



Brazos Basin Freshwater Mussel Candidate Species

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Proposed Listing of Freshwater Mussels as Endangered in Brazos River Basin

- **Three species in basin candidates for Endangered Species Act (ESA) protection**
 - Smooth pimpleback
 - Texas fawnsfoot
 - False spike
- **US Fish and Wildlife Service (USFWS) to begin the listing process in 2017**
- **USFWS final decision anticipated in 2018**
- **Listing could impact current and future operations**



Smooth Pimpleback



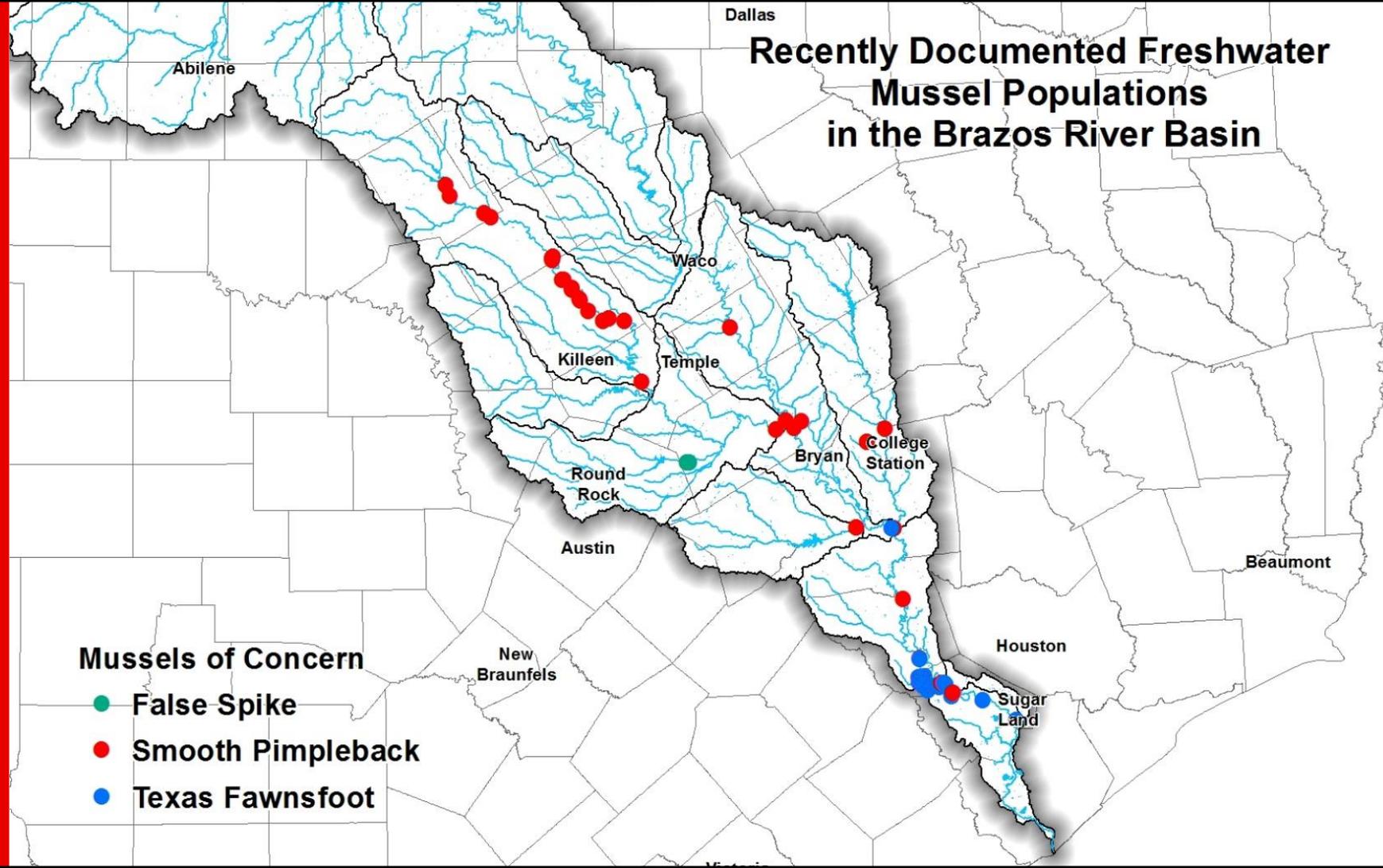
Texas Fawnsfoot



False Spike



Recently Documented Freshwater Mussel Populations in the Brazos River Basin



Mussels of Concern

- False Spike
- Smooth Pimpleback
- Texas Fawnsfoot



Why do we care?

- **Since 1973, the ESA has proven to be one of the nation's strongest conservation laws**
 - Has been widely upheld in the court system
 - Never substantially defeated
- **ESA can affect state-based water rights and regulations**
 - Can limit the traditional exercise of established water rights
 - Restrict or modify new water projects
 - Any water use that results in the direct or incidental take or harm of listed species falls within the ESA's reach
- **ESA's ability to preempt state law derives from US Constitution's Supremacy Clause**



Brazos River Authority