



Questions and Answers: Guadalupe Fescue Final Listing and Critical Habitat Determination

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Q: What action is the U.S. Fish and Wildlife Service (Service) taking?

A: The Service is protecting Guadalupe fescue as endangered under the Endangered Species Act (ESA). In addition we are designating approximately 7,815 acres as critical habitat in Brewster County, Texas. The critical habitat is entirely within Big Bend National Park and does not include any private lands.

Q: What is Guadalupe fescue and where is it found?

A: Guadalupe fescue is a short-lived perennial grass species that is found only in the high mountains of the Chihuahuan Desert in the Trans-Pecos region of Texas and in the state of Coahuila, Mexico. These “sky island” habitats are conifer-oak woodlands at elevations above 5,900 feet. The species has been reported from only six locations, and only two of these populations are known to remain: one population in the Chisos Mountains within Big Bend National Park, and one population in the Maderas del Carmen Mountains in northern Mexico.

Q: What are the primary threats to the species?

A: Guadalupe fescue is threatened by the scarcity and small size of its populations, and their isolation from each other, all of which can negatively affect its reproduction and genetic variation. Also negatively affecting populations are: reduced frequency of wildfires; livestock grazing (direct predation of plants); invasive species; effects of climate change, such as higher temperatures and changes in the amount and seasonal pattern of rainfall; and runoff from trails.

Q: Are there any conservation efforts focused on Guadalupe fescue?

A: The Service has been working for many years with the National Park Service and agencies in Mexico to conserve Guadalupe fescue. We are implementing a Candidate Conservation Agreement (CCA) with Big Bend National Park and Guadalupe Mountains National Park. CCAs are formal, voluntary agreements between the Service and one or more parties to address the conservation needs of candidate species or species likely to become candidates in the near future. Participants voluntarily commit to implement specific actions designed to remove or reduce threats to the covered species, so that listing may not be

necessary. The Service has entered into many CCAs over the years, primarily with other federal agencies and states. Local governments, Tribes, private property owners, and other entities may also participate.

The Guadalupe fescue CCA was updated in August 2008 and is a 10-year agreement. The CCA focuses on monitoring and surveys; seed and germ plasm banking; fire and invasive species management; trail management; educating staff and visitors; establishing an advisory team of experts; and cooperation with Mexican agencies and researchers to conserve the known Guadalupe fescue populations and identify new ones. Big Bend National Park intends to continue to implement the conservation measures in the CCA.

Q: What is critical habitat?

A. Critical habitat is a term in the Act that identifies geographic areas containing features essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection. The Act defines “conservation” as the actions leading towards the eventual recovery of a species to the point where it is no longer threatened or endangered.

Critical habitat provides a prohibition against destruction or adverse modification from actions carried out, funded, or authorized by a federal agency and is carried out through required consultation under section 7 of the Act.

Q. What is the purpose of designating critical habitat?

A. A critical habitat designation generally has no effect on situations that do not involve a federal agency—for example, a private landowner undertaking a project that involves no federal funding or permit. Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize to ensure that their actions will not destroy or adversely modify critical habitat. In this way, a critical habitat designation protects areas that are necessary for the conservation of the species.

Q. Do listed species in critical habitat areas receive more protection?

A. Listed species and their habitat are protected by the Act whether or not they are in an area designated as critical habitat. To understand the additional protection that critical habitat provides to an area, it is first necessary to understand the protection afforded to any endangered or threatened species, even if critical habitat is not designated for it.

The Act forbids anyone to import, export, or engage in interstate or foreign sale of endangered and threatened animals and plants without a special permit. For wildlife species, the Act also makes "take" illegal – forbidding the killing, harming, harassing, pursuing, or removing the species from the wild. The Act does not prohibit the destruction, damage or movement of listed plants UNLESS such activities involve an endangered species on federal land or if the action occurs in violation of state laws. This is the case with Guadalupe fescue on Big Bend National Park. If a person wishes to develop private land, with no federal jurisdiction involved, in accordance with state law, then the potential destruction, damage, or movement of endangered or threatened plants does not violate the Act.

The Act requires that federal agencies conduct their activities in such a way as to conserve species.

The Act also requires federal agencies to consult with the Service to conserve listed species on their lands and ensure that any activity they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. This is known as consultation.

In consultations for species with critical habitat, federal agencies are required to ensure that their activities do not destroy or adversely modify critical habitat to the point that it can no longer serve its conservation role in the species' recovery. For plants listed as endangered the section 7 provisions, including the jeopardy standard, are the same as those for wildlife species. For areas under federal jurisdiction it is illegal to remove or reduce to possession or maliciously damage or destroy the endangered plant. It is a violation to damage, destroy, or dig up endangered plants in violation of any state law including state trespass law. Also, it is unlawful to import, export, deliver, carry, transport, or ship endangered plants from the U.S. by any means whatsoever in the course of a commercial activity. Nor can they be sold in interstate or foreign commerce.

Plant species that are listed as threatened under the Act are covered by the section 7 provisions. However, under the Act plants listed as threatened are not covered by the same suite of prohibitions as those for endangered species. The Act does not protect threatened plants from activities that maliciously damage or destroy them on federal property, removing, cutting, digging up, damaging, or destroying private property in violation of any law or regulation of any state including state criminal trespass law.

Q: Does a critical habitat designation mean an area is considered a wildlife refuge or sanctuary?

A: The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. A critical habitat designation identifies areas that are important to the conservation of federally listed threatened or endangered species. A critical habitat designation requires federal agencies to consult with the Service on any of their actions that may affect critical habitat in designated areas. The Service can then recommend ways to minimize any adverse effects. It imposes no requirements on state or private actions on state or private lands where no federal funding, permits or approvals are required.

Q. Will the management or access at Big Bend National Park be affected by the listing and critical habitat designation for Guadalupe fescue?

A. We do not expect there to be any changes at Big Bend National Park that would impact management activities and access beyond what is already in place at the park and included in the CCA.