

**U.S. FISH AND WILDLIFE SERVICE  
Mountain-Prairie Region  
134 Union Boulevard  
Lakewood, Colorado 80228**

**September 15, 2010**

**Questions and Answers  
Regarding the Sprague's Pipit Candidate Species Status**

**What is the Service's determination regarding the status of the Sprague's pipit?**

The Service has determined that the Sprague's pipit warrants protection under the Endangered Species Act (ESA), but that listing the species under the ESA at this time is precluded by the need to address other listing actions of a higher priority.

The Service has added the Sprague's pipit to its list of candidate species and will review its status annually. When a "warranted but precluded" finding is made for a species, the Service classifies it as a candidate for listing. If the Service proposes the Sprague's pipit for listing in the future, the public will have an opportunity to comment. As a candidate species, the Sprague's pipit does not receive Federal protection and will remain a state-managed species.

**What is a candidate species?**

Candidate species are plants and animals for which the Service has sufficient information on their biological status and threats to propose them for listing as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by higher priority listing actions to address species in greater need.

Candidate species receive no statutory protection under the ESA. The Service encourages voluntary cooperative conservation efforts for these species because they are, by definition, species that warrant future protection under the ESA.

**Now that the Service has designated the Sprague's pipit as a "candidate," what will happen next?**

When a species becomes a candidate it is given a "listing priority number" (LPN). This number is given because there are not enough Service personnel, time, or money to propose all the candidate species for listing. The purpose of the LPN is to ensure that the species that are in the most trouble are given the highest priority.

We have assigned an LPN of 2 to the Sprague's pipit, which places it near the top of the Service's nationwide listing priorities.

It is difficult to predict how long it might be before the Service prepares a proposed rule for the Sprague's pipit. When the Sprague's pipit might be proposed for listing will depend on the number of LPN 2s that must be addressed by the Service and the funding available. While the Sprague's pipit is a candidate, we will review its status and work with States, other Federal agencies, private landowners, and other partners to step up efforts to conserve the species.

**If the Service decides to go forward with listing the Sprague's pipit as threatened or endangered, what is the process?**

The Service would prepare a document, called a proposed rule, which would be published in the Federal Register and made available for public review. The public would be given at least 60 days to review the proposal and provide the Service with any comments or additional information. If requested, public hearings would be held to gather public input. After the comment period ends, the Service would consider and analyze all the public comments to make a final decision on whether to list the Sprague's pipit a threatened or endangered species.

**What activities could be impacted by a potential listing of the Sprague's pipit?**

Any activity that requires a federal permit and could impact native prairie habitat may be impacted if the Sprague's pipit is listed. Energy development, both oil and gas and wind, have been identified as activities that can cause native prairie fragmentation and thus impact Sprague's pipits. These activities will undergo closer scrutiny if the species is listed. Impacts to Sprague's pipits can be avoided by using existing roadways and avoiding native prairie when planning projects.

**What is being done to conserve Sprague's pipit?**

The Sprague's pipit is protected by the Migratory Bird Treaty Act which prohibits the direct take of migratory birds native to the United States, their eggs, or their active nests. The Service works with project proponents to try to avoid impacts to Sprague's pipits while they are nesting.

**What tools are available for candidate species?**

The Service and other federal partners are able provide technical and financial assistance for conservation of candidate species on private land. The Service provides financial and technical assistance to landowners seeking to conserve candidate species on their land through its Partners for Fish and Wildlife Program. Additional financial assistance is available through various Service grants and agreements, as well as through Farm Bill and Department of Defense programs. In addition, the Service has the ability to take advantage of the additional management flexibility afforded to candidate species by facilitating development and implementation of Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs).

CCAs are formal, voluntary agreements between the Service and one or more parties to address the conservation needs of one or more candidate species. Participants voluntarily commit to implement specific actions designed to remove or reduce threats to the covered species. CCAs can involve both federal and non-federal lands. In some cases, these agreements have been so successful that listing the species proved to be unnecessary. For non-federal landowners seeking regulatory assurances, CCAAs are an effective tool. A CCAA provides participating property owners with a permit containing assurances that if they engage in certain conservation actions for species included in the agreement, they will not be required to implement additional conservation measures beyond those in the CCAA in the event the species becomes listed. Also, additional land, water, or resource use limitations will not be imposed on them should the species become listed in the future, unless they consent to the change. For additional information on these tools, see <http://www.fws.gov/endangered/landowner/index.html>.