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## **Fluvial grayling denied species protection**

By [SCOTT McMILLION](#) Chronicle Staff Writer

The federal government has decided that the fluvial Arctic grayling, one of the rarest fishes in Montana, doesn't deserve the protections of the Endangered Species Act.

In a ruling published Tuesday in the Federal Register, the U.S. Fish and Wildlife Service also determined that despite the grayling's steadily declining numbers, it doesn't even merit the special "candidate" status it's had since 1994.

Only the pallid sturgeon, a denizen of the lower Missouri and Yellowstone rivers, is rarer in Montana than the grayling.

The federal agency based its decision on findings that the genetics of the fluvial, or river-dwelling, grayling are similar enough to more abundant lake-dwelling grayling that protection is not necessary. The ruling comes even though FWS noted distinct behavioral differences between river-dwelling and lake-dwelling grayling.

FWS has said in the past that the fish is in trouble. The "overall population still appears to be at risk because of low abundance and irregular recruitment," FWS said last year in a conservation proposal.

But that doesn't mean its loss would be the end of the species, FWS maintains now, arguing that the fluvial grayling are abundant in northern reaches of the continent.

The Center for Biological Diversity, one of the environmental groups pushing for listing, said the decision was a politically motivated action by the Bush administration that could spell doom for the unusual, silvery fish. Its last refuge south of the Canadian border is in the upper Big Hole River in southwest Montana, and its numbers have been shrinking there for decades.

"It's a species on the brink of extinction," said Noah Greenwald, a conservation biologist for the center. "They basically said that the existence of the grayling in the lower 48 states is not significant."

"Most likely, we're going to challenge this in court," Greenwald said.

That won't be the first time. The status of the grayling has been in and out of the courts since 1991.

In 1994, FWS determined that the fish merited listing, but other species had higher priorities.

The most recent court case was a 2004 action filed by Greenwald's group seeking an emergency listing of the fish. FWS settled that case by vowing to decide by this month whether to issue the emergency ruling.

That was the ruling printed Tuesday, making it official.

The agency also went a step further, deciding that the fluvial grayling is no longer even a candidate for listing, the status it gained in 1994.

Candidate species don't receive the full protection of the Endangered Species Act, but "we encourage their consideration in environmental planning and partnerships," the FWS Web site says.

The ruling also raised questions about the future prospects for a major conservation project in the Big Hole valley that was designed to improve conditions for the grayling, which has very specific habitat needs.

FWS, the Montana Department of Fish, Wildlife and Parks and Big Hole ranchers last year coined an agreement in which the owners of up to 200,000 acres of land would improve their irrigation projects to help keep water in the river. The

agreement is the largest program of its type in the nation, in terms of acreage. Ranchers in the program receive assurances they won't be saddled with other demands if the fish is someday listed.

Bruce Rich, the regional fisheries manager for the state, said Tuesday that 27 landowners controlling 130,000 acres have already enrolled.

The program calls for ranchers to do such things as install new irrigation headgates, plant streamside vegetation and install fencing. Most of that work will be financed by the federal government, and money has already been set aside for people who have enrolled, Rich said.

It's unknown whether any additional federal money will be available to complete the project, he said.

Randy Smith, president of the Big Hole Watershed Committee, a ranch group, said he expects the stream improvement projects in the area will continue, and that there could be other funding sources.

“Whether or not that fish is listed, there's problems up there,” Smith said. “My deal has always been we should go ahead and do the work. If it's good for the grayling, it's probably good for everything.”