

Frequently Asked Questions About

Proposed Critical Habitat **For the Colorado Butterfly Plant**

Q – What action is the Fish and Wildlife Service taking?

A – The U. S. Fish and Wildlife Service is proposing to designate approximately 8,486 acres of land along 113 stream miles as critical habitat for the Colorado butterfly plant - a short-lived perennial herb protected under the Federal Endangered Species Act.

A final decision regarding the designation of critical habitat will be made by Dec. 31, 2004, after the economic analysis has been finished and the public comment period has closed.

Q – Why is the Service proposing critical habitat?

A – In response to a lawsuit filed by the Center for Biological Diversity and Biodiversity Legal Foundation against the Service for failure to designate critical habitat for the Colorado butterfly plant, the Service agreed to a court settlement requiring it to make a final critical habitat determination by December 31, 2004.

Q – What is critical habitat?

A – Critical habitat designates areas that contain habitat essential for the conservation of a threatened or endangered species and which may require special management considerations. A designation does not set up a preserve or refuge and has no specific regulatory impact on landowners whose actions on their land do not involve Federal agency funds, authorization or permits.

Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary of the Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

Q – What is being proposed as critical habitat for the Colorado butterfly plant?

A – Wyoming:

Tepee Ring Creek, Platte County: 107 acres, 1.5 stream miles

Bear Creek East, Laramie County: 801 acres, 11.2 stream miles

Bear Creek West, Laramie County: 500 acres, 7.3 stream miles

Little Bear Creek/Horse Creek, Laramie County: 2,480 acres, 36.1 stream miles

Lodgepole Creek West, Laramie County: 1,067 acres, 15 stream miles

Diamond Creek, Spring Creek, and Lone Tree Creek, Laramie County: 1,141 acres, 17.2 stream miles

Wyoming/Nebraska:

Lodgepole Creek East, Laramie County WY, Kimball County, NE: 1,683 acres, 24.8 stream miles

Colorado:

Meadow Springs Ranch, Weld County: 707 acres, no stream miles

Details of the critical habitat proposal are included in the maps and documents published with the proposed rule in the *Federal Register*.

Q – What is the land ownership or the proposed critical habitat designations?

A – Most of the proposed habitat in the three states is privately owned. There are, however, some lands in Wyoming owned by the state and the City of Cheyenne. The City of Ft. Collins owns some of the land being considered in Colorado.

Q – What areas are not included in this critical habitat proposal?

A – Colorado butterfly habitat located on F.E. Warren Air Force Base in Wyoming is not included in this critical habitat proposal because the base has an approved Integrated Natural Resources Management Plan that addresses the conservation needs of the plant.

Q – Will any privately-owned lands be excluded from a critical habitat designation?

A – The Service believes that in almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Therefore, the Service is working with landowners to protect habitat for the Colorado butterfly plant through voluntary conservation agreements. Working cooperatively with landowners is the preferred approach to protecting the species. This approach will be actively pursued before finalizing critical habitat. Conservation agreements between the landowners and the Service that provide sufficient protection to the Colorado butterfly plant will enable the Service to exclude those parcels of land from a critical habitat designation.

Q – How did the Service determine what areas should be proposed as critical habitat for the Colorado butterfly plant?

A – The Service used the best scientific data available to determine areas that contain the physical and biological features essential for the conservation of the plant and reviewed all the available information concerning habitat conditions, threats, limiting factors, population demographics, and the known location, distribution, and abundance of the plant.

The Service is only proposing to designate areas that currently have the primary constituent element essential to the conservation of the Colorado butterfly plant and for areas that require special management. Primary constituent elements are physical and biological features that are essential to the conservation of the plant. These include: habitat components essential for the biological needs of rosette growth and development, flower production, pollination, seed set and fruit production, and genetic exchange

All areas proposed as critical habitat for the Colorado butterfly plant are within the historic geographic range of the species and where the plant is currently known to occur.

Q – Who would be affected by a critical habitat designation?

A – Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize that might affect critical habitat. It is important to note that in most cases, this is already occurring under the section 7 interagency consultation requirements of the Endangered Species Act.

Q - What would a critical habitat designation mean to a private landowner?

A - A critical habitat designation does not affect situations where a Federal agency is not involved - for example, a landowner undertaking a project on private land that involves no Federal funding or permit.

Q - How will a critical habitat designation for the Colorado butterfly plant affect use of my personal property? Will this result in any taking of my property?

A - The designation of critical habitat on privately-owned land does not mean the government wants to acquire or control the land. Activities on private lands that do not require Federal permits or funding are not affected by a critical habitat designation. Critical habitat does not require landowners to carry out any special management actions or restrict the use of the land.

If a landowner needs a Federal permit or receives Federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds would consult with the Service to determine how the action may affect the species or its designated critical habitat. The Service will work with the Federal agency and private landowner to modify the project and minimize the impacts.

Q - How would State lands be affected by a critical habitat designation?

A - Non-Federal activities are not affected. Designation of critical habitat requires Federal agencies to review activities they fund, authorize, or carry out, to assess the likely effects of the activities on critical habitat.

Q – Would a critical habitat designation have economic impacts?

A – An economic analysis of the proposed critical habitat designation will be completed and subject to public review prior to a final decision. The Secretary of Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the conservation benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

Q – How long would a critical habitat designation remain in effect?

A – Until the species is considered to be recovered, and is de-listed.

Q – Will I have an opportunity to comment on the proposed critical habitat designations?

A – The 60-day comment period closes on Oct. 5, 2004. Comments and information may be submitted in writing to: Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, 4000 Airport Parkway, Cheyenne, Wyoming 82001, or may be submitted electronically to: fw6_cobutterflyplant@fws.gov. They may also be faxed to 307-772-2358.