



Frequently Asked Questions about the 90- Day Response to the Petition to Delist Peirson's Milk- Vetch

Q. What is *Astragalus magdalenae* var. *peirsonii* (Peirson's milk-vetch)?

Peirson's milk-vetch is a short-lived perennial plant in the pea family. The plant grows from 8 inches to 27 inches high and produces purple flowers. Found only in scattered occurrences within a portion of the Algodones Dunes in Imperial County, California, Peirson's milk-vetch was listed as a threatened species under the Endangered Species Act in 1998.

Q. What factors are relied on to determine if a species requires protection under the Endangered Species Act?

There are five factors outlined in section 4 of the Act that are considered when making a determination to list a species as threatened or endangered or to delist it. The factors are: (1) the present or threatened destruction, modification, or curtailment of a species' habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) other natural or manmade factors affecting a species' continued existence. If the U.S. Fish and Wildlife Service (Service) determines that one or more of these five factors threaten a species' existence we may consider proposing to list the species as threatened or endangered.

Q. What is a 90-day petition finding?

When the Service receives a petition to list, delist, or reclassify a species, the first step is to complete a finding on the petition. The finding on the petition is to be made to the maximum extent practicable within 90 days of our receiving the petition, and we are required to publish our finding in the *Federal Register*. The purpose of the 90-day finding is to determine whether the petition contains substantial information indicating the petitioned action may be warranted. In the case of the petition to delist Peirson's milk-vetch, we determined the petition provided substantial information to indicate delisting may be warranted.

Q. What are the possible reasons for delisting a species?

We can delist a species for one of three reasons: (1) the species is extinct; (2) the species is recovered to the point where protection under the Act is no longer necessary; or (3) data used in the original listing decision was in error.

Q. What is meant by substantial information?

When we evaluate a petition to determine if it is substantial, we are considering the reliability and adequacy of the information contained in the petition and the supporting documentation accompanying the petition, or information otherwise available. A substantial finding means we have determined that the information presented in the petition or otherwise available is reliable, and would lead a reasonable person to believe the petitioned action may be warranted.

Q. What happens now that the Service has determined the delisting petition is substantial?

The Service will initiate a status review to determine if delisting Peirson's milk-vetch is warranted. During this review, we will review new information about the plant as it becomes available. The Service is required to complete this review and issue a finding by May 31, 2004, under the terms of a settlement agreement with the

petitioners.

Q. Will the public be able to provide information about the status of Peirson's milk-vetch?

Yes, as part of our status review we are actively soliciting information about the status of the plant. Comments and information will be accepted until 5:00 p.m. on November 4, 2003. All comments and materials should be submitted in writing to the Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009.

Q. Is Peirson's milk-vetch still protected under the Act?

Yes, the plant will continued to be protected as a threatened species under the Endangered Species Act. If we determine that delisting of Peirson's milk-vetch is warranted, a proposed rule to delist the species will be published in the *Federal Register* for public review and comment.

Q. Why did it take the U.S. Fish and Wildlife Service so long to respond to the petition?

The Service is required under the Act to make a determination on a petition within 90 days of receiving it to the maximum extent practicable. In the case of the petition to delist Peirson's milk-vetch, we were not able to comply within that 90-day time-frame because of numerous other actions that were subject to court-ordered deadlines.