



## **Questions and Answers: Wright's Marsh Thistle Proposed Listing and Critical Habitat Designation**

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

**A:** The Service is proposing to list the Wright's marsh thistle as threatened under the Endangered Species Act (ESA) with a 4(d) rule. In addition, we are proposing eight units of critical habitat totaling 159 acres in Chaves, Eddy, Guadalupe, Otero, and Socorro Counties in New Mexico.

### **Q: What is Wright's marsh thistle and where is it found?**

**A:** Wright's marsh thistle is a wetland plant that occurs in wet meadows associated with alkaline springs, seeps, and cienegas (wetland systems unique to the American Southwest) at elevations between 3,450 and 7,850 feet. It produces a three- to eight-foot single stalk covered with succulent leaves. Wright's marsh thistle was historically known to occur in Arizona and New Mexico in the United States, and Chihuahua and Sonora in Mexico. Today, this striking sunflower-like plant is found in only eight localities in New Mexico. As its name implies, the Wright's marsh thistle is a rare wetland species that needs marshy habitats with year-round water-saturated soils to thrive.

### **Q: What are the primary threats to the species?**

**A:** The Service determined the Wright's marsh thistle is at risk of extinction in the foreseeable future due to the scarcity, isolation and small size of remaining populations. Additional threats to the species include decreased water availability, competition with native and non-native plants, cattle grazing, and effects from oil and gas development.

### **Q: What conservation efforts are underway for the Wright's marsh thistle?**

**A:** Bitter Lake National Wildlife Refuge manages invasive reeds in their moist soil/wetland units where Wright's marsh thistle is located. This helps increase

sunlight availability and decrease competition with non-native species. The refuge also recently completed seed collection efforts for the plant. The U.S. Forest Service's (USFS) Lincoln National Forest does not have active conservation efforts underway for the species, but it does implement a 61-meter (200 foot) buffer around occupied sites when projects occur within or near occupied areas.

**Q: What additional protections does the proposed 4(d) rule include for the Wright's marsh thistle?**

A: The ESA does not afford plants listed as threatened the same protections as those for endangered species. Typically, the ESA does not protect threatened plants from activities that damage or destroy them on federal property.

The proposed 4(d) rule for Wright's marsh thistle provides some of the protections afforded plant species listed as endangered. Specifically, the rule would prohibit the damage, destruction or removal of the plant on federal lands as described in ESA section 9(a)(2)(B).

**Q: What is critical habitat?**

A. The ESA defines critical habitat as geographic areas containing features essential for the conservation of a threatened or endangered species, and that may require special management considerations or protection. The ESA 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 ESA section 7. 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.

The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area.

**Q. What is the purpose of designating critical habitat?**

**A.** A critical habitat designation requires federal agencies 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. A critical habitat designation does not impact private landowners undertaking a project on their lands that does not involve federal funding or permitting.

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

**A.** Listed species and their habitats are protected by the ESA whether or not they are in an area designated as critical habitat. To understand the additional protection critical habitat provides, 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 ESA requires that federal agencies conduct their activities in such a way as to conserve species. The ESA 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.

**Q. What kind of lands are involved in this proposed critical habitat? What impacts will the proposed rule have on landowners?**

**A.** Approximately 29 percent of the proposed designation is located on federal lands, 20 percent is on state-owned lands, and 1 percent on land owned by the Mescalero Tribe. Fifteen percent of proposed lands are owned by the City of Santa Rosa, and 35 percent are privately owned.

The Service does not anticipate any direct impacts to industries (i.e., oil and gas, mining, agriculture) or landowners under this proposed rule.