
U P D A T E

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

Resources Committee to hold oversight hearing on *Silvery Minnow* issue. The House Resources Committee has scheduled a field hearing in Belen, New Mexico this Saturday, September 6th, to address the implications of the recent Tenth Circuit Court of Appeals decision in the *Silvery Minnow* case. If allowed to stand, the *Silvery Minnow* decision would destroy the contractual relationship between the Bureau of Reclamation and the water users they serve, and usurp, throughout the West, the State's role in allocating water rights. Invited witnesses include New Mexico Governor Bill Richardson, Pueblo of San Felipe Governor Anthony Ortiz, and Albuquerque Mayor Marty Chavez. Resources Committee members expected to attend include Chairman Richard Pombo, (R-CA), Rep. Ken Calvert (R-CA), Rep. Steven Pearce (R-NM), Rep. Tom Udall (D-NM), Rep. Joe Baca (D-CA), and Rep. Heather Wilson (R-NM). NESARC staff will be attending the field hearing and will provide a report to the membership.

Pre-hearing rally called to raise awareness of ESA reform needs. A rally will take place one hour prior to the start of this Saturday's hearing on the *Silvery Minnow* issue in Belen, New Mexico. According to the rally notice, organizers are looking to convey to Congress and the media their thoughts on the recent court decision, as well as the current ESA. The rally begins at 8:00 a.m., and additional details may be attained from the New Mexico Cattle Growers Association at (505) 247-0584 or the New Mexico Farm & Livestock Bureau at (505) 866-7382.

ESA Coalition convenes to discuss Resources Committee movement on ESA. As a follow-up to the ESA Coalition meeting that was held on June 6th, a second meeting has been scheduled for this Monday, September 8th in the offices of the House Resources Committee. The purpose of the meeting is to discuss events of the September 6th New Mexico field hearing and currently introduced ESA legislation, and to organize for the promotion of key ESA bills. Several NESARC members and staff attended the June meeting, and are expected to remain active in the ESA Coalition's efforts.

FWS spends last of \$6M critical habitat budget. FWS published its final two critical habitat actions of fiscal year 2003 recently when it designated 739,000 acres as critical habitat for 15 fairy shrimp and plant species dependent on vernal pools in central California, and proposed nearly 53,000 acres of Southern California desert as critical habitat for the *Peirson's milk-vetch*. FWS says it has exhausted its \$6 million budget for critical habitat designations and will not draw from other ESA accounts to address the backlog of critical habitat petitions. The Administration has asked for \$12.3 million for critical habitat listings in fiscal year 2004. The value of critical habitat designations continues to be one of the most controversial parts of the ESA.

Nominee for EPA Administrator supports state involvement in achieving ESA objectives. Utah Governor Mike Leavitt (R), President Bush's nominee to take over the Environmental Protection Agency, has showed his support of ESA reform through his work with the Western Governors' Association. Leavitt was the sole sponsor of a broad WGA policy resolution in 2000 urging Congress to significantly change the ESA, by calling

for the original distinction in the law between endangered and threatened species. "When a species is classified as threatened, there should be more involvement by states in developing rules that allow flexibility, and a broader range of permissible actions in developing a conservation program for states in meeting ESA objectives," the resolution said. In addition, Leavitt argued that states should be allowed to enter into species conservation agreements with the federal government before a species is listed as threatened or endangered. The Utah governor also called for an independent peer-review process to ensure scientifically rigorous listing decisions. Listings should be "well-reasoned and scientifically based," according to the Leavitt policy resolution.

Agencies face tight deadline to recover Oregon coastal coho salmon. Biologists in Oregon are struggling to meet an aggressive timeline that could make the state's coastal coho salmon the 13th species declared recovered from endangered status. The decision to delist the species hinges on whether Oregon can ensure the fish will receive adequate protection without federal oversight. NOAA Fisheries is reviewing the status of all 27 West Coast species of salmon and steelhead, but the Administration wants the agency to pay special attention to Oregon coastal coho. Last month, the Administration handed NOAA Fisheries \$250,000 specifically aimed at finding out what it will take to delist the coho, according to NOAA Fisheries officials. NOAA Fisheries plans to release the recovery criteria in March 2004, with some preliminary recovery information to be released this fall. Oregon wants to use the results to comment on NOAA Fisheries' upcoming decision on whether to consider hatchery fish in ESA listings of wild fish.

New jaguar preserve in Mexico prompts U.S. debate. The purchase of a 10,000 acre ranch in Mexico to protect the country's jaguar habitat has some ranchers on the U.S. side of the border concerned that an increase in jaguars could lead to new restrictions on grazing in the southwestern United States. Environmentalists hope the preserve will provide a safe haven for the species, but U.S. ranchers are concerned about the increase in federal regulation that could follow recovery. Protections for other species, such as the Mexican spotted owl, have been known to result in grazing restrictions.

No federal protection for *westslope cutthroat trout*. FWS said recently it will not list the *westslope cutthroat trout* as a threatened species, citing surveys that downplay risks of interbreeding with other species. The agency said surveys indicate abundant, stable populations remain well distributed throughout the cutthroat's historic range in Montana and Idaho, northwest Wyoming, and in portions of Washington, Oregon and Canada. The decision is the second time in three years that federal wildlife managers have declined requests from environmental groups and others to list the cutthroat for federal protection.

NESARC NEWS

NESARC announces new Legislative Committee Chairman. NESARC President Jerry Demel announced this week that Kris Polly, Director, Government Relations for the National Water Resources Association (NWRA), has assumed the chairmanship of NESARC's Legislative Committee. Kris has represented NWRA, one of the original members of NESARC, on the Board of Directors and Legislative Committee for more than a decade. As an active member of the Board and Legislative Committee, Kris has been tireless in his advocacy for ESA reform legislation and has contributed countless hours to promoting NESARC and its objectives. Congratulations to Kris and best of luck to him as he assumes this new role in the Coalition!