclude that the streamside salamander is not in danger of extinction throughout a significant portion of its range, or likely to become so within the foreseeable future. This does not conflict with the courts’ holdings in *Desert Survivors* and *CBD v. Jewell*, because, in reaching this conclusion, we did not apply the aspects of the 2014 SPR Policy, including the definition of “significant,” that those court decisions held to be invalid. Because the streamside salamander is not in danger of extinction even in the part of the range with the greatest threats (Tennessee RU), the species also logically cannot be in danger of extinction throughout all of its range.

Based on the best scientific and commercial data available, we determine that the streamside salamander does not meet the definition of an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. Therefore, we find that listing the streamside salamander is not warranted at this time. A detailed discussion of the basis for this finding can be found in the streamside salamander species assessment form and other supporting documents on <https://www.regulations.gov> under

Docket No. FWS–R3–ES–2026–2813 (see **ADDRESSES**, above).

#### Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific reviews of the information contained in the streamside salamander SSA report. We sent the SSA report to 4 independent peer reviewers and received 2 responses. Results of this structured peer review process can be found at <https://www.regulations.gov> under Docket No. FWS–R3–ES–2026–2813. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

#### New Information

We request that you submit any new information concerning the taxonomy of, biology of, ecology of, status of, or stressors to Blueridge springfly, lobed roachfly, Mojave poppy bee, or streamside salamander to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**, whenever it becomes available. New information will help us monitor these species and make appropriate decisions about their conservation and status. We encourage local agencies and stakeholders to continue cooperative monitoring and conservation efforts.

#### Regulatory Planning and Review (E.O.s 12866 and 14192)

E.O. 12866 provides that the Office of Information and Regulatory Affairs

(OIRA) in the OMB will review all significant rules as defined by section 3(f) of E.O. 12866. OIRA has determined that this notification of findings is significant under E.O. 12866. This notification of findings is not considered an E.O. 14192 regulatory or deregulatory action because it is not regulatory.

#### References

A complete list of the references used in these petition findings is available in the relevant species assessment form, which is available on the internet at <https://www.regulations.gov> in the appropriate docket (see **ADDRESSES**, above) and upon request from the appropriate person (see **FOR FURTHER INFORMATION CONTACT**, above).

#### Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

#### Signing Authority

Brian Nesvik, Director of the U.S. Fish and Wildlife Service, approved this action on September 11, 2026, for publication. On September 30, 2026, Brian Nesvik authorized the undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as an official document of the U.S. Fish and Wildlife Service.

#### Madonna Baucum,

*Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics of the Joint Administrative Operations, U.S. Fish and Wildlife Service.*

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