

## **U.S. Fish and Wildlife Service Withdrawal of Graham's and White River beardtongues: Frequently Asked Questions**

The U.S. Fish and Wildlife Service (USFWS) has withdrawn our proposal to list Graham's and White River beardtongues as threatened under the Endangered Species Act (ESA). This action also withdraws our proposal to designate critical habitat for both species.

### **1. What are Graham's and White River beardtongues?**

Graham's and White River beardtongues are two different species of native plants closely associated with oil shale-rich geology in the Uinta Basin in Utah and near the Utah border in Colorado. These two beardtongue species occur with other plants that are native to oil shale geology, and together constitute a unique oil shale natural community. The showy flowers of both beardtongue species and these other oil shale endemic plants attract and support a community of many native pollinators.

### **2. Why were Graham's and White River beardtongues proposed for listing?**

We proposed to protect Graham's and White River beardtongues as threatened species under the ESA. In our proposed rule, we found that both beardtongue species were likely to become endangered within the foreseeable future from energy development and cumulative effects from energy development, livestock grazing, invasive weeds, small population sizes, and climate change.

### **3. Why did the USFWS withdraw the proposed rule to list Graham's and White River beardtongue as threatened?**

In the proposed rule, we identified several threats to the species including threats from energy development and cumulative effects from energy development, livestock grazing, invasive weeds, small population sizes and climate change. After the proposed rule was published, several stakeholders including Uintah County, Utah, Rio Blanco County, Colorado, the Bureau of Land Management (BLM), the Utah State Institutional Trust Lands Administration (SITLA), the Utah Public Lands Policy Coordination Office (PLPCO), USFWS, and Utah Division of Wildlife Resources (Utah DWR) entered into a conservation agreement to conserve both species. Conservation measures incorporated in the conservation agreement include establishment of 44,373 acres of conservation areas for both species within which threats will be managed to protect both species.

### **4. How does the 2014 Graham's and White River beardtongue Conservation Agreement protect these two plant species?**

The 2014 Conservation Agreement establishes 44,373 acres of conservation areas that will be managed to prevent impacts to the species for the next 15 years. Within these conservation areas, surface-disturbing activities such as energy development will be limited: in new surface disturbance will be limited to 2.5 percent of areas where White River beardtongue occurs, and 5 percent where Graham’s beardtongue occurs. Prior to any surface-disturbing activities, surveys will be conducted to identify where plants occur. Surface-disturbing activity within established conservation areas will avoid Graham’s and White River beardtongue plants by a minimum of 300 feet.

5. How do the protections of the 2014 Conservation Agreement compare with the protections the plants would have received if listed under the ESA with critical habitat?

If these two species had been listed as threatened under the ESA, as we proposed, they would have been protected under the ESA, including the designation of critical habitat on 67,959 acres for Graham’s beardtongue and 14,954 acres for White River beardtongue. If the two species were listed under the ESA, Federal agencies would need to consult with us in cases where projects on Federal lands or with a Federal nexus would affect the species. Under section 7 of the ESA, we would make conservation recommendations to avoid, minimize, and mitigate effects to the species. It is likely that our conservation recommendations would be similar to the measures already committed to by the 2014 Conservation Agreement partners, including surface disturbance caps (2.5 percent for White River beardtongue and 5 percent for Graham’s beardtongue) and 300 foot avoidance buffers.

On private lands where a federal nexus does not occur, plants would not be protected even if listed under the ESA, and would still be vulnerable to the identified threats. Approximately 50 percent of the population of known Graham’s beardtongue and 39 percent of the known population of White River beardtongue occurs on private or other nonfederal lands where protections for the species are not assured for listed plant species. The 2014 Conservation Agreement provides protections for 64 percent of the population of Graham’s beardtongue and 76 percent of the population of White River beardtongue and establishes 44,373 acres of conservation areas for both species (see Table 1), on both federal and nonfederal lands.

Table 1. Comparing Protections of Listing under the ESA to the 2014 Conservation Agreement

	<b>ESA Listing</b>	<b>2014 Conservation Agreement</b>
<b><i>Percent of population protected</i></b>	49.6 percent of Graham’s and 61.2 percent of White River beardtongues, only on BLM lands	64 percent for Graham’s and 76 percent for White River beardtongues on BLM, State, and private lands
<b><i>Surface disturbance limits</i></b>	We would likely recommend similar conservation measures as implemented under 2014 Conservation Agreement.	Additional 5 percent for Graham’s beardtongue and 2.5 percent for White River beardtongue
<b><i>Protection on federal and nonfederal lands</i></b>	All lands: Listed plants are protected from import, export,	Conservation measures apply to federal and nonfederal lands

	<p>sale or offer for sale in interstate or foreign commerce regardless of landownership.</p> <p>Federal lands: The ESA provides protection against removal and reduction to possession and malicious damage or destruction of plants on federal lands.</p> <p>Non-federal lands: On non-federal lands plants can be removed, possessed, damaged or destroyed.</p>	that are incorporated into the 2014 Conservation Agreement.
<b>Funding for conservation</b>	Funding from BLM and USFWS	Funding from USFWS, BLM, State of Utah, SITLA, Uintah County
<b>Timeframe</b>	Until threats no longer occur	15 years or longer if renewed

6. Are the conservation measures in the 2014 Conservation Agreement voluntary?

All of the parties entered into the Agreement voluntarily. Through the Agreement, the participating landowners and land managers have committed to enact permit requirements, stipulations, ordinances, and regulations to ensure enforcement of the agreement. These are enforceable measures that will prevent non-compliance and will serve to protect the species.

7. There are more Graham's and White River beardtongue than we previously realized. Why do the species still need protection if there are more plants?

Additional surveys have recently found more plants of both Graham's and White River beardtongues. However, the threats to the species remained the same. The beardtongue species needed protection from these threats and the 2014 Conservation Agreement now provides this protection. An increase in the number of plants known due to additional surveys does not mean that the populations are increasing.

8. What happens if the 2014 Conservation Agreement is not sufficient to protect either Graham's or White River beardtongue?

We will evaluate the status of the species during annual conservation team meetings. If either species is again found to be facing threats such that it may meet the definition of a threatened or endangered species, then we will evaluate the need for listing under the ESA.

9. What is important about the Graham's and White River beardtongues?

Graham's and White River beardtongues are native to a small area in Eastern Utah and Western Colorado. These species grow in barren oil shale and along with other native oil shale plants make up a unique natural community only found in a small area. These oil shale endemic plants not only provide diversity within and among the landscape of the Uinta Basin and Western Colorado, but their showy flowers also support a diversity of pollinators, which may need these two beardtongue species as they forage across the landscape. The health of threatened and endangered species is strongly linked to our own well-being. Millions of Americans depend on habitat that sustains these species – for clean air and water, recreational opportunities and for their livelihoods. By taking action to protect imperiled native fish, wildlife and plants, we can ensure a healthy future for our community and protect treasured landscapes for future generations.