



Petition for 475 Species FAQs

Public Affairs Office
PO Box 1306
Albuquerque, NM 87103
505/248-6911

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) <http://southwest.fws.gov>

Who petitioned the Service to add 475 species?

Forest Guardians, now WildEarth Guardians, petitioned us on June 18, 2007 requesting Endangered Species Act (ESA) protection for 475 species that occur in Arizona, New Mexico, Oklahoma and Texas. The majority are invertebrates, animals with no spine. Many are plants. The list includes species that NatureServe has categorized as “critically imperiled” or “imperiled.” NatureServe represents a network of member programs that collect and analyze data about the plants, animals, and ecological communities of the Western Hemisphere.

On October 3, 2007, WildEarth Guardians filed a notice of intent to sue if a finding on the 475 petition did not publish within 60 days.

Can you give a summary of which species are included in the petition?

Forest Guardians (now WildEarth Guardians) asked us to consider all “critically imperiled” or “imperiled” species in Arizona, New Mexico, Texas and Oklahoma which were not already listed, proposed, or candidates for ESA protection.

Specifically:

-*Agave arizonica* was recently determined to be a product of hybridization and not a listable entity. No new information was provided in the petition.

-Salina mucket was listed twice on the petition under two different scientific names: *Potamilus metnecktayi* and *Disconaias salinasensis*. NatureServe did not include a file of *D. salinasensis*, so we refer to this species by *P. metnecktayi* (its file did mention that Salina mucket was also known as *D. salinasensis*).

-For 270 species, the petition did not provide substantial information indicating ESA protection may be warranted.

- 226 included taxonomic information only (1 vertebrate, 189 inverts, and 35 plants).

- 37 had information on the basic biology of the species, but no threats info (2 vertebrates, 24 inverts, 11 plants).

- 5 had a threat mentioned, but it was not tied to the species or to the habitat at the species site (1 invert, 4 plants).

- 2 species had threats listed and tied to the species, but we have documentation that these are not significant (2 plants).

-*Erigeron hessii* (Hess' fleabane): NatureServe listed trampling effects from hikers along a scenic trail as a threat, but no references cited in NatureServe listed this as a threat. Sivinski (1998, accessed online March 4, 2008) states that there are no land uses which threaten the species. The New Mexico Native Plant Advisory Committee (1984) also states that there are no threats to *E. hessii*. Nesom (1978) did state that *E. hessii* does occur along a hiking trail at one site.

-*Cymopterus beckii*: *C. beckii* occurs in one area in AZ, two in UT. NatureServe listed visitor impacts as a possible threat at Capitol Reef National Park in UT. However, Clark (2002), after three years of intensive surveys, concluded that the majority of *C. beckii* occur in remote locations with limited accessibility which were not threatened by visitor impacts.

How many species are included in this negative 90-day finding?

We've concluded the petition did not contain substantial scientific data indicating listing was warranted for 270 species. Three species were already listed or are candidates for listing and one was a duplicate.

Where do these species occur?

All the species occur in the Southwest. AZ has 86. NM has 46. OK has 9. TX has 139, including more than 50 species near Austin, mostly cave dwelling invertebrates.

What information do you review at the 90-day finding level?

Information included in a petition, information cited in a petition and information in our files.

When will you decide on the other species?

We are still reviewing information and have made no decision on the remaining 202 species. They will be addressed in one or more future 90-day findings as time and budget permit.

Why did it take you so long to respond?

According to WildEarth Guardians, it was practicable to complete the finding within 90 days as it said NatureServe had already compiled all the information. In reality, the petition (and NatureServe) merely referenced web sites, articles and books that contained the information. The 56-page petition generated more than 56 inches of paper once all the available references were assembled – equivalent to reading the Harry Potter series, twice.

A biologist reviews each species individually as NatureServe uses slightly different factors than the Service does to analyze the level of threats each species faces.

For 79 species, we could not readily find the references cited in NatureServe. We sent a letter to WildEarth Guardians requesting these references. WildEarth Guardians found almost all of these references and sent them to us. We received them on July 15, 2008. This did not give us enough

time to review these references for this 90-day finding. Consequently, those species will be evaluated later.

Were you asked to emergency list some species?

On June 28, 2008 we received a petition from WildEarth Guardians to emergency list 32 species in Regions 2 and 6; 21 occur in Region 2. This emergency listing petition provided information on each of the 32 species. It included new information for only two species and the information was not substantial. (Note – the two species are included in this negative 90-day finding: *Fallceon eatoni* and *Isoperla jewetti*.) Species in both the original petition and the emergency listing petition are addressed in this 90-day finding.

Note: We consider the 475 (and 206 in R6) petition withdrawn for those species named in the 32 species emergency listing petition. The emergency listing is treated as a new petition with a new timeline. Emergency listing petitions are evaluated using the same criteria and timeframe as all other listing petitions.