



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
10711 Burnet Road, Suite 200  
Austin, Texas 78758



August 11, 2020

Bernard F. Barcena, Jr., Chairman  
Lipan Apache Tribe of Texas  
PO Box 5218  
McAllen, TX 78502

Subject: Notice of a pending determination on Endangered Species Act protections for bracted twistflower.

Dear Chairman Barcena, Jr.:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (USFWS) will make a determination during fiscal year 2020 whether bracted twistflower (*Streptanthus bracteatus*) warrants protection under the Endangered Species Act (ESA). Bracted twistflower is an annual plant in the mustard family that historically occurred along the Balcones Escarpment in central Texas (Figure 1). Currently, we estimate that the species has lost 33 percent of its populations due to habitat loss since 1989. The following website has detailed information on the biology of bracted twistflower and an assessment of threats to it:

<https://ecos.fws.gov/ecp0/profile/speciesProfile?sId=2856>.

If listing is warranted, we will concurrently designate critical habitat for this species to the maximum extent prudent and determinable. Critical habitat identifies the geographical areas containing features that are essential for the conservation of a threatened or endangered species which may require special management considerations or protection. Critical habitat designation requires Federal agencies that undertake, fund, permit, or authorize activities that may affect critical habitat to consult with USFWS to ensure that such actions do not adversely modify or destroy that habitat. The designation of critical habitat does not establish a refuge or preserve, and does not affect land ownership or actions taken by private landowners on their lands that do not invoke a Federal nexus, such as through funding, permits, or authorization.

If we find that listing is warranted, we will publish a notification in the Federal Register and will solicit public comment on our proposed listing and proposed critical habitat determination for bracted twistflower. We expect our 12-month finding, which determines if the species warrants or does not warrant protection under the ESA, will be delivered to the Federal Register in spring 2021.

In accordance with Secretarial Order 3206 and the USFWS Native American Policy, we also coordinate with Tribes when actions taken under authority of the ESA may affect Indian lands, Tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet or communicate with you at any time during the process (including by remote methods) to hear your Tribe's perspective and answer any questions you may have regarding the need to protect bracted twistflower under the ESA or to designate its critical habitat.

We understand that Tribal knowledge is important in assessing potential effects on resources that may be of interest to your Tribe. In keeping with our trust responsibility, we shall protect, to the maximum extent practicable, Tribal information that has been disclosed to or collected by us. However, please be aware that any information kept in our files is subject to public disclosure under specific circumstances (for example, through a Freedom of Information Act request). Please let us know if there are any other considerations for safeguarding sensitive Tribal information. If the Tribe prefers to maintain certain information exclusively in your files, we would like to explore options for reviewing and referencing that information in our final rule.

We welcome any information that you would like us to consider in this determination. Please submit this information, preferably by electronic mail, to: Ms. Rachel Williams, Fish and Wildlife Biologist, USFWS, Species Assessment Team, at [rachel\\_e\\_williams@fws.gov](mailto:rachel_e_williams@fws.gov); and to Mr. Chris Best, USFWS Austin Ecological Services Field Office, at [chris\\_best@fws.gov](mailto:chris_best@fws.gov). All data and information submitted to us, including names and addresses, will become part of the administrative record. Please contact Chris Best at the email address above if you have any other questions about bracted twistflower.

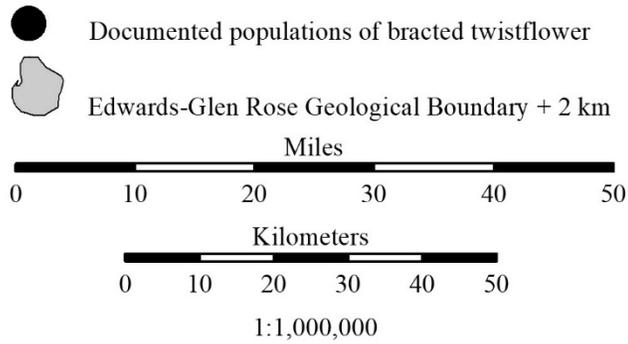
Thank you for your interest in the conservation of threatened and endangered species. We appreciate your willingness to participate in the ESA rulemaking process.

Sincerely,

Adam Zerrenner  
Field Supervisor

cc: Robert Soto, Vice Chairman  
Linda Walking Woman

Figure 1. Current range of *Streptanthus bracteatus* (bracted twistflower). Travis, Bexar, Medina, and Uvalde Counties, Texas.



*Streptanthus bracteatus*  
Locator Map

