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ENDANGERED SPECIES: Idaho to sue FWS over protection for sagebrush plant (11/19/2009)

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Idaho Gov. Butch Otter (R) said this week he would sue the Obama administration over its decision to extend federal protection to the slickspot peppergrass, a rare sagebrush plant.

The grass is among 250 or so "candidate" species that the federal government believes merit protection but are not listed formally under the Endangered Species Act.

The administration last month finalized its decision to list the peppergrass as "threatened." It is the only candidate species the Fish and Wildlife Service has protected this year.

Environmental groups have pushed the administration to speed up protections for candidate species, and the Center for Biological Diversity has filed a lawsuit arguing that the government's failure to promptly decide on listings violates the ESA.



Idaho Gov. Butch Otter (R) said the state will sue the Obama administration over its decision to extend federal protection to slickspot peppergrass, a sagebrush plant. Photo courtesy of the Bureau of Land Management.

But decisions to protect candidate species can face fire, as well. Otter's notice of his intent to sue was praised by Idaho's congressional delegation.

The lawmakers said the decision to list the slickspot peppergrass as federally "threatened" betrays agreements state wildlife officials made with landowners who have worked to voluntarily conserve it.

In an effort to prevent the listing, Idaho had developed a candidate conservation agreement with the Air Force, the Bureau of Land Management, the Idaho Army National Guard and private property owners. The agreement established a method to try to conserve peppergrass on state and private land - while still allowing use of land for grazing and other activities.

"This listing significantly weakens many of those efforts and undermines the good work of our state, private landowners and others who have worked so hard to protect slickspot peppergrass," said Sen. Mike Crapo (R-Idaho).

The Fish and Wildlife Service listed slickspot peppergrass as a candidate species in 1999. In 2004, the agency said a listing was not warranted because of the range and abundance of the plant, and the development of the candidate conservation agreement.

The plant is 4 to 12 inches tall with tiny, white flowers. It grows in small areas within larger sagebrush habitat in southwest Idaho.