

Slickspot Peppergrass Proposed Revised Critical Habitat Questions & Answers

What did the U.S. Fish and Wildlife Service announce in the *Federal Register*?

The U.S. Fish and Wildlife Service opening the comment period on an updated proposal to address the habitat needs of a plant native to the sagebrush-steppe ecosystem of southwestern Idaho, the slickspot peppergrass (*Lepidium papilliferum*). Today marks the beginning of a 60-day comment period on the revised proposed critical habitat designation for this plant, which is listed as threatened under the Endangered Species Act (ESA).

What is critical habitat?

As defined by the ESA, critical habitat is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. Before being finalized, the proposed critical habitat designation must be published in the *Federal Register*, where it receives. The Service then considers public comments on it and publishes the final boundaries in the *Federal Register*.

What is the purpose of critical habitat?

Critical habitat protects areas that are necessary for the conservation of listed species. Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize to ensure their actions will not destroy or adversely modify critical habitat. A critical habitat designation generally has no effect on situations that do not involve a federal agency, such as a private landowner undertaking a project that involves no federal funding or permit.

If critical habitat is designated, does that mean no further development can occur?

No. A critical habitat designation does not necessarily restrict further development. It is a reminder to federal agencies that they must make special efforts to protect the important characteristics of these areas.

Does a critical habitat designation affect all activities that occur within the designated area?

No. Only activities that involve a federal permit, license or funding and are likely to destroy or adversely modify the area of critical habitat will be affected. If this is the case, we will work with the federal agency or landowner to amend their project to allow it to proceed without adversely affecting the critical habitat. Thus, most federal projects are likely to go forward, but some will be modified to minimize effects to critical habitat.

Federal agencies are required to ensure their activities do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the "jeopardy standard." However, areas that are currently unoccupied by the species but that are needed for the species' recovery are protected by the prohibition against adverse

modification of critical habitat. No areas currently being proposed as critical habitat for slickspot peppergrass are unoccupied by the species.

Must federal agencies consult with the Service outside critical habitat areas?

Yes, even when there is no critical habitat designation, federal agencies must consult with the Service to ensure any action they carry out, fund, or authorize is not likely to jeopardize the continued existence of a listed species.

How does the Service determine what areas to designate as critical habitat?

Biologists consider physical and biological features needed for life processes and successful reproduction of the species. These include: space for individual and population growth and for normal behavior, cover or shelter; food, water, air, light, minerals, or other nutritional or physiological requirements; sites for breeding and rearing offspring; and habitats that are protected from disturbances or are representative of the historic geographical and ecological distributions of a species.

Are all the areas within the mapped boundaries considered critical habitat?

No. Critical habitat rules normally exclude by text developed areas such as buildings, roads, airports, parking lots, piers, and other such facilities that do not contain the physical and biological features required by the species to survive and reproduce.

Why is the Service proposing revisions to the previous designation of critical habitat for slickspot peppergrass?

The proposed revisions are the result of new information made available from an Idaho Department of Fish and Game 2016 report. Data contained within the report clarified which Idaho rangelands are capable of supporting slickspot peppergrass, which led to the proposed reduction to the critical habitat designation made April 5, 2014

Specifically, the report assessed and updated slickspot peppergrass Element Occurrence (EO) rankings rangewide. An EO is a specific example of an Element at a geographic location characterized by a habitat capable of sustaining or contributing to the survival of a particular species or by a landscape that supports the ecological integrity of a particular community. In other words, the report's data allowed Service biologists to fine tune what lands are capable of supporting slickspot peppergrass.

How much land is being proposed as critical habitat?

42,129 acres. All lands being proposed for designation as critical habitat are currently occupied by slickspot peppergrass and contain features that may require special management considerations or protection because they are essential to the conservation of the species.

Who owns the land the Service is proposing to designate as critical habitat?

The areas currently proposed for critical habitat include 35,403 acres of U.S. Bureau of Land Management lands; 294 acres of Bureau of Reclamation lands; 2,965 acres of Idaho state lands; 694 acres of municipal lands; and 2,773 acres of private lands (areas do not

add up precisely to 42,129 acres due to rounding). For detailed descriptions of the designated critical habitat units, see the revised proposal.

What is being done to conserve slickspot peppergrass?

The Service continues to work with our partners 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.

With whom is the Service working to conserve slickspot peppergrass?

The Service is working with the state of Idaho, the Bureau of Land Management (BLM), Mountain Home Air Force Base, the Idaho Army National Guard, and private landowners who also hold livestock grazing permits on BLM lands to conserve slickspot peppergrass habitat and address its threats. Additionally, the Service is interested in working with private landowners to provide for conservation of this species. We are requesting information on any ongoing conservation efforts occurring on private lands to consider for exclusion from final critical habitat designation.

Does the ESA require an economic analysis as part of designating critical habitat?

Yes. The Service must take into consideration the potential economic impact, as well as any other benefits or impacts, of specifying any particular area as critical habitat. The Service may exclude any area from critical habitat if it's determined that the benefits of excluding it outweigh the benefits of specifying the area as part of critical habitat, unless the Service determines that the failure to designate the area as critical habitat will result in the extinction of the species.

Did the Service prepare an economic analysis for the designation of slickspot peppergrass critical habitat?

Yes, the Service previously prepared an analysis of the economic impacts of the proposed critical habitat designation and related factors. The draft economic analysis was made available for public review and comment in 2011. Public comments received in 2011 were used to inform the final economic analysis document completed on January 9, 2012.

What did the economic analysis determine?

The final economic analysis concluded that critical habitat designation would not likely affect levels of economic activity or conservation measures being implemented within the proposed critical habitat area. Barring substantial changes to the proposed critical habitat,

the incremental impacts of critical habitat designation would be limited to additional administrative costs of Section 7 consultations under the ESA for federal agencies, that would be associated with considering the potential for adverse modification of critical habitat. These costs are estimated to be \$14,200 annually or \$161,000 over a 20-year period. Revision to the Service's previous critical habitat proposals will not result in significant changes to the conclusions of this economic analysis.

Although there have been changes in some local economic factors such as cost of living and property values since the 2012 final economic analysis was completed, all areas currently proposed for critical habitat continue to be occupied by the species, and a majority of the area proposed is on BLM lands. Therefore, the economic impacts of the proposed critical habitat designation remain limited to administrative costs associated with Section 7 consultations under the ESA. A copy of the economic analysis can be found on the regulations.gov webpage:

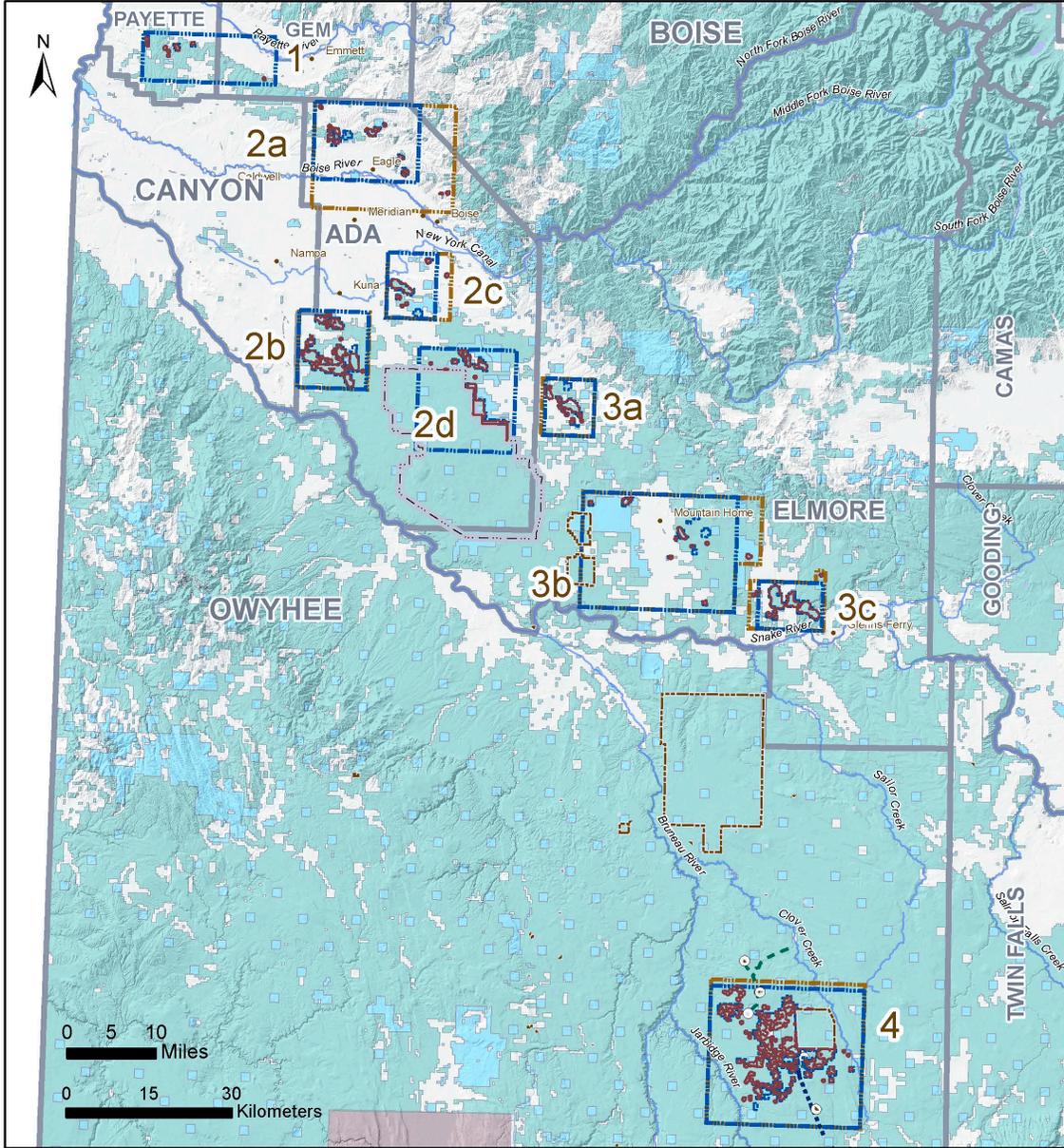
<https://www.regulations.gov/document?D=FWS-R1-ES-2010-0071-0062>

Where can I get more information on slickspot peppergrass?

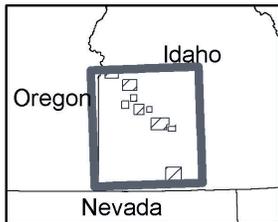
The slickspot peppergrass Environmental Conservation Online System (ECOS) webpage:

<https://ecos.fws.gov/ecp0/profile/speciesProfile.action?scode=Q34X>.

Critical Habitat for *Lepidium papilliferum* (slickspot peppergrass)



Comparison of 2014 Proposed Critical Habitat to 2020 Revised Proposed Critical Habitat



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|---|--------------------------------|---------------------------------|--------------|
| 2014 <i>Lepidium papilliferum</i> Proposed Critical Habitat | Emitter Site | County | Federal |
| 2020 Revised <i>Lepidium papilliferum</i> Proposed Critical Habitat (EOs Ranked B Through CD With 250 meter Buffer) | Emitter Site Right-Of-Way Road | Mountain Home Military Boundary | Private |
| 2014 Subunit / Unit Boundary | Power Line Right-Of-Way | DOD INRMP Area | State |
| 2020 Subunit / Unit Boundary | Stream | Reservation | Undetermined |
| | City | | |