



MONTANA NATIVE
PLANT SOCIETY

March 10, 2025

Re: Delisting of *Spiranthes diluvialis*, Ute ladies'-tresses

Submitted electronically via Federal eRulemaking Portal:

<https://www.regulations.gov/commenton/FWS-R6-ES-2024-0115-0001>

To Whom It May Concern:

These comments, made jointly by the Native Plant Societies of Colorado, Idaho, and Montana, are in addition to the comments we have submitted individually.

Founded in 1976, the Colorado Native Plant Society (CoNPS) is a 501(c)(3) non-profit organization dedicated to furthering the knowledge, appreciation and conservation of native plants and habitats of Colorado through education, stewardship and advocacy. We have more than 1,700 members in ten geographical chapters located throughout the state and publish our journal, *Aquilegia*, four times a year.

The Idaho Native Plant Society is a statewide, non-profit organization with over 600 members from throughout Idaho. We are dedicated to promoting interest in and appreciation of native plants, to educating the public about our native flora, and to preserving this rich heritage for future generations.

The Montana Native Plant Society (MNPS) has over 900 members and consists of nine chapters across the state. MNPS is a non-profit organization dedicated to preserving, conserving and studying Montana's native plants and plant communities, and educating the public about the values of our native flora and habitats.

We appreciate the amount of effort that USFWS and the technical teams have put into the review of *Spiranthes diluvialis*, but we respectfully disagree with the conclusion that Ute ladies'-tresses (ULT) no longer warrant federal protection.

Among the reasons are:

- Each of our Natural Heritage programs still rank ULT as Critically Imperiled or Imperiled - the populations are generally not doing well;

- We have no comparable threatened and endangered state-level protections in place;
- USFWS never finalized the delisting criteria in the draft Recovery Plan, so we do not have an agreed-upon benchmark to compare to at this moment;
- As stated in the SSA, ULT requires alluvial wetland hydrology (the species is not drought tolerant, as stated in the reasons for de-listing.). In a warming and drying West, with increasing pressure on water supplies and less protection for wetlands thanks to *Sackett v. EPA* (which the SSA never mentions), ULT habitat is increasingly under threat. The threat to ULT's wetlands habitat is not diminishing, it is increasing;
- This drying and the overall decline in pollinator species can also affect area pollinators on which ULT depends since ULT needs pollinators which are sustained by other native plants in the vicinity – the SSA barely considers this;
- There are no active management tools available for ULT preservation: there has been no documented successful propagation of ULT, and USFWS itself admits that transplanting ULT has been unsuccessful¹, probably because of its mycorrhizal associations, which are still poorly understood;
- USFWS has presented no population estimates or trends on which to base delisting, while acknowledging that numerous instances of extirpation of occurrences have happened;
- As a proxy for the lack of population data and trends, USFWS relies on habitat modeling to show the extent of potentially suitable habitat², but by your own admission, even that does not mean the habitat is occupied³;
- The proposed monitoring plan will likely not be funded, or funding will be inadequate. It will therefore be ineffective in preventing declines in the species.

For these reasons and others, we believe that delisting at this time is premature and unwarranted.

¹ Provo River Delta Restoration Project, Final EIS, p. 3-142: “salvage efforts have a high failure rate”

² “Our evaluation of population trend is based on our assessment of the availability of potentially suitable habitat within AUs. The suitable habitat model provides a relative estimate of the species’ potential abundance within an AU to evaluate whether a watershed would continue to support metapopulation dynamics and the species’ population needs” (90 FR 1058)

³ “This AU [Cheyenne] has a relatively large amount of habitat that has been modeled as potentially suitable, but a number of surveys in all three states since 1994 have not located any additional Ute ladies’- tresses outside of the Antelope Creek Area.” (SSA, p. 43)

“This AU [Niobrara] has a large amount of modeled potentially suitable habitat in Nebraska. Detailed searches for Ute ladies’-tresses were conducted in western Nebraska in 1996 and 1997 (Hildebrand 1998, entire) but no additional occurrences were found and no surveys targeting Ute ladies’-tresses have been conducted in this AU since (ULT Tech 2021, p. 7).” (SSA, p. 57)

“The AU [Upper Snake] contains a moderate amount of additional modeled suitable habitat, mostly along the same two rivers and some additional small and scattered locations. Portions of the Snake and Henrys Fork Rivers within the Targhee and Payette National Forests have been unsuccessfully surveyed for Ute ladies’- tresses (Varga and Lehman. 1998, entire; PNF 2002, entire).” (SSA, p. 75)

Sincerely,

A handwritten signature in black ink that reads "Brad Klafehn". The signature is written in a cursive style with a large, prominent initial 'B'.

Brad Klafehn
Chair, Conservation Committee, Colorado Native Plant Society

A handwritten signature in black ink that reads "Michael Mancuso". The signature is written in a cursive style with a large, prominent initial 'M'.

Michael Mancuso
President, Idaho Native Plant Society

A handwritten signature in blue ink that reads "Dr. Robert Pal". The signature is written in a cursive style with a large, prominent initial 'R'.

Robert Pal, PhD
President, Montana Native Plant Society