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Running Buffalo Clover/Endangered Species Act: U.S. Fish and Wildlife Service August 6th Final Rule Announcing Removal of Endangered/Threatened Designation

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The United States Fish and Wildlife Service (“Service”) issued a final rule in an August 6th Federal Register Notice removing the Running Buffalo Clover (“Clover”) from the Endangered Species Act (“ESA”) Federal List of Endangered and Threatened Plants. See 86 Fed. Reg. 43102.

The Service states that the removal was due to the Clover’s recovery.

The State of Arkansas is stated to have been within the historic range of the species. However, current populations are limited to the states of Missouri, Indiana, Ohio, Kentucky, and West Virginia. It is a perennial plant usually found in somewhat moist habitats with filtered sunlight.

The Clover was listed as endangered by the Service in 1987. See 52 Fed. Reg. 21478. A Clover Recovery Plan was approved in 1989 and revised in 2007.

The Service states that it completed comprehensive 5-year reviews of the status of the Clover in 2008, 2011, and 2017. These reviews recommended reclassification from endangered to threatened. However, in 2019 the Service proposed to delist the Clover entirely due to recovery. See 84 Fed. Reg. 44832.

Section 4(a)(1) of the ESA requires that the Service determine if a species is endangered or threatened based on one or more of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. overutilization for commercial, recreational, scientific, or educational purposes;
3. disease or predation;
4. the inadequacy of existing regulatory mechanisms; or
5. other natural manmade factors affecting its continued existence.

These same factors are considered when the Service is contemplating delisting a species.

The Service determined that the Clover is not in danger of extinction nor likely to become so in the foreseeable future. This decision is stated to be based upon a comprehensive review of its status and listing factors. It cites in support of the delisting decision (based on recovery):

1. An increase in the number of the known populations;
2. Resiliency to existing and potential threats;
3. The implementation of management agreements to maintain suitable habitat for the species;
and
4. Protection on public lands

A copy of the Federal Register Notice can be downloaded [here](#).