



Frequently Asked Questions About Slickspot Peppergrass (*Lepidium papilliferum*)

What decision is the Service making?

The Service, in accordance with Section 4(b)(6)(B)(i) of the Endangered Species Act of 1973, finds that there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the proposed listing rule for slickspot peppergrass (*Lepidium papilliferum*).

Because of this finding, the Service is extending its final decision on the proposed listing of slickspot peppergrass for six months in order to solicit additional data by reopening the public comment period for 30 days.

When is the new comment period?

The new comment period will begin July 18, 2003, with publication of the notice in the *Federal Register*, and close August 18, 2003.

When will the Service make a final decision on the proposed listing of slickspot peppergrass?

A final determination is expected January 15, 2004. In making any final decision on the proposed action, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final determination that differs from the proposal.

How can I comment or submit information?

Comments and information may be submitted in one of three ways:

- In writing, to:

U.S. Fish and Wildlife Service
Snake River Fish and Wildlife Office
Attn: Jeff Foss, Field Supervisor
1387 S. Vinnell Way
Boise, Idaho 83709
- By electronic mail (email) to fw1srbocomment@fws.gov.

If you submit comments by e-mail, please submit them in ASCII file format and avoid the use of special characters and encryption. Please include “Attn: RIN 1018-AI50” and your name and return address in your e-mail message. If you do not receive a confirmation from our system that we have received your e-mail message, contact the Snake River Fish and Wildlife Office at (208) 378-5243.

- By fax to (208) 378-5262, Attn: Jeff Foss, Field Supervisor. Please include the subject line” Lepidium comments” on your fax cover page.

Will the public be able to review the comments and materials that the Service receives?

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Snake River Fish and Wildlife Office (see address above).

What if I already submitted written comments on the Service’s earlier proposal to list slickspot peppergrass?

Previously submitted written comments need not be resubmitted as they already have been incorporated into the public record and will be fully considered in the final rule. However, new comments and information are invited during the new comment period.

Where can I find the proposal to list slickspot peppergrass?

The proposal, published on July 15, 2002, may be found on the U.S. Fish and Wildlife service website at <http://endangered.fws.gov/frpubs/02fedreg.htm>

A printed copy of the proposed rule may also be obtained by writing to:

Supervisor, U.S. Fish and Wildlife Service
Snake River Fish and Wildlife Office
1387 S. Vinnell Way, Room 368, Boise, ID 83709
(208) 378-5243

What is the history and time frame for this listing?

On April 9, 2001, the Service received a petition dated April 4, 2001, from the Committee for Idaho’s High Desert, the Western Watersheds Project, the Wilderness Society, and the Idaho Conservation League requesting emergency listing of slickspot peppergrass as threatened or endangered. We responded to the Petitioners with a letter dated April 27, 2001, stating that the species was already identified as a candidate for listing, and we do not publish petition findings on candidate species since we have already determined that their listing is warranted (Service, in litt. 2001). We also stated that our initial review of their petition did not indicate an emergency action was warranted.

On November 6, 2001, the Petitioners filed a complaint for our failure to emergency list slickspot peppergrass as threatened or endangered, and our failure to proceed with a proposed rule to list slickspot peppergrass as endangered or threatened on a non-emergency basis [Committee for

Idaho's High Desert and Western Watersheds Project v. Anne Badgley, et al. (Case No. CV 01-1641-AS)]. On April 2, 2002, based on a settlement agreement with the Petitioners, the court signed an order requiring us to submit for publication in the Federal Register a final determination or finding by July 15, 2003.

On July 15, 2002, we published a proposed rule to list slickspot peppergrass as an endangered species (67 FR 46441). During the initial public comment period which closed on September 13, 2002, we published legal notices in local Idaho newspapers and held hearings. On September 25, 2002, we reopened the comment period for an additional 60 days to allow additional time for all interested parties to submit written comments on the proposal (67 FR 60206). The second comment period closed on November 25, 2002.

What are the disagreements over data sufficiency and accuracy?

There is substantial disagreement over whether the available data is sufficient to indicate a continuing trend of decline toward extinction. Furthermore, since annual population numbers are known to vary widely within element occurrences of slickspot peppergrass, there is substantial disagreement over whether or not the monitoring data collected since 1995 is sufficient to support either an increasing or a decreasing population trend.

Also, there is substantial disagreement among the scientific reviewers about the number of reported observations being sufficient to conclude an overall negative impact to the species is likely to occur.

What is the purpose of the extended time period?

The six-month extension of the final listing rule for slickspot peppergrass will be used to solicit and evaluate additional data to further address the sufficiency or accuracy of the available data.

During this time, the Service also plans to draft a Conservation Agreement for slickspot peppergrass in coordination with the State of Idaho, the Bureau of Land Management, the Idaho Cattle Association, and other affected and interested parties. The Service believes that finalization and implementation of this agreement would have immediate benefit to the conservation of the species. The Service and the participating parties would be able to implement, through this agreement, a number of immediate conservation measures, and would therefore be able to bring protection to the species much more quickly than the conservation measures associated with section 7 consultations of the Endangered Species Act initiated upon the species listing and the recovery process. In addition, the conservation agreement would provide slickspot peppergrass with some protections the Service would not be able to obtain through the ESA's legal requirements. Specifically, the conservation agreement would provide for some protections for the peppergrass on private land, which are not required pursuant to the ESA.

Furthermore, during this 6-month time the Service will work with the U.S. Air Force to update its Integrated Natural Resource Management Plan (INRMP) to further address the conservation needs of slickspot peppergrass on its land.

What information is the Service seeking?

The Service is seeking the following information:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;
- (2) The location of any additional populations of this species;
- (3) Additional information concerning the range, distribution, and population size of this species; and
- (4) Current or planned activities in the subject area and their possible impacts on this species.

How can I get more information?

For more information, contact:

U.S. Fish and Wildlife Service
Snake River Fish and Wildlife Office
Attn: Jeff Foss, Field Supervisor
1387 S. Vinnell Way
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(208) 378-5243