

Slickspot Peppergrass Listing as Threatened (Reconsideration Decision) External Questions & Answers

What is the status of slickspot peppergrass under the Endangered Species Act?

The Service determined slickspot peppergrass (*Lepidium papilliferum*) remains warranted for listing as a threatened species under the Endangered Species Act (ESA). The reaffirmation of the 2009 listing determination was necessary because the U.S. District Court for the District of Idaho vacated the previous listing and remanded the final rule to the Service in 2012. Service biologists subsequently defined the term at issue - "foreseeable future" - to be at least 50 years, the time period in which the threats to the species are likely to cause it to become endangered. The Service concluded that slickspot peppergrass remains in need of listing as threatened under the ESA.

What are the threats to slickspot peppergrass?

The threats affecting the species include increased frequency and extent of wildfire, the ongoing invasion of cheatgrass (*Bromus tectorum*) and other non-native, invasive plants, habitat fragmentation and isolation, and planned or proposed development. Additionally, the effects of climate change are predicted to accelerate the conversion of intact sagebrush-steppe habitat to invasive, nonnative, annual grasslands; this conversion of habitat is, in turn, associated with increases in wildfire frequency and, potentially, the expansion of the Owyhee harvester ant, which preys on the slickspot peppergrass seeds. The species' limited geographic range makes it particularly vulnerable to the various threats affecting its specialized microsite (slickspot) habitats.

On what is the Service basing its reaffirmation of slickspot peppergrass as a threatened species?

The threats affecting the species (see above) have not been adequately addressed to ensure the survival of slickspot peppergrass.

With whom is the Service working to conserve slickspot peppergrass?

The Service is working with the State of Idaho, the BLM, Mountain Home Air Force Base, the Idaho Army National Guard, and private landowners who also hold livestock grazing permits on Bureau lands to conserve slickspot peppergrass habitat and address its threats.

What is being done to conserve slickspot peppergrass?

The Service continues to work with others to conserve slickspot peppergrass and its sagebrush steppe habitat. This includes rangewide efforts to maintain and enhance habitat; reduce intensity, frequency, and size of wildfires; minimize loss of habitat associated with wildfire-suppression activities; reduce the potential of non-native plant species invasion from wildfire; minimize habitat loss associated with rehabilitation and restoration techniques; minimize the establishment of invasive non-native species; minimize habitat loss or degradation from off-highway vehicle use; mitigate the negative effects of military training and other associated activities

on military lands; and minimize the impact of ground disturbances caused by livestock penetrating and trampling when soils are saturated. The Service and its partners have also funded research and monitoring projects that are used to inform management decisions for the species conservation.

Why were the courts involved with the listing of slickspot peppergrass?

November 16, 2009 - Idaho Governor C. L. "Butch" Otter; the Idaho Office of Species Conservation; and Theodore Hoffman, Scott Nicholson, and L.G. Davison & Sons, Inc.; filed a complaint in the U.S. District Court for the District Court of Columbia challenging the 2009 final listing rule. The complaint was transferred to the U.S. District Court for the District Court of Idaho (Court) and the parties involved consented to proceed before a magistrate judge.

August 8, 2012 - The Court vacated the final rule listing slickspot peppergrass as a threatened species under the ESA with directions that the case be remanded to the Service for further consideration consistent with the Court's opinion.

February 2, 2014 – The Service opened a public comment period to gather public input on:

- a) the definition of the foreseeable future for slickspot peppergrass, and,
- b) the Service's determination that the threatened status should be reinstated during the two open comments periods that followed.

February 12, 2014 to March 14, 2014 - The first comment period of 30 days opened on the reconsideration of the final rule.

April 21, 2014 to June 5, 2014 – The Service reopened the comment period for an additional 45 days.

What happens next?

A final decision on critical habitat, which was proposed in 2014, will follow at a later date. A recovery plan will be developed to address the recovery needs of the species.

Where do I get more information on slickspot peppergrass?

The slickspot peppergrass webpage: <http://bit.ly/2boYJ4P>.