



## Questions and Answers: Rusty Patched Bumble Bee Final Critical Habitat Determination

### 1. What action is the U.S. Fish and Wildlife Service taking?

The Service has determined that critical habitat is not warranted for the rusty patched bumble bee. The agency listed the bee as endangered under the Endangered Species Act (ESA) on January 11, 2017. At that time, the agency announced that designating critical habitat for the bee could be prudent. After a more in-depth analysis, the Service found that designating critical habitat for the bee is not warranted. This determination was published in the *Federal Register* on September 1, 2020.

### 2. What is critical habitat?

The ESA defines critical habitat as specific geographic areas that contain the physical or biological features that are essential for the conservation of species and that may require special management considerations or protection. The ESA requires the Service to designate critical habitat to the maximum extent prudent and determinable.

Critical habitat receives protection under Section 7 of the ESA through the requirement that federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to destroy or adversely modify critical habitat. During consultation, the Service works with the federal agency to identify ways to minimize adverse effects to the species.

A critical habitat designation imposes no requirements on state or private actions on non-federal lands where no federal funding, permits or approvals are required. Designation of critical habitat does not affect land ownership, does not allow the government to take or manage private property, nor does it establish a refuge, wilderness, reserve, preserve or other type of conservation area. It does not allow government or public access to private lands. [Learn more about critical habitat.](#)

### 3. What does a not-prudent finding mean?

The Service may make a not-prudent finding when designating critical habitat would increase threats to the species (such as providing locations of species vulnerable to collection). A not-prudent determination also may be made when habitat availability does not limit the conservation of a listed species.

### 4. Why did the Service determine that designating critical habitat for the rusty patched bumble bee is not prudent?

The Service found that the rusty patch is a habitat generalist and can find the habitat it needs in a variety of habitats, including prairies, woodlands, marshes, agricultural landscapes and residential parks and gardens which are abundant and widely distributed across the historical range of the rusty patch. The best scientific data available indicate that the present or threatened destruction, modification or curtailment of the rusty patched bumble bee's habitat or range is not the primary threat to the species. Because habitat for the rusty patched bumble bee is not the key limiting factor, and because the bee is considered to be flexible with regard to its habitat use for foraging, nesting and overwintering, the availability of habitat does not limit the conservation of the rusty patched bumble bee now, nor will it in the future.

**5. Isn't habitat loss or modification one of the reasons for listing the rusty patched bumble bee?**

In making the not-prudent finding, the Service noted that since the bee was listed in 2017, biologists have gathered additional information indicating that habitat is not the primary limiting factor for the bee. The species is a habitat generalist and can find the habitat it needs in a variety of habitats, including prairies, woodlands, marshes, agricultural landscapes and residential parks and gardens. Many bumble bee experts conclude that habitat loss is unlikely to be a main driver of the recent, North American bee declines. In addition, many of the locations where the species was observed historically retain abundant suitable habitat, further indicating many of the historical locations were not extirpated due to habitat loss

**6. Did the Service's 2019 revisions to the ESA affect the not-prudent determination for the rusty patched bumble bee?**

No. Although the Service did discuss the possible outcomes under the 2019 revisions, this decision was made after a review and consideration under the previous regulations. Because the rusty patched bumble bee was listed as endangered in 2017, before the ESA regulations were revised, the agency evaluated critical habitat based on regulations in place at the time and found a critical habitat designation to be not prudent. The Service also evaluated critical habitat based on revisions to those regulations made in 2019. The 2019 regulations state that designating critical habitat may be not prudent when there is an increased degree of threat and when habitat impacts do not pose a threat, when threats to habitat stem solely from causes not able to be addressed by Section 7 of the ESA, or as the Secretary of the Interior otherwise determines, based on the best available information.

**7. What steps is the Service taking to protect and recover the rusty patched bumble bee?**

The rusty patched bumble bee was listed as endangered under the ESA in 2017. Listing protects species by prohibiting "take" under section 9 of the ESA. The take prohibition includes activities that result in the direct killing or injury to listed animal species.

In addition, section 7 of the ESA protects listed species by requiring that other federal agencies formally consult with the Service to ensure that their actions are not likely to jeopardize the continued existence of a listed species or adversely modify critical habitat. Through this

consultation, the Service works with the federal agency and advises on whether the actions would affect the species or critical habitat as well as ways to avoid those impacts.

The Service recently drafted a recovery plan for the rusty patched bumble bee that outlines measures the Service and partners can take to slow the decline of the bee and begin the path to recovery. Recovery actions include preventing loss of existing populations and developing practices to address threats from pesticide use, disease, small population genetics, competition from non-native species, and climate change. The plan also includes guidelines for habitat restoration. While habitat availability is not the primary limiting factor for the species, habitat restoration and enhancement will help rusty patched bumble bee populations be more resilient by providing healthier and more abundant food sources.

As part of the agency's recovery efforts, the Service has developed maps identifying priority zones for the bee, focusing conservation activities on the most essential areas to prevent further loss of colonies, providing educational benefits by creating greater public awareness of the rusty patched bumble bee and its conservation and preventing inadvertent harm to the species. [Learn more about the Service's efforts to recover the rusty patched bumble bee.](#)