

Bush administration proposes 80% cutback in protected salmon habitat

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The Bush administration yesterday proposed scaling back Endangered Species Act protections for salmon across four Western states, drawing cautious applause from development interests and derision from environmentalists.

The proposal would drop safeguards for four-fifths of the waters previously designated "critical habitat" for dwindling salmon and steelhead runs across the Pacific Northwest -- Washington, Oregon and Idaho -- and half the waters previously protected in California.

Additional reductions may be authorized after a series of public hearings, federal officials said.

The rule change would make it easier in many cases to develop alongside streams and rivers, as well as areas of Puget Sound where the protected fish live. It also could affect much of what federal agencies do around imperiled salmon, such as operating dams that provide electrical power and handing out water to irrigate crops.

The move was prompted by a lawsuit filed by the National Association of Home Builders. The suit was joined by the Washington counties of Grant, Kittitas, Okanogan, Skagit and

Skamania, as well as the Building Industry Association of Washington, timber groups and others.

They had complained of the approach taken under the Clinton administration in 2000, which invoked the protections virtually everywhere on streams used by the protected fish, whether scientists knew the biological value of the area or not. Some 150,000 square miles were covered.

The new rules would be much more selective about which areas to safeguard, focusing almost exclusively on river reaches known to be used by the fish.

"The reason the 2000 designations were overinclusive was that we didn't have better data available at that time," said Bob Lohn, Northwest regional administrator of the National Marine Fisheries Service.

Development interests and environmentalists still were trying to discern the full impact of the 606-page proposal, which was released at mid-afternoon yesterday. Scheduled public hearings on the proposal include one Jan. 18 at the Radisson Hotel by Sea-Tac International Airport.

"As cynical as I am, I'm actually surprised at how bad this is," said David Hogan of the Center for Biological Diversity, a group that frequently tangles with the government in court.

The organization took legal action to force redesignation of critical habitat after it was dropped by the Bush administration in response to the home-builders' suit.

"It really takes the Bush administration's assault on endangered wildlife and the Endangered Species Act to a new level," Hogan said.

Representatives of the national home-builders' group said they were glad the federal agency was willing to distinguish between areas of known value to salmon, and other stream stretches whose value is often unknown or marginal.

"From what I've heard, I'm encouraged," said Christopher Galik, environmental policy analyst for the group.

But Michael Mittelholzer, the group's director of environmental policy, said a key decision remains to be made by the Bush administration: redefining what exactly is prohibited alongside streams where the habitat designation remains. A recent court ruling threw out the standards the agency has historically used, he said -- "the crux of the issue."

The Endangered Species Act tells federal fish and wildlife officials to decide whether to extend the protec-

tions of the law to a species regardless of the economic impact. Putting the animal on the list of threatened and endangered species makes it illegal to kill or harm it.

The second thing the law says is that the agencies should designate "critical habitat" -- lands and waters important to the imperiled species. Then the government is supposed to draw up a plan for the species to recover. In these actions, agencies can consider economic impact.

However, a series of Democratic and Republican presidential administrations has fallen far behind in laying out areas considered critical habitat and producing the recovery blueprints.

Next year, Congress is expected to entertain proposals to drastically alter or eliminate the law's requirement for critical habitat. A study this year by Hogan's group showed that endangered species for which the habitat has been protected are more than twice as likely to be recovering compared with other endangered species.

"This proposal really undermines the conservation values that many people cherish, and will essentially doom salmon and steelhead to permanent endangered status," Hogan said.

A key disagreement is about the meaning of a single word in the Endangered Species Act: the "conservation" of a species. NMFS is allowed to protect areas beyond where fish live now if they are considered "essential for the conservation" of the species.

Environmentalists contend this includes areas not currently used by the fish, but which would be needed for them to rebound from current levels, which are paltry compared with historical populations despite a recent turnaround.

"Critical habitat is the lever to get endangered species off the endangered species list," said Michael Mayer, a Seattle-based attorney with the Earthjustice law firm. "It's the best hope of making the Endangered Species Act work the way it's supposed to. It's critical."

But federal fisheries officials pointed to NMFS rules that allow them to declare an area of a stream not currently used by salmon as critical habitat "only when a designation limited to its present range would be inadequate to ensure the conservation of the species."

"We took a hard biological look to determine if the areas were essential to the conservation of the species," said Lohn, of NMFS.

Conservation, NMFS officials said, means keeping the fish from going extinct.

For most of the fish runs, federal scientists simply don't know enough about areas not currently used by the fish to say how important they are. So the agency dropped those stream miles from the protected areas, the agency said. One exception was eight miles of Hood Canal that was once used by salmon but no longer is.

Nineteen areas around Puget Sound were determined worthy of being designated critical habitat -- except for one thing. After NMFS economists looked at the cost of the protections to society, they said it outweighed the benefit to the salmon.

Environmentalists bitterly criticized the agency for failing to tote up all the benefits, a contention that NMFS officials did not deny.

Another agency, the U.S. Fish and Wildlife Service, has drawn fire for greatly reducing protections for bull trout after ordering the removal of a

55-page section of the agency's economic analysis that counted the benefits of demarcating the fish's critical habitat.

NMFS' proposed rules were drafted with help from Mark Rutzick, a former attorney for the timber industry now working in NMFS' Washington, D.C.-area headquarters, Lohn said.

The proposed rules remove the habitat designation for all military bases in Washington with salmon habitat, including the naval submarine bases at Bangor and Keyport, the Port Hadlock naval ammunition base, the naval fuel depot at Manchester, the Bremerton Naval Hospital, naval air stations at Whidbey Island and Everett, and the Army's base at Fort Lewis. All have separate plans to help salmon.

NMFS is asking the public whether it should maintain the critical habitat designations on lands covered by other conservation plans.

Two important ones are the Northwest Forest Plan, which governs endangered species recovery on federal lands in the Northwest, and Washington's Forests and Fish Plan, which governs forestry on private lands in this state.