
U P D A T E

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New GAO report finds that ESA consultations exceed deadlines. A report released by the Government Accounting Office (GAO) reviewing the government consultation process required under the ESA has found that the length of the process could be weakening species recovery efforts. The report came at the request of Senators Mike Crapo (R-Idaho), chairman of the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water, and Max Baucus (D-Montana), a senior member of the subcommittee with a longstanding interest in the ESA. The lawmakers say the findings of the study indicate wildlife administrators are struggling under the paperwork of ESA guidelines. The study indicates that nearly 40 percent of official consultations exceeded deadlines, and were most often late on projects posing the least risk to species. The GAO report is available for review on the agency's website at www.gao.gov

Federal agencies sign agreements to continue species protection. The departments of Agriculture, Interior and Commerce announced recently that the agencies have entered into agreements to implement new regulations that will expedite fuels reduction and other forest health projects while ensuring the protection of threatened and endangered species. Under the ESA, federal agencies are required to consult with either Interior's Fish and Wildlife Service or Commerce's NOAA Fisheries whenever they authorize, fund or carry out an action that may adversely affect a listed species or its designated habitat. The new regulations will improve the process by allowing trained biologists within these federal agencies to make the initial determination of whether there is likely to be an adverse effect. The types of projects involved may include prescribed fire, mechanical fuels treatments, emergency stabilization, burned area rehabilitation, road maintenance and operation activities, ecosystem restoration and culvert replacement actions. According to government officials, the new regulations will accelerate reviews and do not change any standards used for determining whether an action will have an adverse impact on a listed species.

Albuquerque releases fish into Rio Grande. Biologists released about 60,000 endangered silvery minnows into the Rio Grande earlier this month near Albuquerque, New Mexico. The silvery minnow has been on the brink of extinction since 1996 when a drought plagued the region, desiccating much of the river. As part of an effort to repopulate the minnow in the Rio Grande, biologists have released about 200,000 minnows into the water. A ruling by U.S. District Court Judge James Parker in April 2002 forced Albuquerque to release water from its reservoirs to protect the minnow. The 10th U.S. Circuit Court of Appeals upheld his decision last year. But the appeals court later withdrew its opinion and sent the case back to Parker after Congress passed a rider prohibiting the use of San Juan-Chama water to meet ESA requirements on the Rio Grande. The rider, written by New Mexico's congressional delegation, excluding Rep. Tom Udall (D), statutorily determines that minnow habitat recovery requirements are being met through a March 2003 biological opinion issued by the Fish and Wildlife Service. Last month, state and

federal officials returned to the bargaining table after a six-month hiatus to discuss the fate of the silvery minnow. The meeting was the first since Congress passed the rider.

FWS to decide on delisting *Preble's mouse*. FWS announced recently that it will reconsider a Wyoming petition to remove the *Preble's meadow jumping mouse* from the Endangered Species List, saying it received enough scientific evidence to warrant the review. Wyoming Governor Dave Freudenthal (D) filed a petition with FWS in December 2003 based on findings that the Preble's mouse DNA is indistinguishable from common field mice. FWS said in December 2003 that it would not remove the Preble's mouse from the list, rejecting claims from the Denver Museum of Nature & Science that the mouse is too similar to more common mice to be a distinct species. A decision on delisting is expected by 2005.

Wyoming will sue FWS if no response on wolf management plan by this week. Wyoming plans to give the Fish and Wildlife Service until April 17th to reconsider its rejection of the state's wolf management plan, Gov. Dave Freudenthal (D) said earlier this month. FWS ruled in January that Wyoming failed to submit an adequate plan to protect the state's population of gray wolves, forcing FWS to delay plans to remove the wolf from the endangered species list. The Wyoming Legislature's session ended last month with no agreement to synchronize state wolf management rules with federal requests, ending hopes of getting the predator off the list. Wyoming officials said they will appeal FWS's decision to refuse to release some documents on which the agency based its decision to reject the state's proposed wolf management plan.

FWS estimates *bull trout* protection to cost up to \$300M over a decade. The protection of the *bull trout* and its habitat in the Columbia and Klamath river basins could cost between \$230 million and \$300 million during the next 10 years, according to an analysis released by the FWS last week. The ESA gives the Interior Secretary the authority to exclude lands from critical habitat designation when the economic costs outweigh the benefits for a protected species. Environmentalists have criticized the report, stating that it listed only the costs and not the potential benefits of protecting bull trout in Idaho, Montana, Oregon and Washington. But FWS officials said that the ESA only requires an analysis of the costs of designating critical habitat, and that restoring the *bull trout* to healthy numbers would bring many benefits to local economies.

Lawsuit planned to protect wildlife. Environmentalists earlier this week took their first legal step to sue FWS for failing to extend protections of the ESA to a bird, three butterflies and eight kinds of pocket gophers found in the Puget Sound region. The Tucson, Arizona-based Center for Biological Diversity and other groups said the government had found the species warranted protection, but were precluded from it by FWS' workload. The agency has said much of its work stems from suits filed by environmentalists. As required under the law, the environmentalists notified the service of their intentions to sue in 60 days. The species are: the *streaked horned lark*; the *Island marble butterfly*; the *Mardon skipper*; the *Taylor's checkerspot butterfly*; and eight subspecies of the *Mazama pocket gopher*.