

# U. S. Fish & Wildlife Service

## Nevada Fish and Wildlife Office

*Conserving the biological diversity of the Great Basin, eastern Sierra, and Mojave Desert*

### Frequently Asked Questions

#### Proposed Listing and Proposed Critical Habitat for Webber's Ivesia Not Warranted Determination for Soldier Meadow Cinquefoil

##### **Q. What decisions did the U. S. Fish and Wildlife Service (Service) Make?**

**A.** The Service proposes to protect Webber's ivesia (*Ivesia webberi*) as a threatened species under the Endangered Species Act (ESA) and is proposing to designate 2011 acres of critical habitat for Webber's ivesia in Washoe and Douglas Counties, Nevada, and in Lassen, Plumas, and Sierra, Counties, California.

The Service has also determined the threat of extinction no longer exists for the Soldier Meadow cinquefoil (*Potentilla basaltica*) and it will be removed for them the list of candidate species.

##### **About The Species**



**Webber's ivesia** is also a member of the rose family. Similar in overall appearance to Soldier Meadow cinquefoil, Webber's ivesia is also a low-growing, perennial forb with clusters of leaves that lie nearly flat on the ground, and are approximately ten inches in diameter. Webber's ivesia has greenish-gray leaves, dark red, wiry stems, and headlike clusters of small bright yellow flowers. Flowering typically begins in May and extends through June and the whole plant becomes reddish-tinged late in the season.

Webber's ivesia is restricted to sites with sparse vegetation and shallow, rocky, clay soils on mid elevation flats, benches or terraces between 4,475 and 6,237 feet elevation in Washoe and Douglas Counties in Nevada, and in Lassen, Plumas and Sierra Counties, in California. All 17 known populations of Webber's ivesia are within the transition zone between the eastern edge of the northern Sierra Nevada and the northwestern edge of the Great Basin. One of these populations is presumed extirpated.



**Soldier Meadow cinquefoil** occurs on approximately 23 acres in Lassen County, California and Humboldt County, Nevada. It is a low-growing, perennial forb in the rose family, with clusters of leaves that lie nearly flat on the ground, and extend approximately 20 inches in diameter. It has bright yellow flowers that are typically observed throughout the summer months, beginning in May.

All known locations of Soldier Meadow cinquefoil are restricted to approximately 23 acres in the Soldier Meadow region of

Humboldt County in northwestern Nevada, and the Ash Valley region of Lassen County in northeastern California. The Nevada population occurs in or near alkali meadows, seeps and marsh habitats bordering perennial thermal springs and outflows, between 4,330 and 4,600 feet elevation. The California population occurs between 5,000 and 5,200 feet elevation around the upper margin of wetland vegetation.

### ***Proposed Listing and Proposed Critical Habitat for Webber's Ivesia***

#### **Q. What is a threatened or endangered species under the ESA?**

**A.** Species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened.

#### **Q. Why did the Service propose listing Webber's ivesia as a threatened species?**

**A.** The Service determined that Webber's ivesia is not presently in danger of extinction throughout all of its range, but that it is likely to become endangered throughout all of its range in the foreseeable future.

- Populations occupy small areas. Thirteen of 16 extant populations occupy less than 10 acres, and 10 of 16 occupy less than five acres.
- 71 to 93 percent of all Webber's ivesia individuals occur in only two populations. One of the two populations has an unknown status and is on private land which could become developed.
- Individual and synergistic effects from nonnative, invasive plant species, wildfire, OHVs and roads, development, and livestock grazing has already resulted in the loss and degradation of occupied habitat. These threats will likely increase in the future.
- Climate change will likely exacerbate already occurring habitat threats and may affect individual plants by causing physiological stress, altering phenology, and reducing recruitment events and/or seedling establishment.
- An existing USFS Conservation Strategy addresses conservation needed to eight of 16 populations, but key threats to the species are acting on a landscape level (wildfire and nonnative, invasive plant species) that is beyond the scope of threats addressed by this Conservation Strategy.

**Q. What threat analysis did the Service complete in making this determination?**

**A.** We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to Webber's ivesia. We considered the five factors identified in section 4(a)(1) of the ESA in determining whether Webber's ivesia meets the ESA's definition of an endangered species (section 3(6)) or threatened species (section 3(20)).

***Factor A – Habitat Loss and Fragmentation***

We find that Webber's ivesia is in danger of extinction due to the present or threatened destruction, modification, or curtailment of its habitat or range.

- Present or threatened destruction, modification, or curtailment of its habitat or range include habitat loss and degradation due to nonnative invasive plants, modified fire regime (increased wildfire), OHV use and roads, development, livestock grazing, and climate change.
- We consider the additive and synergistic effects of nonnative, invasive plants and increased wildfire to be the greatest threats to Webber's ivesia.
- Nonnative, invasive plant species such as medusahead and cheatgrass can outcompete and displace Webber's ivesia where it is already established, and can prevent successful recruitment in Webber's ivesia populations by creating a dense thatch layer that hinders germination and establishment of Webber's ivesia seeds and seedlings.
- Nonnative, invasive plants also increase the frequency, spatial extent, and intensity of wildfires because of the fine fuels they produce.
- Options and resources available for controlling the spread of nonnative, invasive plant species such as medusahead and cheatgrass on a landscape scale are extremely limited.
- Increased temperatures and altered precipitation patterns due to climate change are also expected to lead to further increases in wildfire and invasive plants.
- OHV use and roads, development, and livestock grazing also negatively impact Webber's ivesia populations by creating vectors for the dispersal of nonnative, invasive plants, increasing the likelihood of trampling and erosion within remaining Webber's ivesia populations, and altering the native plant communities and pollinator species with which it is associated.

***Factor B – Overutilization for Commercial, Recreational, Scientific, or Educational Purposes***

We did not identify threats.

***Factor C – Disease or Predation***

We did not identify threats.

***Factor D – Inadequacy of Existing Regulatory Mechanisms:***

We consider existing regulatory mechanisms to be inadequate to protect the species from landscape-level threats posed by the additive and synergistic effects of invasive plant species, increased wildfire, and climate change.

***Factor E – Other Natural or Manmade Factors:***

We did not identify threats

**Q. What is critical habitat and how does the Service determine what areas to propose?**

**A.** Critical habitat is a term in the ESA of 1973, as amended. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations. The designation of critical habitat does not affect land ownership or

establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government control of or public access to private lands.

Biologists consider physical or biological habitat features needed for life and successful reproduction of the species. These include, but are not limited to:

- Space for individual and population growth;
- Food, water, air, light, minerals, or other nutritional or physiological requirements
- Cover or shelter; and
- Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

For more information about critical habitat, visit: <http://www.fws.gov/endangered/what-we-do/critical-habitats.html>.

#### **Q. What are Primary Constituent Elements (PCEs)?**

**A.** According to 50 CFR 424.12(b), we are required to identify the physical or biological features essential to the conservation of Webber's ivesia in areas occupied at the time of listing, focusing on the features' primary constituent elements. We consider primary constituent elements to be those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species' life-history processes, we determine that the primary constituent elements specific to Webber's ivesia are:

- (i) *Plant Community*
  - a. Open to sparsely vegetated areas composed of generally short-statured associated plant species.
  - b. Presence of appropriate associated species that can include (but are not limited to): *Antennaria dimorpha*, *Artemisia arbuscula*, *Balsamorhiza hookeri*, *Elymus elymoides*, *Erigeron bloomeri*, *Lewisia rediviva*, *Poa secunda*, and *Viola beckwithii*. Sites dominated by nonnative, invasive species such as *Bromus tectorum*, *Poa bulbosa*, and *Taeniatherum caput-medusae* should not be discounted, because *Ivesia webberi* may co-occur with these species.
  - c. An intact assemblage of appropriate associated species to attract the floral visitors that may be acting as pollinators of Webber's ivesia.
- (ii) *Topography*
  - a. Flats, benches, or terraces that are generally above or adjacent to large valleys. Occupied sites vary from slightly concave to slightly convex or gently sloped (0–15°) and occur on all aspects.
- (iii) *Elevation*
  - a. Elevations between 4,475 and 6,237 ft. (1,364 and 1,901 m).
- (iv) *Suitable Soils and Hydrology*
  - a. Vernal moist soils with an argillic horizon that shrink and swell upon drying and wetting; these soil conditions are characteristic of known Webber's ivesia populations and are likely important in the maintenance of the seedbank and population recruitment.
  - b. Suitable soils that can include (but are not limited to): Reno—a fine, smectitic, mesic

Abruptic Xeric Argidurid; Xman—a clayey, smectitic, mesic, shallow Xeric Haplargids; Aldi—a clayey, smectitic, frigid Lithic Ultic Argixerolls; and Barshaad—a fine, smectitic, mesic Aridic Palexeroll

**Q. What is being proposed as CH?**

**A.** We are proposing to designate 2,011 acres as critical habitat for Webber’s ivesia in Washoe and Douglas Counties in Nevada, and in Lassen, Plumas and Sierra Counties, in California which includes 16 units (2 comprised of 2 subunits each). The area within the 16 units is currently occupied by the species. Approximately 68% of the proposed critical habit is on federally managed lands, 11% is state, and 21% is on private land.

CH Unit and Subunit #	Unit or Subunit Name	Federal	State or Local Government	Private	Total Area
		acres	acres	acres	acres
1	Sierra Valley	51	44	179	274
2	Constantia	155	—	—	155
3	East of HJWA, Evans Canyon	22	100	—	122
4	Hallelujah Junction WA	—	69	—	69
5	5a Dog Valley Meadow	386	—	—	386
	5b Upper Dog Valley	12	—	17	29
6	White Lake Overlook	98	—	11	109
7	7a Mules Ear Flat	31	—	34	65
	7b Three Pine Flat; Jeffrey Pine Saddle	3	—	65	68
8	Ivesia Flat	62	—	—	62
9	Stateline Road 1	125	—	7	132
10	Stateline Road 2	65	—	—	65
11	Hungry Valley	56	—	—	56
12	Black Springs	116	—	24	140
13	Raleigh Heights	163	—	14	177
14	Dutch Louie Flat	11	—	46	56
15	The Pines Powerline	—	—	32	32
16	Dante Mine Road	10	—	4	14
<b>Total Acres</b>		<b>1,365</b>	<b>214</b>	<b>432</b>	<b>2,011</b>

**Q. What happens next?**

**A.** Before a final rule can be made, comments received during the public comment period will be compiled and assessed. The Service will also seek the expert opinions of appropriate and independent specialists with scientific expertise to ensure our determinations are based on scientifically sound data, assumptions, and analyses. The Service will also draft an economic analysis of the proposed critical habitat and will seek additional comments at that time.

### ***Not Warranted Determination for Soldier Meadow Cinquefoil***

#### **Q. Why did the Service determine that the Soldier Meadow cinquefoil no longer warrants protection under the ESA?**

**A.** Threats to the species that were identified when it was elevated to candidate status have been addressed, and the species is no longer threatened with extinction. Those threats included recreation, livestock grazing, degradation or elimination of habitat for agriculture, roads and OHV activity, geothermal exploration, invasive, nonnative plant species, and inadequacy of existing regulatory mechanisms.

Actions have been taken to address these threats, including the construction of a designated camping area outside of sensitive species habitats, closing roads in sensitive species habitats, and the construction of a fence to exclude livestock.

In May 2004, the BLM completed a draft Environmental Assessment for a Soldier Meadow Recreation Management Plan. The plan implemented numerous conservation actions for the listed and candidate species of Soldier Meadow that closed access roads to spring, riparian and wetland areas, limits vehicles to designated roads and trails, established a central campground away from sensitive habitats, and proposed a monitoring program to assess the effects of these actions on listed, candidate, and sensitive species. It also included the installation of educational signs and an increased presence of BLM staff, including law enforcement and a site steward during the six-month primary public use period. The steward directly interacts with the visitors to provide public outreach. All of these actions, with the exception of the monitoring program, were fully implemented and are reported to have been successful at reducing recreational impacts to the habitats of sensitive species, including that of *Potentilla basaltica*.

#### **Q. If there is such a small population of the species, why didn't the Service propose to protect it under the ESA?**

**A.** The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend. Even though Soldier Meadow cinquefoil is rare, it appears to be stable. There are conservation measures in place that will adequately conserve the species.

### ***Public Meetings***

#### **Q. Is there an opportunity to meet with the Service to learn more about the proposed Webber's ivesia listing and proposed critical habitat?**

**A.** Yes. A public meeting has been scheduled on September 10, 2013, from 4:00 pm to 6:00 pm at the Department of Interior Building, Great Basin Conference Room, 1340 Financial Boulevard, Reno, Nevada. The meeting will be an open house format, so individuals may drop during that time to learn more about the proposals.

### ***Public Comments***

#### **Q. Are public comments being accepting for both the Webber's ivesia and the Soldier Meadow cinquefoil?**

**A.** The Service will be accepting public comments on the proposed listing and proposed critical habitat for Webber's ivesia until October 1, 2013 per the instructions below. This information will be used to assist the Service in developing the final actions for the species.

Although the Service will not be accepting formal public comments on the Solder Meadow cinquefoil, we encourage anyone with new information concerning threats to the species or its habitat to contact us.

**Q. Specifically, what kind of information is the Service looking for?**

**A.** We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

1. Webber's ivesia biology, distribution, population size and trend, including:
  - Habitat requirements for pollination, reproduction, and dispersal;
  - Genetics and taxonomy;
  - Historical and current range including distribution patterns;
  - Historical and current population levels, and current and projected trends; and
  - Past and ongoing conservation measures for the species, its habitat or both.
2. The factors that are the basis for making a listing determination for a species under section 4(a) of the Act (16 U.S.C. 1531 *et seq.*), which are:
  - The present or threatened destruction, modification, or curtailment of its habitat or range;
  - Overutilization for commercial, recreational, scientific, or educational purposes;
  - Disease or predation;
  - The inadequacy of existing regulatory mechanisms; or
  - Other natural or manmade factors affecting its continued existence.
3. Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.
4. Additional information concerning the historical and current status, range, distribution, and population size of this species, including the locations of any additional populations of this species.
5. Any information on the biological or ecological requirements of the species, and ongoing conservation measures for the species and its habitat.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made "solely on the basis of the best scientific and commercial data available."

**Q. Where do I submit comments on Webber's ivesia proposed listing or proposed critical habitat?**

**A.** Scientific information regarding these proposals will be accepted October 1, 2013 and may be submitted by one of the following methods:

- (1) *Electronically*: Go to the Federal eRulemaking Portal:

*http://www.regulations.gov*. In the Search box, enter FWS-R8-ES-2013-0079 for the proposed listing or FWS-R8-ES-2013-0080 for the proposed critical habitat, which are the docket numbers for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy*: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R8-ES-2013-0079 for the proposed listing or FWS-R8-ES-2013-0080 for the proposed critical habitat; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.