

Press Release:

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AGENCIES SUED TO PROTECT WETLANDS AND CRITICAL HABITAT

Chico, CA – On Wednesday, June 11, 2008, the Butte Environmental Council, an enduring advocate for vernal pool protection in California, sued the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service over their approvals of the Stillwater Business Park in Shasta County. The complaint alleges that the Corps and the Service failed to uphold the Clean Water Act and the Endangered Species Act by issuing permits for the project that would destroy 65.7 % (234.5 acres) of the critical habitat for vernal pool branchiopods in the study area, 48.4 % (242.2 acres) of critical habitat for slender Orcutt grass, 7.55 acres of wetlands, and impact 678 acres of land necessary for the recovery of the species.

Vernal pools are seasonal wetlands that fill with water during fall and winter rains. These unique grasslands once dotted most of California's Central Valley and southern California coastal areas and are home to a unique array of plants and wildlife that can be found nowhere else on earth. Biologists estimate that more than 90 percent of vernal pools have been destroyed throughout their historic range (Wright 2002). The vernal pool tadpole shrimp and the vernal pool fairy shrimp were listed as endangered in 1994 due to habitat loss and fragmentation from urban expansion, agriculture, roads, and water projects. After BEC litigation in 2000, the Fish and Wildlife Service designated critical habitat for these species and 11 plants, including slender Orcutt grass. "Critical habitat" for threatened and endangered species is considered to be habitat necessary for the recovery of the species, and, as such, is intended to have a higher degree of protection.

"It took BEC litigation to create the Vernal Pool Critical Habitat Rule and the *Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon*," stated Barbara Vlamis, executive director of Butte Environmental Council, "So we are not going to stand by and watch the agencies ignore the priorities they established in their own documents and regulations." The Clean Water Act requires the Corps to seek the Least Environmental Damaging Practical Alternative, which was not done. The Endangered Species Act necessitates that the Service not jeopardize the existence of the endangered and threatened shrimp species or the threatened grass and that they must not adversely modify critical habitat for the species. The current permits are contrary to the best available science, inconsistent with prior decisions, and are not supported by the facts before the agency.