

QUESTIONS AND ANSWERS

Proposed Rule to List the Mountain Plover as a Threatened Species

1. What does the proposal to list the mountain plover as a threatened species mean?

The proposal means that the Fish and Wildlife Service, after thoroughly examining the best scientific information available, believes that the mountain plover is likely to become endangered in the foreseeable future throughout all or a significant portion of its range unless actions are taken now to reverse the decline in population.

While there is not an immediate threat of extinction, several factors were identified that may have caused the decline, and which are likely to continue in the future. Unless these problems are solved, the mountain plover is likely to disappear at some currently occupied sites, which could increase the likelihood of extinction throughout its range.

2. What is the difference between a threatened and an endangered species listing?

By definition, an endangered species is one that is in immediate danger of extinction throughout all or a significant portion of its range; a threatened species is one that is likely to become endangered within the foreseeable future throughout all or a portion of its range. Protections under the Act are generally the same for threatened and endangered species. However, for threatened species, special rules can be developed which allow for greater flexibility in land use.

3. Why is the mountain plover important?

Like canaries in coal mines, the mountain plover and other native species are indicators of the health of native prairies. The decline of the mountain plover and its habitat is a warning that the replacement of many native grasslands with urban development, as well as some specific grazing and farming practices, are hindering the survival of the short-grass prairie.

The mountain plover is one of only nine birds unique to the short-grass prairie environment. It is about the size of a killdeer, but unlike other plovers, it is not found near water. The mountain plover is a full species, and there are no recognized sub-species.

As a group, short-grass prairie bird populations are declining more rapidly than other birds. Mountain plovers are declining faster than other grassland birds.

4. What has caused the decline in the mountain plover?

The decline in population is due to a combination of factors –reduced populations of prairie dogs and other burrowing mammals, loss of plover nests to cultivation, adoption of uniform domestic

livestock grazing strategies and conversion of grasslands and other habitats on breeding and wintering grounds.

5. Are pesticides a problem for the mountain plover?

The data about pesticides is not conclusive. We do know that mountain plovers are exposed to pesticides on their winter habitat in the U.S.; information about pesticide use in Mexico is not available. Pesticides may also pose a potential threat on breeding grounds during the years when pesticides are used to control grasshopper infestation.

6. What effects would a listing of the mountain plover have on pesticide use?

The Environmental Protection Agency regulates the registration of pesticides and is required to comply with the Endangered Species Act. Consequently, if the bird is listed, the Service will work with the EPA to reduce or eliminate any adverse impacts and to ensure that label restrictions alert the public of potential effects of pesticide use.

7. Are there any current efforts to protect the mountain plover?

Yes. The Forest Service and the Bureau of Land Management have used prescribed burning to maintain the needed short-grass habitat at both breeding and wintering sites. The use of fire promotes short-grass habitat that attracts mountain plovers to sites that would otherwise not provide suitable breeding or wintering habitat. The Forest Service and the Bureau of Land Management have also incorporated some time-of-year and spatial buffers to protect nesting mountain plovers when granting leases for oil and gas development. The Fish and Wildlife Service and the Colorado Division of Wildlife are using a Memorandum of Agreement to pursue conservation of the mountain plover in Colorado. State and Federal agencies and private groups have conducted surveys in recent years to better describe the distribution of the mountain plover and the potential threats to its survival. Some states have designated the mountain plover as a species of special concern to promote attention to its conservation needs.

8. If the mountain plover is listed, what impact will this have on prairie dog control?

Prairie dogs can create mountain plover habitat, and prairie dog towns are now considered some of the best remaining breeding habitat. If mountain plovers were known to successfully nest on prairie dog towns on Federal lands, any proposed prairie dog control plans would be examined on a project-by-project basis to determine if such measures would impact mountain plovers or their habitat. Control of prairie dogs on private lands would generally not be restricted, provided the control is conducted to ensure that 'take' of mountain plovers does not occur.

9. Would farmers be allowed to plow and plant their fields if the mountain plover is listed?

The Service is proposing a special rule under section 4(d) of the Endangered Species Act designed to improve understanding of the impact of some agricultural practices on mountain plover populations. In the event the mountain plover is listed as a threatened species, the special rule would exempt agricultural activities from being in violation of the Endangered Species Act

if plovers were accidentally "taken" (defined as killed, harmed, harassed, trapped, or wounded) as a result of those activities. This proposed special rule hinges on the ongoing efforts of biologists and landowners working together to determine the influence of cultivation practices on mountain plover nesting success. More information is needed as to how these practices affect the plover. If listed, this special rule would continue until December 31, 2004 in portions of Colorado, Wyoming, Nebraska, Kansas, and Oklahoma. The provisions of the 4(d) rule could be extended or modified to address conservation measures for the plover.

10. Will the Fish and Wildlife Service regulate grazing if the mountain plover is listed?

Grazing can be very beneficial to mountain plovers by maintaining needed short-grass habitat. The Service believes that grazing practices can be managed to benefit both livestock and mountain plovers. The Service will coordinate, cooperate, and consult with Federal land management agencies on Federal lands to ensure that grazing practices are consistent with the conservation of the mountain plover.

Published literature documents that mountain plovers often inhabit heavily grazed sites. The Service is meeting with ranchers to come up with solutions for managing both domestic livestock and habitat for mountain plovers, which may help to reverse the species declining trend.

11. How does the Conservation Reserve Program fit into the habitat needs of the mountain plover?

The implementation of the Conservation Reserve Program (CRP) in previous years did not provide nesting habitat for mountain plovers. The NRCS in Colorado has recently designated the mountain plover as a species eligible for credit in CRP programs chosen by farmers, and is alerting farmers in Colorado to mountain plover management needs. Recent efforts by NRCS to emphasize the planting of native warm-season grasses (such as buffalo/blue grama) may benefit mountain plovers by restoring historic vegetative characteristics. The Service will continue to work with the NRCS to see if other nest site requirements can also be created on CRP lands by habitat manipulation. CRP lands planted with native grass mixtures adjacent to existing mountain plover nesting areas are likely to contribute the most to their conservation. CRP lands established with nonnative grass species have little value for the mountain plover. Even though contract renewal may limit the number of years the CRP lands may be managed for mountain plovers, opportunities to manage CRP even for a short time could help define effective conservation strategies.

12. In terms of the Endangered Species Act, what happens now?

With the reopening of the comment period and new information now available on the Service's proposal to list the mountain plover as a threatened species, the Service is asking the public, including local landowners, scientists, and other agencies, for comments. In addition, public comments are requested on the Service's proposed special 4(d) rule containing the prohibitions necessary to provide for the conservation of the mountain plover. The comment period for both

of these documents includes 60 days from date of publication in the *Federal Register*. Following analysis of the comments received, the Service will either prepare a final rule to list the species, including the special 4(d) rule, or withdraw both proposed rules if the biological information does not support the listing.

For information specifically about the proposed listing of the mountain plover or the proposed 4(d) rule, please contact:

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For general information about the Endangered Species Act, please contact the U.S. Fish and Wildlife Service Ecological Services Field Office nearest you, or the Service website <http://www.fws.gov>