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Suit seeks to protect Utah's state fish Endangered status

Environmental groups say U.S. Fish and Wildlife hasn't done enough to preserve the native trout

By Joe Baird

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Utah's state fish is in serious trouble, according to environmental groups. Now they're pressing their claim in court.

The Center for Biological Diversity, Pacific Rivers Council and Biodiversity Conservation Alliance filed suit Thursday against the U.S. Fish and Wildlife Service for failing to protect the Bonneville cutthroat trout as a threatened or endangered species.

The suit, filed in U.S. District Court in Denver, seeks to force the Fish and Wildlife Service to list the species under the provisions of the Endangered Species Act - a call the agency rejected in 2001 after conducting a status review of the fish.

"We really think the Bonneville cutthroat is as much a part of the state's natural heritage as mule deer and eagles," said Jeff Kessler, Utah field representative for the Biodiversity Conservation Alliance. "Our goal here is really simple: we want to see this fish persist and thrive into the future."

The Bonneville cutthroat, the suit says, was historically found in up to 90 percent of the lakes, rivers and streams in the Bonneville Basin - an area that takes in much of northern and central Utah, and parts of Idaho and Wyoming. But the fish's range has steadily shriveled to "remnant populations," and the species today is found in only about 3.7 percent of the basin's historic stream miles, according to U.S. Forest Service estimates. Overall, the population is now limited to headwater streams and a pair of lakes.

"By any measure, this is an enormous decline in the range of this animal," said

Kessler. "Based upon that alone, we believe it meets the criteria for listing" under the Endangered Species Act.

A Fish and Wildlife Service spokeswoman in the agency's Denver office said Thursday that officials had not yet seen the suit and could not comment.

The problem of the Bonneville cutthroat's declining numbers is further exacerbated by interbreeding with non-native trout. This hybridization, the suit said, poses "the most significant threat" to the continued existence of the Bonneville cutthroat, because it weakens a genetic makeup that took centuries to develop.

"As a result, hybridized Bonneville cutthroat trout often lack the genetic ability to adapt to particular stream environments, particularly during catastrophic events such as flood, drought, fire and disease," the suit said.

Attempts to list the Bonneville cutthroat as an endangered or threatened species have been ongoing since the 1970s, according to Earthjustice Attorney Mike Harris, with the Fish and Wildlife Service twice determining it merited protection - then bumping it to address higher priorities.

A third petition, filed in 1998, resulted in the status review and rejection by the agency, an action that prompted Thursday's complaint.

"One reason they cited [for not listing the fish] was that they identified 291 viable populations," said Harris. "The other was a conservation agreement under which Utah, Idaho, Wyoming and the Forest Service committed to making habitat improvements. So it is the states that have been doing the work to improve the species' status."

"The problem," he added, "is that as well intended as they may be, they're

underfunded, their programs are unenforceable and they're voluntary in nature. We'd like to see an [Endangered Species] listing to help put some teeth in those agreements and supplement those efforts."

Harris called the Fish and Wildlife Service's reluctance to list the Bonneville cutthroat symptomatic of a Bush administration that has awarded Endangered Species Act protection to just 32 types of plants and animals thus far. That contrasts with the Clinton Administration (512 species protected) and the first Bush Administration (234).