

Conservation groups sue Bush administration over endangered species delays

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Washington, D.C. A coalition of conservation groups filed a complaint late yesterday against the Bush Administration for delaying protection of hundreds of wildlife species as endangered under the Endangered Species Act, leaving 283 plants and animals on a perpetual candidate waiting list. Since passage of the Act, at least 24 candidate species have gone extinct waiting for protection. "The Bush Administration is treating the species candidate list effectively like an under-funded city pound, where the Nation's wildlife go to waste away," states Noah Greenwald, Conservation Biologist with the Center for Biological Diversity. "The Endangered Species Act is an effective tool for saving wildlife from the abyss of extinction and could save many of the 283 species if only it were implemented by the Administration."

The Bush Administration has refused to list a single species under the Endangered Species Act—America's safety net for plants, wildlife, and fish on the brink of extinction—except under court order or threat of lawsuit. Instead, the Administration has referred many imperiled plants and animals to the candidate waiting list. The U.S. Fish and Wildlife Service has already determined that each of these species needs protections under the Endangered Species Act, but the Administration is refusing to provide these protections. Candidate status confers no legal protection to wildlife. On average, the 283 candidate species have been waiting for protection for 17 years.

The Endangered Species Act requires the federal government to make "expeditious progress" in listing those species on the candidate list. Under the Bush Administration, progress by FWS towards protecting these and other species has plummeted to the lowest level since the landmark law was passed in 1973. To date, the Bush Administration has only protected 38 species compared to 512 during the Clinton Administration and 234 under the elder Bush's Administration. On average, this Administration has listed only eight species per year. In contrast, an average of 45 species per year were listed from 1974-2000 and 73 species per year were listed from 1991-1995.

"This is the slowest rate of protecting species of any administration in history," states Jeremy Nichols, Conservation Director of the Biodiversity Conservation Alliance. "The Nation's endangered wildlife need protection, not foot-dragging."

With this action, conservation groups are calling on the Administration to allow FWS to develop and follow a multi-year schedule to protect these 283 imperiled plants and animals, thereby finally putting an end to the need for lawsuits to force the Administration to implement the Endangered Species Act.

"The 283 species are an important part of the web of life in nearly every state in the U.S." states Jacob Smith, executive director of the Center for Native Ecosystems. "By failing to protect these species, the Bush Administration may be allowing the extinction of a plant or insect that contains within its chemistry the cure to Avian Flu or another terrible disease."

FWS argues they can't protect the 283 species because all of their funding is taken by court orders requiring designation of critical habitat or listing determinations on petition findings. An examination of their annual budget requests to Congress, however, shows that year after year the agency requests far less than it needs to address the backlog of species needing protection.

With the money they do have, the Bush Administration is listing far fewer species per dollar than the previous Administration. The rate of species listings per dollar has dropped from 22 species listed per million dollars in 2000 to just two species per million dollars in 2003 and six species per

million in 2004.

Groups on the suit include Center for Biological Diversity, Biodiversity Conservation Alliance, Center for Native Ecosystems, Colorado Native Plant Society, and Forest Guardians. The groups are represented by Meyer, Glitzenstein & Crystal, Earthjustice, and Robert Ukeiley.

Background on the 283 Candidate Species:

Candidate designation provides little if any protection to species. Of the 283 species currently recognized as candidates, 265 (93%) have been waiting for protection for five or more years, 224 (78%) have been waiting 10 or more years, 178 (62%) have been waiting 15 or more years, 117 (41%) have been waiting 20 or more years, and 73 (26%) have been waiting 25 or more years. On average, these species have been waiting for protection for over 17 years. Delays in protection have real consequences with at least 24 species having gone extinct after designation as a candidate.

The list of candidate species has gotten longer since the Bush Administration came into office. In 2001, there were 252 species on the candidate list compared to 283 today, reflecting the small number of species listed by the administration.

Candidate species occur in nearly every state. The following are but a few examples of the precious wildlife species we may lose forever if the Service continues to delay protection. If you don't see your state, please visit: <http://www.biologicaldiversity.org/swcbd/press/species5-16-05.html> for a link to a map of each state, which then can be clicked on to find some of the candidates for each state.

Dakota Skipper Butterfly (IA, IL, MN, MT, ND, SD, Saskatchewan, Manitoba).

The Dakota skipper, a butterfly found only in the northern Great Plains of North America, has been waiting for protection for 30 years. The skipper was once found throughout pristine tall-grass and mixed-grass prairies of the northern plains. These prairies have declined by over 90% because of conversion to croplands and ongoing degradation. Scientists report the skipper will go extinct within 50 years without Endangered Species Act protection.

Oregon Spotted Frog (OR, WA, CA, BC).

The Oregon spotted frog has been waiting for protection for 13 years. It is found in California, Oregon, Washington and British Columbia in wetlands from sea level to at least 5,500 feet. The frog's habitat has been lost at an accelerating pace and the species is now absent from up to 90 percent of its former range, including all of California.

Sonoyta Mud Turtle (AZ).

The Sonoyta Mud Turtle has been a candidate since 1997. In the U.S., it has been reduced to a single reservoir in Arizona that is isolated from populations in Mexico. The Turtle eats insects, crustaceans, snails, fish, frogs, and plants. Females bury their eggs on land.

Lesser Prairie-Chicken (CO, KS, NM, OK, TX).

The lesser prairie-chicken has been awaiting listing since 1998. A relative of the now extinct heath hen and the Endangered Attwater's prairie-chicken, the lesser prairie-chicken depends on tallgrass habitat in shinnery oak and sand sage ecosystems, which have been extensively degraded by oil and gas drilling and livestock grazing. The booming and dancing that is part of the prairie-chicken's mating ritual draws hundreds of birders to rural areas in the southern Great Plains where lesser prairie-chickens still exist. Protection for the lesser prairie-chicken would help safeguard the unique sand shinnery community, the largest stand of oak in the U.S.

Na'ena'e (HI).

The Na'ena'e is a striking plant of the bogs and wet forests near the summit of Waialeale on the island of Kauai. The Smithsonian Institution petitioned to list it as an endangered species in 1975. In 1976 the agency formally proposed to list the Na'ena'e as an endangered species, but never finalized listing. This rare Hawaiian plant has thus waited for protection for 29 years. Today there are just 25 plants left.

Many-colored Fruit Dove (U.S. Territories).

The Many-colored Fruit Dove is found in American Samoa on the four main islands of Tutuila, Olosega, Ofu, and Tau, as well as in Western Samoa. Only roughly 85 birds could be found in 1986. Populations are threatened by loss of rainforest habitat due to urbanization and agriculture, the small number of individuals known, catastrophes (hurricanes), and hunting. The species has been a candidate since 1996.

Pacific Fisher (CA, OR, WA).

The fisher is a forest carnivore related to the mink that inhabits dense, old forests. In the Pacific coast states, the fisher formerly inhabited old growth forests throughout the Sierra Nevada, northern California, and western Oregon and Washington. As a result of logging, trapping, and development, the fisher's range has been greatly reduced. Small populations remain in the southern Sierra Nevada, California's north coastal mountains and in the southern Cascades of Oregon. Leading fisher biologists have found that the populations are "dangerously low." In particular, because the population in the southern Sierra is small (likely between 100 and 500 individuals) and isolated, Forest Service researchers have concluded that the species likely faces "a steady decline toward extinction" in the region in the absence of increased protection. In Oregon and Washington, the fisher has largely been extirpated, and any remnant native populations are very small and isolated. The fisher has been a candidate since 2004.