



Frequently Asked Questions about Slickspot Peppergrass

Slickspot Peppergrass (*Lepidium papilliferum*)
Final Listing Determination January, 2004

WHAT IS SLICKSPOT PEPPERGRASS (*LEPIDIUM PAPILLIFERUM*)? WHERE DOES IT OCCUR?

Slickspot peppergrass is a herbaceous annual or biennial plant that occurs in sagebrush steppe habitats in southwestern Idaho, including the Snake River Plain, Owyhee Plateau, and adjacent foothills in Ada, Canyon, Elmore, Gem, Owyhee, and Payette counties.

The plant ranges from 4 to 12 inches in height, and has many tiny, white flowers that resemble the garden flower sweet alyssum.

Slickspot peppergrass typically grows in "slickspots," which are small areas (microsites) within larger sagebrush habitat. These microsites are often lower than surrounding areas, so they retain water longer than the surrounding soil. Slickspots may be as small as a square foot, or as large as half a basketball court, and are usually surrounded by big sagebrush, native bunchgrasses, wildflowers, mosses, and lichens.

The total area of sagebrush steppe habitats containing occurrences of slickspot peppergrass is about 20,500 acres. Of this, 91% (18,655 acres) is on federal land managed by the Bureau of Land Management (BLM) and U.S. Air Force (USAF); 3% (615 acres) is on private land; 6% (1,230 acres) occurs on state land; and a small amount of city and county land contain the plant..

WHAT ARE THREATS TO THIS PLANT?

The plant can be impacted by a variety of activities including wildfire and fire rehabilitation activities, encroachment of non native plants, some cattle and sheep grazing practices, gravel mining, irrigated agriculture and urbanization.

WHAT IS THE SERVICE'S FINAL LISTING DETERMINATION FOR SLICKSPOT PEPPERGRASS?

After a re analysis of information and evaluation of recently formalized conservation plans, the Service has determined that there is not strong evidence of a negative population trend for the species, and conservation efforts will be effective such that they reduce the risk to this species below the definition of endangered or threatened.

The Service has concluded that the species is not likely to become endangered within the foreseeable future.

WHAT LEGAL ACTIONS OCCURRED REGARDING SLICKSPOT PRIOR TO THIS LISTING DETERMINATION?

The Service determined slickspot peppergrass to be a Candidate Species in October, 1999. In November, 2001, the Service was sued by the Committee for Idaho's High Desert and Western Watersheds Project for failure to issue an emergency rule to list the plant, and for failing to proceed with a proposed rule to list it as endangered or threatened. Based upon a settlement agreement between the Service and the plaintiffs, the court signed an order for the Service to publish a proposal to list the species by July 15, 2002, and a final determination or finding by July 15, 2003.

WHEN WAS SLICKSPOT PEPPERGRASS PROPOSED FOR LISTING?

On July 15, 2002, the Service published a proposed rule to list the species as endangered (67FR 46441). Public comments were solicited during two 60 day comment periods (July 15 September 13, 2002 and September 25 November 25, 2002). During that period, public hearings were held in Boise and Grand View, Idaho. Forty two comments from state and federal agencies, county governments, scientific organizations, and other interested parties provided input on the proposal.

DID THE SERVICE CONDUCT A PEER REVIEW?

The Service solicited peer review of its original proposal. After receiving additional scientific information from the Air Force, the Service convened a science panel to evaluate that information and review the risks of extinction.

WHY WAS THE SERVICE'S FINAL LISTING DECISION EXTENDED FOR SIX MONTHS IN JULY, 2003?

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

In accordance with section 4(b)(6)(B)(i) of the Endangered Species Act of 1973, the Service found that there was substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the proposed listing rule for slickspot peppergrass.

Therefore, on July 16, 2003, the Service announced a six month extension to better enable the agency to make a final determination over whether to list the plant under ESA. The Service announced its intention to employ additional techniques for further analysis, and evaluating the

current status of the species and potential risks.

A 30 day comment period was reopened from July 16 to August 18, 2003. Additional data addressing the sufficiency and accuracy issue was solicited during that period. The Service sought the following information during this comment period:

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.

A document titled "Primary Issues of Disagreement Regarding the Status and Threats to *Lepidium Papilliferum*" was made available to the public for comment.

HOW WERE RISKS TO THE PLANT EVALUATED?

The Service then convened a panel of experts in ecology, land use, as well as slickspot peppergrass, to assist with better understanding the level of uncertainty associated with the best available scientific information.

Panelists were selected based on their direct experience with slickspot peppergrass and an established record of research in sagebrush ecosystems of the intermountain west. The six participants were: Ann DeBolt, USDA Forest Service, Rocky Mountain Research Station, Boise, ID; Richard Inouye, Department of Biology, Idaho State University; Karen Launchbaugh, Department of Rangeland Science and Management, University of Idaho; Susan Meyer, USDA Forest Service, Rocky Mountain Research Station, Provo, UT; Ian Robertson, Department of Biology, Boise State University; and Neil West, Department of Range and Wildlife Sciences, Utah State University.

WHAT RECENTLY FORMED CONSERVATION PLAN DID THE SERVICE EVALUATE?

A Candidate Conservation Agreement for slickspot peppergrass was developed between the Bureau of Land Management, the State of Idaho, Idaho Army National Guard, and several private property owners who hold BLM grazing permits (Cooperating Parties). The CCA was developed by the Cooperating Parties with technical advice from the Service on policy and science. On October 30, 2003, a 15 day public comment period was established soliciting public review and comment on the CCA and the Service's "Best Available Scientific Information for Slickspot Peppergrass" document.

The purpose of the CCA is to formalize implementation of conservation measures for slickspot peppergrass that ensure conservation of the plant and its habitat while maintaining predictable and sustainable levels of use for current and future activities on the lands. The Agreement also provides a means of protecting and conserving the species and its habitat through the mutual and voluntary commitment of the Cooperating Parties.

WAS THE PUBLIC ABLE TO COMMENT ON THE CCA OR OTHER NEW DOCUMENTS?

On October 30, 2003, a 15 day public comment period (through November 14, 2003) was established to enable the public to provide review and comments on two new documents for consideration in the final listing determination: a Candidate Conservation Agreement developed by cooperating parties and the Service's "Best Available Scientific Information" document.

WHAT CRITERIA WAS USED TO EVALUATE THE CCA?

The CCA was developed considering criteria the Service's Policy for Evaluation of Conservation Efforts (PECE), of June 13, 2003 (68 FR 37102). This policy applies to the Service's evaluation of all formalized conservation efforts when the agency is determining whether a species should be listed for protection under the Endangered Species Act. It identifies criteria the Service will use to evaluate the certainty of implementation and effectiveness of such formalized conservation efforts that have not yet been implemented, or have been recently implemented and have not yet demonstrated effectiveness at the time of a listing decision.

WHAT OTHER CONSERVATION ACTIONS ARE ONGOING?

The Service worked with the U.S. Air Force to update its Integrated Natural Resource Management Plans (INRMPs) to further address conservation needs for slickspot peppergrass.

In addition to the CCA received by the Service in mid December, the State of Idaho entered in Memorandums of Agreement with several private landowners who volunteered to implement conservation measures for the species on over 17,000 acres of private land.

WHAT ARE SOME CONSERVATION MEASURES FOR SLICKSPOT PEPPERGRASS?

Conservation measures in the CCA and INRMPs include increased wildfire protection and minimum impact fire suppression and rehabilitation practices, treatment of noxious weeds, adjustment to grazing practices, and measures to reduce ground disturbance in and around slickspots.

The Service will work with the CCA Cooperating Parties to implement the plan and to ensure the conservation of this plant.

The Service will work closely with all partners to further conservation of this plant, coordinate studies, and adapt management to address new information.

WHERE CAN I OBTAIN MORE INFORMATION ABOUT SLICKSPOT PEPPERGRASS?

For more information, please contact Jeff Foss, Field Supervisor, at the Service's Snake River Fish and Wildlife Office, 1387 S. Vinnell Way, Boise, Idaho 83709; 208 378 5243. This news release and supporting information are posted on the Service's website at: <http://idahoes.fws.gov>.

