
U P D A T E

May 26, 2004

This periodic publication is intended solely for the use of NESARC members.

House Resources Committee continues to examine ESA. The House Resources Committee continues to build on its ESA modernization activities following the release of a report calling for ESA improvements and a recent hearing on critical habitat designation. The Committee plans to hold several more field hearings in the coming months to examine the impacts of the ESA, including a hearing in Carlsbad, New Mexico on Monday, June 7th and a hearing in the Klamath region on Saturday, July 17th. Additionally, the Committee is expected to mark up H.R. 1662, Rep. Greg Walden's "Sound Science for Endangered Species Act Planning Act" and H.R. 2933, Rep. Dennis Cardoza's "Critical Habitat Reform Act," prior to the August recess. Committee Chairman Richard Pombo (R-CA) continues to affirm that ESA modernization is one of his top priorities.

Tiger salamander decision postponed over science debate. Assistant Secretary of the Interior Craig Manson has responded favorably to a request from House Resources Committee Chairman Richard Pombo (R-CA) to petition the court for a six month extension in the proposal to list the central California *tiger salamander* as threatened. The listing of the *tiger salamander* is a result of litigation brought by the Center for Biological Diversity. In his decision, Manson stated that, given the uncertainties in the data, "the agency would be doing the wrong thing" if it did not take additional time. Several other members of the California delegation from both sides of the aisle support the extension, including Reps. George Miller (D-7th), Devin Nunes (R-1st), George Radanovich (R-19th), Ellen Tauscher (D-10th) and Doug Ose (R-3rd).

Bush Administration says 25 of 26 listed salmon will remain under federal protection. Nearly all of the 26 runs of Pacific salmon listed as threatened or endangered species are likely to retain federal protection, according to a letter to Congress from a Department of Commerce official. The decision comes despite the recent announcement of a proposal that is expected to be finalized in the next two weeks that would count hatchery fish as equivalent to wild ones for the purposes of determining whether a species is threatened or endangered. The letter stated that the government never intended to substitute hatcheries for naturally spawning salmon, and that hatcheries are playing an important role in restoring depleted runs. The letter may be viewed in its entirety at <http://www.publicaffairs.noaa.gov/releases2004/may04/noaa04-r910.html>

Senators and environmentalists announce new species restoration efforts. Senators Mike Crapo (R-ID) and Herb Kohl (D-WI) have unveiled a campaign with the environmental organization Environmental Defense that promises to work with private landowners to recover 15 currently listed endangered species. "Back from the Brink" is an effort to encourage farmers, ranchers, foresters and other landowners to enter voluntary cooperative agreements to create and restore habitat for endangered species on their land. The group's goal is to achieve species recovery within the next 10 years. The initiative will largely rely on directing landowners to use existing federal programs, as well as some private grants. Environmental Defense scientists will work with

property owners to establish species protection agreements and encourage use of farm bill conservation programs for endangered species recovery. Additional information on the campaign may be found at www.backfromthebrink.org

FWS publishes revisions to Safe Harbor Agreements and Candidate Conservation Agreements. The Fish and Wildlife Service (FWS) recently published revised regulations pertaining to enhancement of survival permits issued under the Endangered Species Act. According to FWS, the revisions are meant to improve the current implementing regulations for permits associated with Safe Harbor Agreements and Candidate Conservation Agreements with Assurances, making the agreements easier to understand. This final rule will take effect June 2, 2004, and may be viewed at

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-9982.pdf>

New legislation introduced to exclude Preble's mouse ESA protections. Rep. Tom Tancredo (R-CO), a member of the House Resources Committee, introduced legislation last week that would prevent the *Preble's Meadow jumping mouse* from being added to federal endangered species list. The bill was introduced based on scientific data showing that the Preble's is not a separate species of mouse. Tancredo based his conclusions on a study by the Denver Museum of Nature & Science that suggested the mouse is not a genetically distinct subspecies. Meanwhile, a special rule permitting the mouse to be killed or trapped as part of rodent control was made permanent by FWS officials.

Steelhead protections remain while hatchery debate continues. A federal judge has left protections in place for wild Central Valley steelhead trout while the government recalculates how their population has been affected by hatchery-raised trout. The decision means that five Central Valley irrigation districts will be permitted to keep the amount of water put into rivers at current levels until the recalculation is completed.

MARK YOUR CALENDAR – NESARC 2004 Forum

On Wednesday, November 17, 2004, the National Endangered Species Act Reform Coalition (NESARC) will sponsor an ESA Forum. Members of Congress, state and local officials, Administration officials and others will be invited to participate. On the heels of the elections, the NESARC 2004 Forum will provide a good opportunity to evaluate prospects for improving the Endangered Species Act in the 109th Congress and highlight NESARC's plans for 2005. NESARC members are also encouraged to participate in NESARC's 2004 Annual Meeting, which will be held the afternoon of Tuesday, November 16, 2004. Please check your email in the coming weeks for additional information regarding the location of the Forum.