



Lawsuit Claims Political Influence in Critical Habitat Decisions

By JEFF BARNARD
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GRANTS PASS, Ore. — Conservationists want more than promises from the Bush administration to correct the damage caused by political interference in endangered species protections.

Lawsuits filed Wednesday ask federal judges to put the U.S. Fish and Wildlife Service under a deadline to review decisions to cut or deny critical habitat for 13 species, including a frog, a toad, seven plants, three snails and a freshwater shrimp. The species are found in Oregon, California, New Mexico and North Carolina.

The lawsuits - and more to come that will address a total of 55 species - were prompted by dissatisfaction over Fish and Wildlife Director Dale Hall's decision last month to review protections for seven species tainted by political interference of Julie MacDonald, former Interior Department assistant deputy secretary.

"When they came out with that list of seven, we were outraged by the duplicity of it," Kieran Suckling, senior policy analyst for the Center for Biological Diversity said from Tucson, Arizona "We were able in just a matter of days to identify 55 species that very obviously were politically squelched. The depth

of the cancer in the Department of Interior has not even been close to being rooted out."

MacDonald resigned in the spring after an inspector general's report found she had provided privileged information to a property rights group and agriculture interests, changed scientific reports to meet her policy goals and took part in removing a fish from the endangered species list that could have cut profits for her California farm.

Fish and Wildlife spokesman Chris Tollefson said the agency had not seen the lawsuit and could not comment on specifics. But it is addressing the problems associated with MacDonald, he said.

"The service undertook a pretty thorough review of all decisions she was involved in," he said from Washington, D.C. "This was done by career employees. These are the ones we felt the decision wasn't supported necessarily by science."

Suckling said the interference extended beyond the Interior Department to the White House's Office of Management and Budget, which he said had imposed a policy allowing only the costs of designating critical habitat for endangered species to be included in the economic analysis - but none of the economic benefits.

The budget office did not immediately respond to an e-mail seeking comment.

MacDonald is mentioned by name in two of the lawsuits, which seek to reverse cuts of more than 90 percent in the critical habitat designations recommended by Fish and Wildlife biologists for the California red-legged frog and the southwest arroyo toad.

The frog and the toad were among the species the service said it would review "as funding is made available," with no specific timetable.

The plants in the lawsuits are found in:

- North Carolina, the golden sedge.
- California, the Lane Mountain milk-vetch, San Diego ambrosia, spreading navarretia, and thread-leaved brodiaea.
- Oregon, Cook's lomatium and large-flowered woolly meadowfoam.

The snails are found in New Mexico, the Roswell springsnail, Pecos assiminea snail and Koster's tryonia snail, as is the freshwater shrimp, Noel's amphipod.

Although the lawsuits over the plants, snails and freshwater shrimp do not name MacDonald, they do allege that the Fish and Wildlife

Service used policies to make decisions that are not allowed under the law, Suckling said.

For example, in the case of four rare plants, the service adopted a regulatory definition of what it means to destroy or alter critical habitat that has been declared invalid by a federal appeals court.

In the case of another rare plant, the lawsuit alleges that the agency

exaggerated costs and ignored economic benefits when deciding to cut some areas out of the critical habitat.

In the arroyo toad case, the center offered as evidence an e-mail from a Fish and Wildlife employee saying he felt pressure from the Interior Department and MacDonald to reduce the acreage of critical habitat to stay within a limit of \$100 million of economic impacts.

“My main concern over the whole thing centers around the economic exclusions based on an inflated (draft economic analysis),” the e-mail said. “The (draft economic analysis) is based on assumptions that are unrealistic.”