



Woodland Owner Fact Sheet: Rare and Endangered Species & Natural Communities

West Virginia

West Virginia is home to many unique plants, animals and natural communities. The West Virginia Division of Natural Resources maintains an informal listing of over 400 species and natural communities that are thought to be rare in the state. Some of these rare species are on the federal list of threatened or endangered species and receive protection across their range. Forest landowners are encouraged to protect rare species and natural communities so that West Virginians can have the opportunity to experience the full range of the state's natural history.

The Endangered Species Act of 1973

In 1973, the Endangered Species Act (ESA) was passed by Congress. This Act provides for the protection of species that the U.S. Fish and Wildlife Service (USFWS) has designated as "Threatened" or "Endangered." The ESA prohibits "take" of any protected animal, meaning no one may "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" these species or attempt to do so. With regard to protected plants, the ESA prohibits removal, damage or destruction of these plants on non-federal land only if this would violate state law. The ESA also prohibits any commercial activity in both protected animals and plants. These prohibitions apply to all persons and lands - both private and public.

If a landowner has a protected species on their property, they face enforcement action if they don't modify their activity to avoid a "take" of an animal. Additionally, penalties for violation of this law include fines up to \$200,000 for an organization and \$100,000 for an individual and/or one year in jail for each violation. However, there are programs, such as habitat conservation plans and safe harbor agreements, available to landowners that offer protection from enforcement in return for following agreed-upon conservation practices, as well as funding to develop the plan.

Endangered Species

The USFWS designates a species as "endangered" if it is in danger of extinction throughout all or a significant portion of its range. In West Virginia, there are eleven animal species designated as "endangered." They are: Virginia big-eared bat, Indiana bat, gray bat, Eastern cougar, Northern flying squirrel, and six species of freshwater mussels. There are four plant species listed including: shale barren rockcress, running buffalo clover, harperella and northeastern bulrush.

Threatened Species

Species that are likely to become endangered within the foreseeable future throughout all or a significant portion of its range if measures are not taken to improve their status are designated by the USFWS as "threatened." In West Virginia, there are four animal species and two plant species designated as "threatened." They are: bald eagle, flat-spined three-toothed land snail, Cheat Mountain salamander, Madison Cave isopod, Virginia spirea and the small whorled pogonia.

Imperiled and Critically Imperiled Species

While the ESA protects those species designated as either threatened or endangered, there are other plants, animals and natural communities that are found to be very rare in the world and especially vulnerable to extinction. These species and communities are referred to by NatureServe as imperiled (G2) and critically imperiled (G1). Occasionally species and communities classified as critically imperiled or imperiled are rarer than species protected under the ESA. While there are no laws that limit activities involving G1 and G2 species and natural communities, they should be conserved for future generations.

Critically imperiled - Plant or animal or community, often referred to as G1, that is globally extremely rare or, because of some factor(s), especially vulnerable to extinction. In West Virginia, examples include the Red Pine/Minniebush/Appalachian Rockcap Fern Forest, Ammon's tortula, and West Virginia Spring Salamander.

Imperiled - Plant or animal or community, often referred to as G2, that is globally rare or, because of some factor, is very vulnerable to extinction or elimination. In West Virginia, examples include the Red Spruce/Great Rhododendron Forest, Swordleaf phlox, and Elk River Crayfish.

Woodland Owner Considerations

It should be noted that while some species or communities may require specific management recommendations, many times, threatened, endangered, G1 or G2 species or communities can thrive in managed forests. Forest landowners may have a variety of options available to them regarding the conservation of G1 or G2 plants, animals or communities on their property. Ultimately, each forest landowner must decide which protection measures are implemented.

How Do I Find Out More?

If you are interested in knowing if you have threatened, endangered, G1 or G2 species or natural communities on your property, contact the West Virginia Division of Natural Resources Wildlife Diversity Program at www.wvdnr.gov. NatureServe is a non-profit organization that provides scientific information on rare and endangered species and threatened ecosystems. Additional information on G1 and G2 species and communities can be found at NatureServe, www.natureserve.org.



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