MONTANA NATIVE
PLANT SOCIETY

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U. S. Fish and Wildlife Service
Public Comments Processing,
Attn: FWS-R6-ES-2024-0115
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Reference: Docket No. FWS-R6-ES-2024-0115
Endangered and Threatened Wildlife and Plants; Removal of Ute Ladies'-Tresses from the List of Endangered and Threatened Plants

Dear Sir or Madam,

The Montana Native Plant Society (MNPS) is submitting these comments on the proposed rule to delist Ute Ladies'-Tresses (*Spiranthes diluvialis*). In considering the available information we assert that delisting of Ute Ladies'-Tresses is premature. While additional populations have been found showing a larger range for the species, plant populations are usually sparse and are highly restricted in the landscape. The Federal Register, Proposed Rule for Ute Ladies'-Tresses, reports Sixty-two element occurrence records are currently known across the range of this plant.

Montana has 29 known Species Occurrences records with one occurrence extirpated, resulting from development. A second occurrence is on lands slated for alteration to control flood waters from the Jefferson River. The Biological Opinion, (USFWS, August 2024), determined the proposed project is **"not likely to jeopardize the continued existence"** of Ute Ladies'- Tresses across the known range. The proposed project includes grading and dewatering a wetland area within the Jefferson River drainage. Springtime highwater flows from the Jefferson River will be diverted into a grass lined conveyance channel maintained weed free with herbicides. The newly created channel will not mimic any known habitat associated with Ute Ladies'-Tresses as described in Montana. A commitment has

not been agreed upon to adhere to the mitigation measures outlined in the Biological Opinion. The population at this site is one of three large species occurrences in Montana. The highest population count at this site was 133 plants during 2019, recorded as an extremely wet year, (Larry Urban, MDT wetland Mitigation Specialist).

Most of the defined populations in Montana are less than 100 plants. To reiterate, the population addressed by the USFWS, Biological Opinion, August 2024, is one of three largest recorded populations in the state. Many of the of Ute Ladies'-Tresses populations have less than fifteen plants. 70% of the Montana SO records are based on 12- to 28-year-old data. Site visits are often complicated as Ute Ladies'-Tresses SOs occur predominantly on private lands. Suitable habitat as determined by the Montana Natural Heritage occurs predominately on private land (78%), MNHP, MT Field Guide. In addition, Montana state laws are not adequate to protect rare plant species.

The Ute Ladies'- Tresses is a Montana Species of Concern (SOC) as determined by the Montana Natural Heritage Program (MTNHP, 2024). The rare plant is ranked as S1S2 and is considered at high risk of extirpation. Within, the recently developed Montana Native Plant Conservation Strategy (Pipp et al. 2024), the authors identified a conservation objective to inventory and assess Ute Ladies'-Tresses populations to provide needed trend data. Three consecutive years of monitoring is recommended to improve detection of presence. This type of trend data is lacking for Ute Ladies' Tresses in Montana.

The USFWS Species Status Assessment (2023) also identifies the lack of trend data across the known populations of Ute Ladies'-Tress as difficult to address in the modeling effort for the report, Page 40.

While Ute Ladies'-Tresses as per the Montana Native Plant Conservation Strategy was assigned a state threat score of "High,", the Climate Vulnerability Index was determined the plant to be "extremely vulnerable." The Climate Vulnerability Index is based on a scoring system developed by NatureServe. These assessments are based on current Montana Natural Heritage Program Data. In addition, pollination studies have not been completed for populations of Ute Ladies'-Tresses. We have not evaluated if some small populations are limited by the lack of pollinators as described by Pierson et al. (2001) at two study sites in Utah.

As per the Species Status Assessment, page 86: "the number of individuals required to ensure long term persistence of the population of this species is

unknown. Generally speaking, the larger the population, the higher likelihood of persistence over time. Small populations are inherently more vulnerable to extirpation due to environmental and demographic stochasticity."

Efforts to understand the distribution of Ute Ladies'-Tresses have raised more questions since the species was listed as Threatened under ESA. Additional information, such as population trends and limiting factors influencing individual populations are needed to correctly understand the status of Ute Ladies'-Tresses prior to delisting.

Given the limited population sizes, lack of trend data, potential threats, and vulnerability to environmental changes, we urge the U.S. Fish and Wildlife Service to reassess the decision to delist Ute Ladies'- Tresses. Without comprehensive trend data and adequate conservation measures, delisting at this stage could place the species at increased risk of extinction. We strongly recommend maintaining its Endangered and Threatened status until sufficient data are available to ensure its long-term persistence.

Sincerely,

Robert Pal, PhD

MNPS President

Elizabeth Bergstrom
/s/ Elizabeth Bergstrom
Southwest MT Representative,
MNPS Conservation Committee

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Proceedings of the Third Conference; 2000 September 25-28; Flagstaff, AZ. Proceedings RMRS-P-23. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 250 pp.

Pipp, A., R. Fimbrel, E. Bergstrom, S. Shelly, S. Cooper, A. Clausen, K. Newlon, P.C. Rodgers, B. Skinner, W. Velman, T. Luna, D. Longknife Jr., C. Werk, and M. Crawford. 2024. Montana Native Plant Conservation Strategy: Part 1. Vascular Plant Species and Habitats of Greatest Conservation Need. Developed in Conjunction with the Montana Native Plant Conservation Strategy Partnership. Montana Natural Heritage Program, Helena, Montana, 310pp.

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