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## SPECIES CONSERVATION IN IDAHO—GOING BEYOND THE ESA

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### **Abstract**

Results of listing species under the Endangered Species Act (ESA) have been less than inspiring. Since enactment of the ESA, slightly over 1300 species have been listed as threatened or endangered. Only 12 of these species have recovered to the point of being delisted. Roughly 40 others have been removed from listing due either to extinction, errors in the original listing decision, or other reasons. Congress directs that 75 percent of funding for recovery of species goes to about 10 species, leaving the remaining 25 percent to be applied to all the remaining listed species. A major focus of the Endangered Species Act is on listing of species. Once a species becomes listed, time-consuming and complex consultation is often required to avoid liability under the act. That consultation process can discourage and delay implementation of actions beneficial to the species. In Idaho, efforts have been made to utilize Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs) to avoid the need to list additional species and provide direct beneficial effects for species.

Slickspot Peppergress (*Lepidium papilliferum*, or SSPG) is an annual or biennial white flower thought to occur only in southern Idaho. It is found in the sagebrush habitats of the Snake River Plain and possesses an unusual habitat requirement ("slick spots" of clay soils). Information on the plant's historical range, habitat needs, and population trends had been limited and largely anecdotal. On and off, SSPG was designated as a candidate species under ESA for over a decade. Threats to the species include grazing, non-native plants, development, recreation, wildfire, fire suppression, and fire-prevention activities.

A lawsuit was initiated in 2001 demanding emergency listing of SSPG under the ESA. In settlement of that that suit, the Fish and Wildlife Service (FWS) was under a court order for a decision to list SSPG as threatened or endangered by July 2003. In early 2003, the state Office of Species Conservation was made aware that FWS believed that an endangered listing was appropriate based on the information available and that significant changes in land use would result from this listing. Through negotiation by interested parties including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho National Guard, Idaho Bureau of Land Management (BLM), and a consortium of ranching interests, efforts were made to avoid listing of the species through development of a CCA. In July 2003, FWS delayed their listing decision by six months in order to allow for completion of the CCA and resolution of some final issues. FWS and NOAA's Policy for Evaluation of Conservation Efforts (or PECE policy) was applied as a guideline for the development of this CCA; this was the first application of the PECE policy in development of a CCA. Conservation measures prepared to address each threat to SSPG were included in the CCA. A FWS-facilitated scientific review panel validated conclusions reached by the SSPG partnership and found that the CCA would substantially delay risks of extinction of SSPG. In January 2004, FWS issued a determination that the proposal to list SSPG was not warranted because of the management plans developed and instituted under the CCA.

This was a win-win solution for all parties to the agreement and for the species. The benefits include: 1) conservation measures to benefit the covered species are developed and put into place on both public and private lands across a large geographic area, 2) users such as grazing permittees get routine processing of renewals, assuming the terms of the CCA are being met, 3) landowners and state agencies get Section 10 incidental take coverage and assurances that additional restrictions will not be placed on their lands or operations, and 4) federal agencies get reduced consultation requirements.

Since this CCA was developed, another CCA has been developed for the Southern Idaho Ground Squirrel (*Spermophilus brunneus endemicus*). A programmatic CCA is currently being completed for the Southern Idaho Ground Squirrel that will allow other parties to enter into the CCA and participate in the benefits by agreeing to implement the conservation measures described. A multi-species CCA for Idaho is also currently under development.

More applications of this concept are possible, but they can be challenging to develop. Early establishment of a baseline of the "best available scientific information" for a species is one of the most important early steps that can be taken to facilitate development of a CCA and/or CCAA.

**Biographical Sketch:** Brent Inghram is the environmental program manager for the Federal Highway Administration's Idaho Division office in Boise, Idaho. Mr. Inghram holds a bachelor's degree in environmental planning and management from the University of California, Davis, and a master's degree in geology from the University of Nevada, Reno. He works with environmental program and policy issues, including wetlands and endangered species, for transportation projects.