

Press Release:

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Butte Environmental Council • 116 W. Second St., Suite 3 • Chico, CA 95928 • 530/891-6424 • fax 530/891-6426 **Contact:** Barbara Vlamis

CONSERVATION GROUPS SUE INTERIOR DEPARTMENT OVER DECISION TO ELIMINATE ONE MILLION ACRES OF HABITAT

Chico, CA – The Butte Environmental Council, the California Native Plant Society, and Defenders of Wildlife have filed a complaint against the U.S. Department of the Interior over its decision to eliminate more than one million acres in habitat for 15 endangered and threatened vernal pool plants and animals found in California and Oregon. On August 6, 2003, a final Interior rule designated only 740,000 acres of critical habitat for the species, one million acres short of what was proposed in the draft rule. The groups also claim a shoddy economic analysis was used to exclude all proposed habitat in six counties, including the entire habitat of the Butte County meadowfoam.

“We are confident that the courts will restore the substantial acreage that was removed by the Interior Department in Washington,” stated Barbara Vlamis, executive Director of Butte Environmental Council. “The Bush administration’s attempts to undermine the laws of the land through smoke and mirror justification is being rejected from coast to coast,” she continued. Congress and the courts have demonstrated time and again the intent and significance of the critical habitat requirement of the Endangered Species Act, such as Senator Garn of Utah’s comment in 1978 when he stated, “designation of critical habitat is more important than the designation of endangered species itself” (Wiygul and Weiner 1999; Congressional Research Service 1982).

Designating critical habitat is the precursor to recovery for federally listed species. Habitat necessary for recovery must be mapped in order to inform statewide and local conservation planning efforts. Otherwise recovery is hindered by piecemeal decisions that lack a big picture perspective. “By excluding six counties and an entire species from the critical habitat designation, the Fish and Wildlife Service has catered to the interest of developers and abandoned their responsibility to recover species” stated Cynthia Wilkerson of Defenders of Wildlife.

If recovery is to occur, the remaining range of the 15 vernal pool species must not only be protected, it must expand. Vernal pools are unique depressional wetlands that fill and dry every year. Eight endangered and seven threatened species are currently listed due to the severity of vernal pool destruction in California and Oregon. As the Proposed Rule indicates, Holland estimates that close to 75% of the Central Valley’s vernal pool habitat was lost by 1997; the central coast has lost at a minimum 90%; southern California’s losses exceed 95%; and Oregon has had 60% destroyed with 18% of the extant habitat considered intact (2002). More recent estimates place the habitat losses at over 90% throughout the historic range of vernal pools (Wright 2002).

“Appropriate designation of critical habitat for these vernal pool species will help to ensure their recovery and it will allow future generations opportunity to experience and enjoy this unique ecosystem” stated Carol Witham of the California Native Plant Society.

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-30-

Background

A January 14, 2002 decision by the U.S. Supreme Court upheld the ruling by the District of Columbia Court of Appeals affirming the protection of four federally listed fresh water crustaceans under the Endangered Species Act. The species were listed under the Endangered Species Act by the Interior Department’s U.S. Fish and Wildlife Service (Service) in September 1994. The California Building Industry Association sued to try to reverse the species’ protection in 1995. Two California organizations, the Butte Environmental Council (BEC) and the Environmental Defense Center of Santa Barbara, supported the listings as interveners all the way to the Supreme Court.

Judge Paul Friedman of the U.S. District Court of Columbia issued the initial ruling on July 29, 1997 that rejected the BIA request to de-list the shrimp, but his decision supported their petition requiring the Service to designate critical habitat for the shrimp species. When the Service failed to respond to the court’s direction, BEC sued on April 12, 2000 for critical habitat designation for the four crustaceans. On February 9, 2001, the District Court for the eastern district of California ordered the Service to complete a final critical habitat designation for the crustaceans. The Service requested an extension of one year past the court ordered deadline and BEC concurred when the negotiations created a more comprehensive benefit for the habitat by including 11 vernal pool plant species.

On August 6, 2003 the Bush administration issued the final critical habitat rule and justified the removal of one million acres and six counties on economic grounds. Their analysis was feeble and concentrated almost exclusively on the economic costs over the economic benefits, illuminating its bias. The list of economic benefits of the critical habitat designation that were ignored by Washington is quite extensive and includes flood control, water quality, tourism, animal husbandry, hunting, recreation, education, and all the species in the food chain.

The counties omitted from the critical habitat designation are: Butte, Madera, Merced, Riverside, Sacramento, & Solano.

The counties with acreage in the critical habitat designation are: □ Alameda, Amador, Calaveras, Contra Costa, Fresno, Glenn, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Monterey, Napa, Placer, Plumas, San Benito, San Luis Obispo, Santa Barbara, San Joaquin, Shasta, Stanislaus, Tehama, Tulare, Tuolumne, Ventura, Yolo, Yuba, and Jackson County, Oregon.

Table 1. Covered Species Status and Listing Dates

Common Name	Scientific Name	Date Listed	Status
Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	September 19, 1994	E
longhorn fairy shrimp	<i>Branchinecta longiantenna</i>	September 19, 1994	E
vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	September 19, 1994	E
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	September 19, 1994	T
Butte County meadowfoam	<i>Limnanthes floccosa</i> ssp. <i>Californica</i>	June 8, 1992	E
Colusa grass	<i>Neostapfia colusana</i>	March 26, 1997	T
Contra Costa goldfields	<i>Lastenia conjugens</i>	June 18, 1997	E
Greene's tuctoria	<i>Tuctoria greenei</i>	March 26, 1997	E
Hairy orcutt	<i>Orcuttia pilosa</i>	March 26, 1997	E
Hoover's spurge	<i>Chamaesyce hooveri</i>	March 26, 1997	T
Sacramento orcutt	<i>Orcuttia viscida</i>	March 26, 1997	E
San Joaquin Valley orcutt	<i>Orcuttia inequalis</i>	March 26, 1997	T
Slender orcutt	<i>Orcuttia tenuis</i>	March 26, 1997	T
Solano grass	<i>Tuctoria mucronata</i>	September 28, 1978	E
Succulent (or fleshy) owl's clover	<i>Castilleja campestris</i> ssp. <i>succunlenta</i>	March 26, 1997	T