

## Concerns raised over delays in rare species safeguards

By Mike Lee  
Union-Tribune Staff Writer

A rare butterfly that lives almost exclusively in southwestern San Diego County is so close to extinction that it deserves protection under the Endangered Species Act, the U.S. Fish and Wildlife Service said last week.

But the agency didn't decide to cover the Hermes copper with the nation's most aggressive safeguards for species. Instead, it made the butterfly a "candidate" for protections because it deems other work more important for the roughly \$22 million a year it can spend on related projects.

Fish and Wildlife leaders said the budget is the barrier, not a lack of desire to protect more species.

### Hermes copper butterfly

The Hermes copper butterfly is a bright yellow-orange insect that flits across San Diego County's coastal sage scrub, where it relies on a host plant called spiny redberry for laying eggs. It's mainly threatened by habitat loss from fire and development.

About half of the 57 populations known to science have been destroyed and the status of 12 populations are unknown.



- In 1980, naturalists raised concerns about the butterfly's future in the face of urbanization, and by 1991 they were actively seeking federal protections.

- Conservationists formally petitioned the U.S. Fish and Wildlife Service in 2004 to put the butterfly on the Endangered Species Act list. Two years later, the agency said there wasn't enough information to warrant listing. That decision was part of a "90-day-finding," which the agency says cost about \$40,000.

- Environmentalists challenged the federal ruling in court, and the wildlife agency agreed in 2009 that the butterfly deserved another look.

- On April 13, the Fish and Wildlife Service said the species deserves threatened or endangered status but that action won't be taken because it has higher priorities. So-called "12-month findings" cost about \$100,000, the agency said. The Hermes copper, now a "candidate" species was given a ranking of 5 on a 1-to-12 scale, with 1 being the highest priority for federal listing in the future.

Still, the waiting list concerns conservationists who supported President Barack Obama because they thought he'd align with their interests more than his predecessor. With the exception of a major species protection effort in Obama's boyhood state of Hawaii last March, that hasn't turned out to be the case.

Counting the 48 Kauai listings — proposed under President George W. Bush — the Obama administration is protecting plants and animals at about half the pace of the Clinton administration. Take out the Kauai effort, and Obama is listing species at roughly the same rate as Bush.

That's not nearly fast enough to please conservationists but it's a relief to property rights advocates who feared Obama would enact sweeping species-related restrictions on land use given Democrats' traditional alignment with environmentalist views.

The net effect is that on the 41st Earth Day, there are nearly 1,400 plants and animals in the United States on the Endangered Species Act list and 260 on the candidate list, including the Hermes copper.

"If you talk to anyone in the conservation community working on this issue, they will probably tell you that (the Obama administration is) not doing great — certainly not as well as our community would have hoped for," said Leda Huta, executive director of the Endangered Species Coalition in Washington, D.C.

Even those who generally oppose species protections note that the administration's environmental focus is on energy production, climate change and air pollution. However, administration officials said the number of candidate species has declined since the 2007 and they are trying to recover them without formal protections.

"To date, we haven't seen a lot of significant changes from the Bush administration," said Brian Hawthorne, public lands policy director for the BlueRibbon Coalition,

a national nonprofit organization that advocates for off-road vehicle enthusiasts. "We are pleasantly surprised that (Obama) hasn't sort of bent to the tremendous pressure that the extreme environmental community has put on him."

Endangered species were a flash point during the Bush era partly because that's when former U.S. Rep. Richard Pombo, R-Tracy, tried to rewrite the Endangered Species Act of 1973. Business and farming interests have criticized the law as needlessly hampering private property rights, while environmentalists defend the law's role in keeping plants and animals from disappearing.

Habitat and species never were major campaign issues for Obama, but Huta and others figured his emphasis on science-based decisions would provide a sharp contrast to his predecessor.

Officials at the Fish and Wildlife Service, the agency that handles most endangered species, said they are trying to beef up their listing programs but they are constrained by court orders that compel them to process protections for certain species before they take up others.

They continue assessing plants and animals that may need federal protection such as the Thorne's hairstreak butterfly, which lives in San Diego County's backcountry. In February, the agency said it did not warrant safeguards because it inhabits more areas than previously known.

Some environmentalists objected to that ruling but it was the decision not to list Hermes copper butterflies that really irked advocates who have been seeking federal defenses for 20 years.

"Everyone agrees that they warrant protection, but they are not getting that protection," said Noah Greenwald, endangered species program leader for the Arizona-based Center for Biological Diversity. "They are saying they don't have enough resources, but from our perspective they are not using their resources efficiently."

In 2005, the center sued the Fish and Wildlife Service for allegedly not making enough progress protecting candidate species.

At the Fish and Wildlife Service office in Carlsbad, spokeswoman Jane Hendron said the Hermes copper decision was made after an in-depth review that involved the best available science.

"It has nothing to do with (whether) there is room on the list," she said. "It has everything to do with higher priority actions that we are required to take because we have court orders. We have limited funds."

The agency has about \$22 million in its budget for listing species in 2011, and about half of that is set aside for determining habitat critical to already listed species. The agency's entire budget for the endangered species program has been about \$180 million in recent years, but acting director Rowan Gould recently asked Congress to chip in another \$3.3 million in 2012, partly to bolster the listing program.

"Since 2007 the Service has been petitioned to add more than 1,230 species to the list of threatened and endangered species, more species than the Service listed during the previous 30 years of administering the act," he said in prepared remarks.