



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE Colorado Ecological Services



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ES/CO: Forest Service, White River National Forest  
TAILS 06E24100-2017-CPA-0001

January 18, 2017

Carol Huey, Project Leader  
Forest Service  
White River National Forest  
900 Grand Avenue  
Glenwood Springs, Colorado 81601

Dear Ms. Huey:

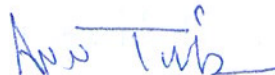
The Forest Service is proposing to sell two parcels in El Jebel, Colorado along the Roaring Fork River. One of the parcels has a population of Ute ladies'-tresses orchid (orchid - *Spiranthes diluvialis*), a plant listed as threatened under the Endangered Species Act (ESA). In 2012, the U.S. Fish and Wildlife Service worked with the White River National Forest to protect this parcel of land. After extensive coordination between the U.S. Fish and Wildlife Service and the Forest Service exploring multiple alternatives, a decision was made to retain the parcel. The rationale for this decision was closely tied to the fact that plants receive no protections under ESA on private lands (unless there is a Federal nexus for a given action).

Across the range of the orchid, the majority of habitat is on private land. Because so few orchid populations are on Federal lands, we are again recommending retaining the El Jebel parcel. Because of the extensive coordination on the previous decision related to this parcel, we are somewhat frustrated to be revisiting this decision just four years after our last discussions. By retaining and protecting the riparian areas at this site the U.S. Forest Service will be meeting their Section 7 (a)(1) obligations to conserve Ute ladies'-tresses orchid.

As discussed with the Forest Service previously, developing the adjacent uplands on this parcel could result in increased impacts (such as increased use and increased trampling) to the site where Ute ladies'-tresses orchid is found. A conservation easement would likely be unable to address this increase in use. Furthermore, and also as discussed previously, a conservation easement does not provide the same protections that an ESA listed plant on Federal lands receives. For example, if riparian restoration were to occur on Forest Service land, the Forest Service would need to consult with the US. Fish and Wildlife Service for that action. On a conservation easement restoration could occur without regard to the conservation of Ute ladies'-tresses orchid.

If you wish to discuss this issue further, please contact Dara Taylor (970)628-7190 or Gina  
Glennie (970)628-7183.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ann Timberman".

Ann Timberman  
Western Slope Supervisor