



U. S. Fish & Wildlife Service

Nevada Fish and Wildlife Office

Conserving the Biological Diversity of the Great Basin, Eastern Sierra, and Mojave Desert

Questions & Answers Spring Mountains Acastus Checkerspot Butterfly 90-Day Finding

April 12, 2011

Q. What is the Spring Mountains acastus checkerspot butterfly and where does the subspecies live?

A. The Spring Mountains acastus checkerspot butterfly (*Chlosyne acastus robusta*) is a subspecies of the sagebrush checkerspot butterfly (*Chlosyne acastus*) belonging to the Nymphalidae family (brush-footed butterflies). The subspecies is only known to occur in the Spring Mountains in Clark and Nye counties, Nevada at elevations from approximately 5,900 to 8,900 feet above sea level. The majority of observations and habitat of the butterfly are within the boundaries of the Spring Mountains National Recreation Area managed by the U.S. Forest Service.

The butterfly has been observed in 17 areas. Four of these areas (1-Trough Spring, 2-Kyle Canyon, 3-Griffith Peak Trail/Harris Spring Road/Harris Mountain Road, and 4-Potosi Mountain/Mt. Potosi/Boy Scout Camp) are currently the only locations where known colonies occur. A colony is "a local, isolated population." The remaining 13 areas are referred to as incidental observations or sighting areas, where intermittent observations of a few butterflies were recorded at a location. Spring Mountains acastus checkerspot butterflies observed in a colony or sighting area represent the overall known population of the subspecies.

Q. Why did the Service complete a 90-day finding under the Endangered Species Act (ESA or Act) for the Spring Mountains acastus checkerspot butterfly?

A. This finding was prepared in response to a formal petition received on September 18, 2009, from Bruce M. Boyd asking the Service to list the Spring Mountains acastus checkerspot butterfly as an endangered species under emergency listing provisions of the ESA. While the Service determined that an emergency listing action was not warranted, the agency did find that the petition contained substantial information indicating the butterfly might warrant protection under the Act, and a 90-day status review ensued.

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Q. What were the results of the 90-day finding?

- A. The Service determined that the petition presents substantial information indicating that listing the butterfly as endangered or threatened might be warranted. The Service will now conduct an in-depth 12-month review of the butterfly's status to fully determine whether the subspecies warrants protection under the Act.

Q. What kinds of threats might the Spring Mountains acastus checkerspot butterfly face?

- A. The available information indicates fuels reduction projects (prescribed burning and/or clearing of underbrush) may have a negative impact on Spring Mountains acastus checkerspot individuals and habitat. The possible declining trends at the Potosi Mountain/Mt. Potosi/Boy Scout Camp colony site indicate that fuels reduction projects may be a threat to the Spring Mountains acastus checkerspot at this site. Also, potential declining population trends at the Griffith Peak Trail/Harris Spring Road/Harris Mountain Road colony site and the Trough Spring colony site indicate that vehicle and hiking traffic disturbing the butterfly flight period may be a threat to the subspecies. Additionally, drought may be an added stressor to the Spring Mountains acastus checkerspot butterfly at some locations where additional threats occur.

Q. What is the 12-month status review intended to accomplish?

- A. Based on the in-depth status review, the Service will issue a 12-month finding on the petition making one of three possible determinations:
- 1) Listing is not warranted, in which case no further action will be taken.
 - 2) Listing as threatened or endangered is warranted. In this case, the Service will publish a proposal to list, solicit independent scientific peer review of the proposal, seek input from the public, and consider the input before a final decision about listing the subspecies is made. In general, there is a one-year period between the time a species is proposed and the final decision.
 - 3) Listing is warranted but precluded by other, higher priority activities. This means the subspecies is added to the Federal list of candidate species, and the proposal to list is deferred while the Service works on listing proposals for other species that are at greater risk. A warranted but precluded finding requires subsequent annual reviews of the finding until such time as either a listing proposal is published, or a not warranted finding is made based on new information.

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Q. What kind of information is the Service looking for from the public during the 12-month status review?

A. The Service is seeking information on:

- (1) The subspecies' biology, range, and population trends, including:
 - (a) Habitat requirements for feeding, breeding, and sheltering;
 - (b) Genetics and taxonomy;
 - (c) Historical and current range including distribution patterns;
 - (d) Historical and current population levels, and current and projected trends; and
 - (e) Past and ongoing conservation measures for the subspecies, its habitat or both.
- (2) The factors that are the basis for making a listing/delisting/downlisting determination for a species/subspecies under section 4(a) of the ESA, which are:
 - (a) The present or threatened destruction, modification, or curtailment of its habitat or range;
 - (b) Overutilization for commercial, recreational, scientific, or educational purposes;
 - (c) Disease or predation;
 - (d) The inadequacy of existing regulatory mechanisms; or
 - (e) Other natural or manmade factors affecting its continued existence.

Q. What kind of information will the Service need if the agency proceeds to determining critical habitat?

A. If, after the status review, it is determined that listing the Spring Mountains acastus checkerspot butterfly is warranted, the Service will propose critical habitat. Within the geographical range currently occupied by the butterfly, the Service will request data and information on:

- (1) What may constitute "physical or biological features essential to the conservation of the subspecies; "
- (2) Where these features are currently found; and
- (3) Whether any of these features may require special management considerations or protection.

Additionally, the Service will request data and information on "specific areas outside the geographical area occupied by the subspecies" that are "essential to the conservation of the subspecies."

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Q. How does the public or any interested party provide information?

- A. The Service requests that interested parties submit any new information on the status of and threats to the Spring Mountains acastus checkerspot butterfly as the information becomes available to them. Natural history and distribution information, in particular, will help the Service monitor and focus habitat conservation efforts for this subspecies. The Service intends that any proposed listing action for the butterfly will be as accurate as possible. Therefore, the agency will continue to accept additional information and comments concerning this finding from all concerned governmental agencies, the scientific community, industry, or any other interested party.

Anyone wishing to submit information regarding the Spring Mountains acastus checkerspot butterfly may do so by one of the following methods:

- Federal eRulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS–R8–ES–2010–0077; *Division of Policy and Directives Management*; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

Emails and faxes will not be accepted, and all information received on www.regulations.gov will be posted. This generally means the Service will post any personal information provided. Comments must be received by June 13, 2011.

Q. Where can more information be found about the Spring Mountains acastus checkerspot butterfly, including copies of the 12-month finding?

- A. For more information about the Spring Mountains acastus checkerspot butterfly and this finding, please contact Jill Ralston, Deputy State Supervisor, Nevada Fish and Wildlife Office by mail at 1340 Financial Blvd., Suite 234, Reno, NV, 89502; by telephone at 775-861-6300; or by facsimile at 775-861-6301. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 800-877-8339, or visit the Nevada Fish and Wildlife Office website at www.fws.gov/nevada.

The finding is available on the Internet at www.regulations.gov and www.fws.gov/nevada. Supporting documents used in preparing this finding are available for inspection, by appointment, during normal business hours at the Service's Nevada Fish and Wildlife Office at 4701 North Torrey Pines Drive, Las Vegas, NV, 89130; telephone (702) 515-5230; facsimile (702) 515-5231.

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