

Bush Administration Peppered With Endangered Species Lawsuits

PORTLAND, Oregon, October 2, 2008 (ENS) - The nonprofit Center for Biological Diversity today filed five separate lawsuits in federal court all charging the Bush administration with political interference in designation of critical habitat for six western species that are listed as endangered or threatened under the Endangered Species Act.

The species include two birds, the western snowy plover and the southwestern willow flycatcher; a mammal, the Buena Vista Lake shrew; an amphibian, the California tiger salamander; and two California plants, the Munz's onion and the San Jacinto Valley crowscale.

The lawsuits are the latest action taken by the organization in its campaign to undo politically tainted decisions concerning dozens of endangered species.

The campaign began August 28, 2007 when the group filed a notice of intent to sue over decisions involving 55 endangered species in 28 states, covering 8.7 million acres of critical habitat.

"The Bush administration has the worst record protecting endangered species of any administration since passage of the landmark law," said Noah Greenwald, science director for the Center for Biological Diversity.

"In the case of these six species, the administration's malfeasance resulted in the removal of protection for over 300,000 acres of habitat in seven western states," Greenwald said.

Greenwald gives as an example the California tiger salamander, saying that the administration excluded all of the 74,223 acres of critical habitat in Sonoma County that was identified by U.S. Fish and Wildlife Service scientists as "essential" to the survival or recovery the species.

Critical habitat exclusions for the other species ranged from 23 to 100 percent of the acres identified as essential by scientists.

"The Bush administration has demonstrated a total disregard for the scientific conclusions of the government's own scientists," said Greenwald. "This disregard places these six species and numerous others at risk of extinction."

Typical of today's lawsuits is the one filed over habitat protection for the Buena Vista Lake shrew.



***California tiger
salamander*** (Photo by C. Johnson
courtesy USFWS)

The shrew's historic range, the Tulare Basin in the southern San Joaquin Valley, once supported three large lakes interconnected by hundreds of square miles of tule marshes and other permanent and seasonal lakes, wetlands and sloughs. Now most of the lakes and marshes have been drained and cultivated, endangering the small mammal. Yet, the Bush administration reduced critical habitat for the shrew by 98 percent, from 4,565 to 84 acres.

In 2004, the U.S. Fish and Wildlife Service proposed five areas, totaling 4,649 acres, as critical habitat for the shrew.



Buena Vista Lake shrew

(Photo by B. Moose Peterson courtesy USFWS)

But four of the proposed units were excluded in the final rule in favor of "voluntary" commitments made by landowners to provide protections for the shrew.

"In each case, landowners have developed robust and reliable strategies to enhance the Buena Vista Lake shrew," said Steve Thompson, manager of California-Nevada Operations for the Service. "These agreements provide strong commitments for actions that will help the species recover."

"Cooperative actions, such as the City of Bakersfield's revised Management Plan, do more to help the species than a simple critical habitat designation," Thompson said. "The Service believes this type of cooperative activity is more effective in restoring threatened and endangered species."

Implementation of the Endangered Species Act by the Bush administration has been investigated by the Government Accountability Office, which is the investigative branch of Congress; by the House Natural Resources Committee; and by the Department of Interior's own Inspector General.

The Inspector General's 2007 report resulted in the resignation of Julie MacDonald, a former deputy assistant secretary in the Department of the Interior who left her post last year under a cloud of scandal. It was her decisions that led to some of the allegations of political interference that have triggered these lawsuits filed today.

The Center's previous efforts to reverse politically tainted decisions have met with some success.

In response to lawsuits filed by the organization, the U.S. Fish and Wildlife Service agreed to redo critical habitat designations for 15 species, including the California red-legged frog, arroyo toad, vermillion darter, Mississippi gopher frog, four New Mexico invertebrates, and seven plants from California, Oregon, and North Carolina.

The newly proposed critical habitat designation for the California red-legged frog alone totals approximately 1.8 million acres, four times the area previously protected.

In addition, the Fish and Wildlife Service has agreed to reconsider listing the rare, highly imperiled Mexican garter snake as an endangered species.

Under the Bush administration, the Service has repeatedly said that "the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits."

"In almost all cases," the Service says, "recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat."

But there are currently 281 candidate species that are recognized as warranting protection but have yet to be listed, and a host of critical habitat designations that the courts have found to be illegal because they were not based on science.

"The next administration is going to have their work cut out for them to correct the problems with endangered species management created by this administration," said Greenwald. "The endangered species program needs a complete overhaul."

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