

November 9, 2000

Mr. Bruce Babbitt  
Secretary of the Interior  
Office of the Secretary  
Department of the Interior  
18th and "C" Street, N.W.  
Washington, D.C. 20240

The Xerces Society and Scott Hoffman Black hereby formally petition to list the Carson Wandering Skipper, *Pseudocopaeodes eunus obscurus*, as well as the entire species *Pseudocopaeodes eunus* as endangered pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq. This petition is filed under 5 U.S.C. 553(e) and 50 CFR 424.14 (1990), which grants interested parties the right to petition for issue of a rule from the Assistant Secretary of the Interior.

Petitioners also request that Critical Habitat be designated concurrent with the listing, as required by 16 U.S.C. § 1533(b)(6)(C) and 50 CFR 424.12, and pursuant to the Administrative Procedures Act (5 U.S.C. 553).

Due to the fact that the subspecies *Pseudocopaeodes eunus obscurus* has a limited geographic range and is only known to exist at three sites and that at one of these sites the butterfly appears to have been extirpated, we appeal for emergency listing and emergency critical habitat pursuant to 16 U.S.C. § 1533(b)(7) and 50 CFR 424.20 in order to ensure that the species' habitat is managed in the immediate future to stabilize declining populations.

Petitioners understand that this petition action sets in motion a specific process placing definite response requirements on the U.S. Fish and Wildlife Service and very specific time constraints upon those responses. See 16 U.S.C. § 1533(b).

The best available data on the status of these populations and the habitats that they occupy (or occupied) can be found in two reports, "Report on the Distribution, Genetics and Conservation Status of the Carson Wandering Skipper", *Pseudocopaeodes eunus obscurus*, dated 14 April 1999, by Peter F. Brussard, et al., and a "Draft Conservation Plan for the Carson Skipper", dated 25 April 2000, by P.F. Brussard. These documents are attached and provide the information necessary to initiate the Service's response to this petition.

The reports clearly show that the current status of the butterfly warrants an emergency listing action.

***Pseudocopaeodes eunus obscurus***

*Pseudocopaeodes eunus obscurus*, the primary subject of this petition, has been found near Carson City, Nevada, at Winnemucca Ranch in Washoe County, Nevada, and near Honey Lake in Lassen County, California. At the first of these sites the butterfly appears to have been extirpated due to development and a misguided attempt at wetland restoration. The second site, which is currently occupied by the butterfly, includes both BLM and private land. The third site (actually a collection of sites) also is on public and private land; it may offer the better opportunity for immediate conservation action.

Prior to European settlement, a population of *P. eunus obscurus* probably occurred from Carson Hot Springs to the Carson River (Brussard, et al., 1999). Now development, diversions, earth berms, and a to-date incomplete wetland mitigation project have eliminated almost all of the *P. eunus obscurus* habitat in the Carson City area.

The sites where viable populations are still found are also at risk due to livestock grazing, OHV activity, encroaching development, changes in the water table and pesticide drift (Brussard, et al., 1999).

The management of the two sites is also uncertain. According to the "Draft Conservation Plan for the Carson Skipper", dated 25 April 2000, by P.F. Brussard, it is a possibility that the private landowner who owns one of the sites:

“will not be interested in selling his property or negotiating a conservation easement and that failed negotiations may result in loss of access to his part of the pasture habitat. Likewise California Fish and Game may remain reluctant to begin discussions on the skipper management on the Wildlife Management Area (WMA).”

The report goes on to state:

“If negotiations are not successful either at the WMA or with [the landowner], **I recommend an emergency listing of *P. eunus obscurus* under the Endangered Species Act.** Without conservation agreements in place, this subspecies will be down to one or two known populations with habitats under uncertain and possibly hostile management.”  
[Emphasis added]

***Pseudocopaeodes eunus***

The reports cited above strongly suggest that the other formally described subspecies of this species may be at similar immediate risk, requiring federal protection to all populations of the full species, *Pseudocopaeodes eunus*.

The genus *Pseudocopaeodes* is monotypic, that is, it consists of just the one species and is therefore of considerable conservation value.

The species is closely associated with its larval hostplant *Distichlis stricta* and co-occurring adult nectar sources on mesic and adjacent alkaline substrates in Nevada and California (Brussard, et al., 1999). Much of *P. eunus* rather specialized lowland riparian habitat has disappeared as a result of agriculture or development during the last several decades.

Five subspecies exist. *Pseudocopaeodes eunus eunus* is found in western desert areas in southern California. *P. eunus alineae* is found in eastern desert areas of southern California and two sites in southern Nevada. *P. eunus flavus* is found in western and central Nevada, and on the eastern slope of the Sierra Nevada. An as yet unnamed subspecies has only been found at Mono Lake in California.

All subspecies have been subjected to population losses and declines from diverse land uses, including, but not limited to, water impoundments and channelization, reductions of water tables, land conversion to development, and disturbances associated with agricultural activities and vehicle uses.

As the "Report on the Distribution, Genetics and Conservation Status of the Carson Wandering Skipper", *Pseudocopaeodes eunus obscurus*, dated 14 April 1999, by Peter F. Brussard, et al clearly states:

The small numbers of *P. eunus* encountered in 1997 and 1998 suggest that the species as a whole may be in decline. In 1997 Austin searched many historic collecting localities and found no *P. eunus* at all. In 1998, 30 historic collecting sites were searched, and the species was found at just eight of them. Although the species was found at six new localities in 1998, 48 new sites considered to be good habitat were searched to find these populations.

By any objective measure this species meets the criteria for listing under the Endangered Species Act.

### **Conclusion**

We believe that the information provided in the reports cited above and enclosed indicate that the Carson Wandering Skipper, *Pseudocopaeodes eunus obscurus*, as well as the entire species *Pseudocopaeodes eunus* incontrovertibly merit listing under the Endangered Species Act.

The Service may also wish to contact Peter Brussard (775-784-1360) and Dennis Murphy (784-1303) at the University of Nevada at Reno, and George Austin (702-486-5205) at the Nevada State Museum in Las Vegas for further information.

We thank you for your immediate attention to this imperiled species.

Sincerely,

Scott Hoffman Black  
Executive Director  
The Xerces Society

**Literature Cited**

Brussard, P. F., B. Niell and G. T. Austin. 1999. Report on the Distribution, Genetics and Conservation Status of the Carson Wandering Skipper, *Pseudocopaeodes eunus obscurus*.

Brussard P. F. 2000. Draft Conservation Plan for the Carson Skipper.

Cc.

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