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## Threatened plant receives habitat designation along Wyoming streams

by Eryn Gable, Land Letter editor

The Fish and Wildlife Service has designated more than 3,500 acres along 51 stream miles in southeast Wyoming as critical habitat for the Colorado butterfly plant, a short-lived perennial herb. The designated acreage in Platte and Laramie counties is located along sections of Tepee Ring Creek, Bear Creek, Little Bear Creek, Horse Creek, Lodgepole Creek, Diamond Creek and Lone Tree Creek. FWS excluded 4,948 acres from the 8,486 acres it proposed as critical habitat last summer, based on updated surveys conducted last year and the development of voluntary conservation agreements with landowners.

The Colorado butterfly plant is found in moist areas of floodplains. Photo courtesy of the Fish and Wildlife Service.

Approximately 90 percent of the plant's populations are found on private land in Wyoming.

Critics contend that these voluntary agreements, while useful for monitoring the status of the plant populations, provide almost no protection. "The agreements are good, but they're not the same as critical habitat designations," said Erin Robertson, a staff biologist with the Center for Native Ecosystems.

The Endangered Species Act requires FWS to designate critical habitat, which recognizes an area as essential for a species' survival and recovery, for almost all federally listed species. But the agency has maintained that in 30 years of implementing ESA, it has found that habitat protections often offer little additional protection to species.

The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government or public access to private lands.

Nevertheless, environmentalists argue that ESA records show that listed species with critical habitat are less likely to be in decline and more than twice as likely to be in recovery than species without designation.

Robertson said the designation of critical habitat is a key step in a three-part process for protecting and recovering species that is outlined in ESA. The first step is listing the species, followed by the designation of critical habitat and the development of a recovery plan.

Critical habitat for the Colorado butterfly plant was not proposed at the time the herb was listed as a threatened species in 2000. The critical habitat designation is in response to a lawsuit filed by [the Center for Biological Diversity](#) and the Biodiversity Legal Foundation. A court-approved settlement agreement required the service to make a final critical habitat designation for the plant by the end of 2004.

FWS said habitat located on F.E. Warren Air Force Base was not considered for designation as critical habitat because the base has an approved integrated natural resources management plan that addresses the conservation needs of the plant.