

Section II

Threatened and Endangered Species

This subsection summarizes NRCS responsibilities regarding consideration of threatened and endangered species during all conservation planning and technical assistance activities.

The Endangered Species Act (ESA) requires NRCS and other federal agencies to ensure that their actions do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of their habitats. To comply with the Act, the effects of NRCS–assisted practices on listed species and their habitats must be assessed. This requires an awareness of the location of threatened or endangered species and their habitat requirements. Fact sheets on each listed species are found on the following pages.

Threatened and endangered species policy requires NRCS to routinely determine if a given action may affect a listed species. While providing assistance, NRCS conducts an environmental evaluation to determine if the installation of one or more conservation practices will have a probable effect on a species listed as threatened or endangered, or result in the destruction or adverse modification of its habitat. Record potential impacts to threatened or endangered species on the SCS-CPA-52 Form as well as in the Con-6 notes.

It is NRCS policy that formal consultation with the USDA–Fish and Wildlife Service (FWS) regarding the effects of planned practices on threatened and endangered species is not required when only technical assistance (no financial assistance) is involved. However, in no case will NRCS advocate the installation of conservation practices or implementation of management systems that may adversely affect such species. It is specifically NRCS policy, to comply with Section 7(a)(1) of the ESA, that we will "assist in the conservation of threatened and endangered species and consistent with legal requirements, avoid or prevent activities detrimental to such

Landowners/operators will be informed of the requirements of the Endangered Species Act, including Section 9, which holds private landowners/operators personally liable for actions which could result in "take" of a listed species. Informal consultation with the FWS may be used at any time to help determine potential effects of planned practices on threatened/endangered species. When providing site–specific assistance, the landowner's consent must be obtained prior to initiating informal consultation with FWS.

When financial assistance is involved and NRCS determines that the planned action has absolutely "no effect"--either positive or negative--on listed species or their habitats, no further consultation is necessary. Document very thoroughly how this decision was reached. If NRCS determines that a planned action "may affect, but is not likely to adversely affect," listed species, we must initiate informal consultation with FWS and obtain concurrence that the action has a negligible probability of harming such species. Landowner consent is required before initiating informal consultation with FWS.

If it is determined a proposed action "may adversely affect" a listed species, NRCS will advise the landowner of the requirements of the Endangered Species Act and recommend alternative conservation treatment that avoids the adverse effects. Further assistance will be provided only if one of the alternative conservation treatments is selected for installation or at the request of the landowner, NRCS will initiate formal consultation with the FWS to assist the landowner in complying with the Act. Field offices should obtain input from the state office when developing alternative conservation treatments intended to avoid adverse effects to threatened or endangered species.

Formal consultation under Section 7 of the Act should be established with the FWS when NRCS determines a proposed action may adversely affect a listed species and only at the landowner's request.

Threatened and Endangered Species

The following species are on the official threatened and endangered species list for Montana as developed by the Department of Interior--Fish and Wildlife Service (FWS).

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>STATUS</u>	<u>EXPECTED OCCURRENCE--MONTANA</u>
Black-footed Ferret	<i>Mustela nigripes</i>	E/XN	Prairie dog complexes: EASTERN MONTANA
Gray Wolf	<i>Canis lupus</i>	E/XN	Forests: WESTERN MONTANA
Whooping Crane	<i>Grus americana</i>	E	Wetlands: MIGRANT STATEWIDE
Least Tern	<i>Sterna antillarum</i>	E	YELLOWSTONE, MISSOURI RIVERS--sandbars, beaches: EASTERN MONTANA
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E	Bottom dwelling: MISSOURI, YELLOWSTONE RIVERS
White Sturgeon (KOOTENAI RIVER POPULATION)	<i>Acipenser transmontanus</i>	E	Bottom dwelling: KOOTENAI RIVER
Grizzly Bear	<i>Ursus arctos horribilis</i>	T	Alpine/subalpine coniferous forest: WESTERN MONTANA
Canada Lynx (CONTIGUOUS U.S. POPULATION)	<i>Lynx canadensis</i>	T	Montane forest: WESTERN MONTANA
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T*	Forested riparian: STATEWIDE
Piping Plover	<i>Charadrius melodus</i>	T	MISSOURI RIVER--sandbars, alkaline beaches: NORTHEAST MONTANA
		CH**	Alkali lakes: SHERIDAN COUNTY; sandbar and reservoir shoreline: GARFIELD, McCONE, PHILLIPS, RICHLAND, ROOSEVELT, AND VALLEY COUNTIES.
Bull Trout (COLUMBIA RIVER BASIN POPULATION and ST. MARY--BELLY RIVER POPULATION)	<i>Salvelinus confluentus</i>	T	Cold water rivers, lakes: WESTERN MONTANA
Spalding's Catchfly	<i>Silene spaldingii</i>	T	Open grasslands: UPPER FLATHEAD RIVER drainage and TOBACCO VALLEY
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T	River meander wetlands: JEFFERSON, MADISON, BEAVERHEAD, GALLATIN COUNTIES
Water Howellia	<i>Howellia aquatilis</i>	T	Wetlands: SWAN VALLEY--NORTHWEST MONTANA

E ENDANGERED Any species that is in danger of extinction throughout all or a significant portion of its range.

XN EXPERIMENTAL NO NESSENTIAL POPULATION A population of a listed species reintroduced into a specific area that receives more flexible management under the Act.

T THREATENED Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**** CH** Critical habitat was proposed for the Piping plover on June 12, 2001 (66FR31670)

Critical Habitat: The specific areas

- 1) Within the geographic area occupied by a species, at the time it is listed, on which are found those physical or biological features—a) essential to conserve the species; and, b) that may require special management considerations or protection,
- 2) Specific areas outside the geographic area occupied by the species at the time it is listed upon determination that such areas are essential to conserve the species.

* Proposed for delisting.

Threatened and Endangered Species

NO INFORMATION

Section II

Threatened and Endangered Species

Candidate and Proposed Threatened/Endangered Species

This subsection summarizes NRCS responsibilities regarding consideration of candidate and proposed threatened or proposed endangered species during all conservation planning and technical assistance activities.

requirement to consult with the FWS. NRCS will determine the effects of proposed conservation practices and management on candidate species and provide alternatives to landowners for avoiding adverse impacts. Informal consultation with the FWS will help identify these impacts.

Candidate Species

Candidate species are those taxa for which the Fish and Wildlife Service has sufficient information on biological status and threats to propose listing them as threatened or endangered under the Endangered Species Act (ESA). The FWS encourages their consideration in environmental planning; however, none of the substantive or procedural provisions of the ESA apply to candidate species.

It is NRCS policy (GM 190, Part 410.22–Threatened and Endangered Species of Plants and Animals) that our concern for declining species is not limited to those formally listed by the FWS as threatened or endangered under the ESA. Animal and plant species designated by state agencies as rare, threatened or endangered (including candidate species) are also given special consideration during the environmental evaluation process, even though there is no statutory

Proposed Threatened and Proposed Endangered Species

This category includes any species that the FWS has formally proposed for listing as threatened or endangered under the ESA. When planned conservation practices or management would jeopardize such species or their habitats, NRCS will conference with the FWS to identify alternatives for avoiding or minimizing adverse effects. FWS recommendations for proposed species management are considered advisory. However, if the species is formally listed as threatened or endangered prior to completion of planned practices, NRCS must then consult with the FWS under Section 7(a)(2) of the ESA if there will be any effects on the species or its habitat. NRCS will not advocate installation of practices or implementation of management that will adversely affect proposed species.

Threatened and Endangered Species

Candidate and Proposed Threatened/Endangered Species

The following species are on the official threatened and endangered species list for Montana as developed by the Department of Interior--Fish and Wildlife Service (FWS).

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>STATUS</u>	<u>EXPECTED OCCURRENCE--MONTANA</u>
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	C	Grasslands: EAST OF CONTINENTAL DIVIDE
Mountain Plover	<i>Charadrius montanus</i>	PT	Shortgrass prairie: EASTERN MONTANA
Yellow-billed Cuckoo (WESTERN POPULATION)	<i>Coccyzus americanus</i>	C	Riparian areas with cottonwoods and willows: WEST OF CONTINENTAL DIVIDE
Arctic Grayling (FLUVIAL POPULATION)	<i>Thymallus arcticus</i>	C	Big Hole River and other tributaries to Upper Missouri River: SOUTHWEST MONTANA
Warm Spring Zaitzevian Riffle Beetle	<i>Zaitzevia thermae</i>	C	Warm springs: GALLATIN COUNTY
Slender (or linear leaf) Moonwort	<i>Botrychium lineare</i>	C	Meadows in conifer forests: GLACIER, LAKE COUNTIES

**PT PROPOSED
THREATENED**

Any species that the FWS has formally proposed to be listed as threatened.

C CANDIDATE

Candidate species are those taxa for which the FWS has sufficient information on biological status and threats to propose to list them as threatened or endangered. The FWS encourages their consideration in environmental planning and partnerships; however, none of the substantive or procedural provisions of the Act apply to candidate species.