



Frequently Asked Questions about the Final Designation of Critical Habitat for Peirson's Milk-Vetch

Q. What is critical habitat?

A term defined in the Endangered Species Act, critical habitat refers to specific areas that are essential for the conservation of a threatened or endangered species and that may require special management consideration or protection. Critical habitat areas are determined using the best available scientific and commercial information about the physical and biological needs of the species.

These needs include:

- Space for individual and population growth, and for normal behavior
- Food, water, light, air, minerals or other nutritional or physiological needs
- Cover or shelter
- Sites for breeding, reproduction, and rearing of offspring
- Habitat that is protected from disturbance or is representative of the historical geographic and ecological distribution of a species

Q. Where is Peirson's milk-vetch found?

Peirson's milk-vetch is a native plant that has a limited distribution. In the United States, the plant is only found in the Algodones Dunes in Imperial County, California.

The Algodones Dunes is the one of largest sand dune formations in California. About 5 miles wide, it extends 40 miles along the eastern edge of the Imperial Valley. Approximately 167,000 acres of the Algodones Dunes are included in the Imperial Sand Dunes Recreation Area, which is managed by the Bureau of Land Management. This area is one of the most popular off-highway vehicle recreation areas in the western United States, generating about 1.3 million visitors annually. The BLM has identified 8 separate Management Areas for the recreation area.

Q. How much land is being designated as critical habitat for Peirson's milk-vetch?

The Service is designating 21,863 acres in the Algodones Dunes as critical habitat for the plant – almost all of the designated critical habitat lies within the boundaries of the Imperial Sand Dunes Recreation Area.

Q. What are the primary habitat components essential to the conservation of Peirson's milk-vetch?

They include, but are not limited to:

- (1) Intact, active dunes systems (defined as sand areas subject to sand-moving winds resulting in the formation of natural expanses of slopes and swales) within the historic

- range of the plant), characterized by substrates of Rositas fine sands of sufficient depth to promote the plant and discourage creosote bush scrub;
- (2) wind-formed slopes of less than 30 degrees, but generally less than 20 degrees; and
 - (3) the associated co-adapted sand-loving (psammophytic) plant community that supports the white-faced dagger bee (the primarily pollinator of Peirson's milk-vetch).

Areas identified as critical habitat for Peirson's milk-vetch are restricted to interior portions of the Algodones dunes and are occupied by the plant and/or its seed bank.

Q. How did the Service determine what areas are essential to the conservation of the Peirson's milk-vetch?

The Service utilized existing scientific and commercial information about the plant and its habitat. The general range of the plant was determined by utilizing survey information conducted by BLM, Westec, Thomas Olsen and Associates, and Dr. Arthur Phillips. This initial review of survey data provided the basis for determining presence or absence of the plant in the Algodones Dunes. The Service also relied on this survey data to develop a method to identify areas essential to the conservation of the plant. The analysis of available data made it possible to extrapolate values for four variables, as follows: (1) the presence or absence of standing plants; (2) the abundance of Peirson's milk-vetch; (3) the frequency of occurrence of the plant; and (4) the number of associated rare psammophytic plant taxa present.

Based on the results, the Service developed a map showing the portions of the Algodones Dunes essential to the conservation of the plant.

Q. What is an economic analysis?

When designating critical habitat for a federally listed species, the Endangered Species Act requires the Service to estimate economic and other impacts associated with designating any particular area as critical habitat. This assessment is completed through the preparation of an economic analysis.

Impacts identified in an economic analysis may be used by the Secretary of the Interior to determine if certain areas should be excluded from critical habitat based on a comparison of the benefits of exclusion versus the benefits of including a particular area as critical habitat. However, economic impacts are not used to determine whether or not a species should be listed under the Act. Decisions to list species are based solely on an assessment of a species' status using the best available scientific and commercial information.

Q. What types of activities occur in the areas proposed as critical habitat and how are they addressed in the economic analysis?

The primary activity in the Algodones Dunes is recreational use of off-highway vehicles. The economic analysis identified potential impacts to the regional economies of Yuma and Imperial counties if all or portions of the dunes were closed to OHV use, and potential impacts if all of the designated areas remained open to OHV use. The analysis also identified costs incurred by the U.S. Fish and Wildlife Service (Service) and BLM to conduct section 7 consultations related to Peirson's milk-vetch, and past costs associated with the listing of the plant under the Act.

Q. How does the designation of critical habitat potentially result in economic impacts?

Section 7 of the Act requires Federal agencies to consult with the Service if an action that is carried out, funded, or permitted by them may affect a federally listed species or its designated critical habitat.

The purpose of a consultation is to ensure that proposed projects that are being carried out, funded, or authorized by a Federal agency will not jeopardize the continued existence of a listed species or adversely modify its designated critical habitat. Through the consultation process impacts to species or designated critical habitat can be minimized or offset through the development of appropriate conservation measures. Implementation of conservation measures and the process of conducting a consultation itself involve costs to Federal agencies, including the Service, and to project applicants.

Q. What are the results of the economic analysis for Peirson's milk-vetch?

Based on the final designation of critical habitat, the analysis estimates an upper bound reduction in output of about \$2.8 million in the year 2013 if the designated critical habitat areas were closed to off-highway vehicle recreation.

Costs incurred by the Service and Bureau of Land Management to conduct consultations on Peirson's milk-vetch are estimated to be \$11.4 million in the year 2013. Between 1998 – the year Peirson's milk-vetch was listed under the Act – and 2004, costs attributable to the listing of the plant were about \$24.5 million.

If all of the areas originally proposed as critical habitat were closed to off-highway vehicle recreation, the regional economies of Imperial and Yuma counties would see an upper bound reduction in output of \$55 to \$124 million in the year 2013. These estimates represent about 2.4 percent of Imperial County's and less than 0.5 percent of Yuma County's total economic output. If no closures were to take place, the lower bound regional economic impact will be zero.

Q. Does critical habitat affect all projects?

No. Critical habitat only directly affects those projects that have some type of Federal agency involvement. Projects proposed on non-Federal land are not directly affected by the designation of critical habitat, even if a project is proposed in an area designated as critical habitat. The only way that non-Federal land can be directly affected by the designation of critical habitat is if a proposed project requires a permit, authorization or funding from a Federal agency.

Q. Are all of the economic impacts identified in the draft analysis solely attributable to costs related to consultations to address the adverse modification provisions of the Act?

No. Due to the similarity in the definitions of 'jeopardy' and 'adverse modification', the draft analysis for Peirson's milk-vetch does not separate out what proportion of impacts resulting from a section 7 consultation are specifically related to the jeopardy provision or adverse modification provision of the Act.

Therefore, it is likely that these analyses overstate impacts specifically associated with the designation of critical habitat for the plant.

Q. Does the designation of critical habitat create preserves?

No. A critical habitat designation 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 and will not result in closure of the area to all access or use.

Q. My private property is included in the critical habitat boundaries, what happens now?

The designation of critical habitat does not directly affect private or State landowners unless they are undertaking a project on their land that requires Federal funding, permits, or authorization.

If a project that requires Federal funding, permitting, or authorization is planned in an area designated as critical habitat, and if the agency determines that the project may affect Peirson's milk-vetch or its critical habitat, then the agency responsible for providing the funding or permit would have to consult with the Service.

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