

REVISING THE LOST RIVER AND SHORTNOSE SUCKER RECOVERY PLAN

October 6, 2008

Why Revise the Recovery Plan?

The Lost River and shortnose suckers were listed under the Endangered Species Act in 1988, and in 1993 the U.S. Fish and Wildlife Service issued a Recovery Plan outlining tasks to recover the species and remove them from the list of Endangered Species. Extensive research since 1993 has provided a substantial amount of new scientific information for each of these fish. The U.S. Fish and Wildlife Service will now revise the Recovery Plan to incorporate this knowledge and refine the recovery strategies accordingly. The process will begin fall 2008 continue through early 2010.

Who Will Revise It?

The U.S. Fish and Wildlife Service contracted with the Desert Research Institute (DRI) in Reno, Nevada, to work with scientists and stakeholders to revise the Recovery Plan. DRI is the nonprofit research campus of the Nevada System of Higher Education. It is a unique blending of academia and entrepreneurship that provides solutions to pressing environmental problems by balancing needs to develop resources while protecting and sustaining the environment. DRI employs more than 500 faculty, support staff, and students who are committed to applying scientific understanding to the effective management of natural resources while meeting needs for economic diversification and science-based education (additional information can be found at <http://www.dri.edu>).

The Project Manager for the revised Recovery Plan is Dr. Donald Sada, an aquatic ecologist with more than 25 years of experience working with water management and aquatic life in the western U.S. The Assistant Project Manager is Dr. Saxon Sharpe, a paleoecologist with 20 years of experience investigating interactions among biology, hydrology, and climate in the western U.S. David Sale and Sandra Davis with ECO Resource Group (<http://www.ecoresourcegroup.com>) will facilitate stakeholder and public meetings.

Will This Be an Open Process?

This will be a fully transparent process involving the public, stakeholders, and scientists with expertise on the Lost River and shortnose suckers. The public and stakeholders will be invited to meetings held in Klamath Falls. The first public open house will present the most up-to-date scientific information by researchers working on the species, describe how input from the public, stakeholders, and scientists will be incorporated into the revised Recovery Plan, and solicit public comments. Stakeholder meetings will be open to the public, but they will primarily involve the Recovery Implementation Committee (RIC). Meeting schedules and minutes of public and stakeholder meetings will be published on the Klamath Falls Fish and Wildlife Office website (http://www.fws.gov/klamathfallsfwo/suckers/suc_rec.htm).

How Will Stakeholder Interests Be Represented in Revising the Plan?

Stakeholder interests will be solicited throughout the process and focused through the Recovery Implementation Committee. This committee will include people with knowledge of local watershed issues, opportunities for recovery actions that will benefit the listed species, and local concerns. We will seek representatives of the various interest groups in the Upper Klamath Basin, watershed councils, natural resource agencies, the Klamath Tribes, and local government officials. Likely participants will be the Klamath Watershed Partnership, Klamath Basin Rangeland Trust, Upper Klamath Basin Working Group, the Klamath Tribes, Klamath Water Users Association, PacifiCorp, Klamath Soil and Water Conservation District, Klamath Watershed Council, California Department of Fish and Game, Lava Beds-Butte Valley RCD, Klamath County Commissioners, The Nature Conservancy, Oregon Department of

Fish and Wildlife, Oregon Department of Environmental Quality, Natural Resource Conservation Service, US Geological Survey, Oregon Watershed Enhancement Board, US Bureau of Reclamation, US Bureau of Land Management, and US Forest Service.

How Will We Be Sure We Access the Best Available Science?

A diverse team of scientists familiar with the local area and the listed species has been selected to serve on the Lost River and Shortnose Sucker Recovery Team. This team will identify and address key biological and environmental issues that are relevant to recovery, develop demographic and recovery criteria, and recommend a monitoring strategy to track progress towards achieving recovery. Members of the team are from the private sector, the Klamath Tribes, the Oregon University system, and state and federal natural resource agencies.

How Will the Recovery Team and the Recovery Implementation Committee Work Together?

Drs. Sada and Sharpe will lead a number of meetings with stakeholders and scientists beginning in late summer 2008 and the first half of 2009, and the public and Recovery Implementation Committee meetings will be facilitated. Over the course of this time they will gather and organize current information to revise the Recovery Plan. The recovery criteria and strategies developed by the Recovery Team will be presented to the Recovery Implementation Committee whose role it is to address the inherent challenges and assist with developing an implementation plan and recovery schedule. If conflicts between committee recommendations arise, those will be addressed through negotiations led by DRI during a series of meetings with each committee. Every effort will be made to develop joint recommendations endorsed by both committees.

How Will the Revised Recovery Plan Be Developed?

DRI will then prepare a draft revised Recovery Plan following U.S. Fish and Wildlife Service guidelines. The draft will be submitted to the scientific community for peer review, and then to stakeholders and the general public for comment. Feedback from peer reviewers and the public will be incorporated into a final draft that will be submitted to the U.S. Fish and Wildlife Service for approval.

Is the Recovery Plan a regulatory action?

A recovery plan is a guidance document, not a regulatory document. The purpose of a recovery plan is to identify actions that may be necessary to achieve recovery of endangered or threatened species. Plans must also identify objective measurable criteria, which when met, would result in a determination that the species be delisted. No agency or entity is required by the Endangered Species Act (ESA) to implement a recovery strategy or specific actions identified in a recovery plan. However, the ESA clearly envisions recovery plans as the central organizing tool for guiding species' recovery.

What is the purpose and charge of the Recovery Team and who is on it?

The role of the Recovery Team is to advise the Service on scientific issues concerning the conservation and recovery of the endangered Lost River and shortnose suckers. In (1993), the Service adopted a recovery plan, however, a significant amount of new science and information has become available since then, necessitating the need for a Revised Recovery Plan. The Recovery Team responsibilities include assisting the Service in reviewing, updating, and revising the Plan as well as prioritizing Plan activities. A major role of the Recovery Team will be to work with the Service to develop objective and measurable demographic criteria, site-specific management actions, monitoring actions to track the progress of recovery efforts, and estimates

of the time and cost required to implement the recovery measures. All Recovery Team input and recommendations to the Service do not necessarily represent the views of the Service and are independent of the Service. The Service has statutory responsibility for finalizing and approving Recovery Plans.

The Recovery Team is composed of eight scientists each with an average of 25 years' experience working on diverse aspects of suckers and their habitat. The team was appointed by the Regional Director of the U.S. Fish and Wildlife Service (Region 8). You can read about each team member at http://www.fws.gov/klamathfallsfwo/suckers/sucker_team/s_team.html.

What is the relation of the Lost River and Shortnose Sucker Recovery Plan to water management?

The abundance and distribution of suckers appears to be influenced by a number of factors including water management, adverse water quality, physical habitat loss/degradation, competition/predation with non-native fish, entrainment at irrigation diversions, lack of fish passage at diversion dams and hybridization. The Recovery Plan will examine all relevant factors and present demographic, habitat quality, and biological criteria whereby the distribution and abundance of the suckers will be enhanced to the point where they can be delisted. We anticipate that accomplishing sucker recovery will involve addressing the factors noted above including water management. In terms of water management, it is likely that the Recovery Plan will identify a recovery task outlining studies and actions to delineate and secure adequate water levels and flows for suckers in the Upper Klamath Basin, rather than the Plan identifying specific amounts of water as a component of recovery criteria.

Is the Recovery Team subject to the Federal Advisory Committee Act (FACA)?

Members of the Lost River and Shortnose Sucker Recovery Team were officially appointed by the Regional Director of the U.S. Fish and Wildlife Service (Region 8). Under subsection 4(f)(2) of the Endangered Species Act, recovery teams appointed pursuant to this subsection shall not be subject to the requirements of FACA.

What is the relation between the Klamath Basin Restoration Agreement and the Recovery Plan (or how do they relate)?

The Lost River and Shortnose Sucker Recovery Plan will provide recovery actions, recovery criteria, and monitoring that could be incorporated by reference into the proposed ***Klamath Basin Restoration Agreement***'s Fishery Restoration Plan which will be developed if the Agreement is enacted.

How is the Recovery Plan prepared?

There is flexibility in how a recovery plan is prepared, depending on scientific and public interest. Recovery teams are not required by the ESA. The original Lost River and Shortnose Sucker Recovery Plan (April 1993) was prepared by Service biologists and reviewed by species experts from several agencies. No formal Recovery Team was appointed and there was no stakeholder involvement. Because these species are relatively wide-ranging in lakes and rivers adjacent to private, state and federally owned lands, and involve controversial issues including

water allocation and land use, the Service has established a more inclusive process for the Recovery Plan revision. The Service established a Stakeholder Committee to help identify recovery strategies that are practicable and likely to be implemented, thus achieving species recovery. All recovery plans are peer reviewed and undergo a public comment and review period. The Service must consider all information obtained from the public prior to finalizing the plan.

What is the status of legal actions related to the Sucker Status Review?

Several petitions requesting the delisting of Lost River and shortnose suckers have been submitted to the Service. In May 2002, the Service published a finding under section 4(b)(3)(A) of the ESA that the petitions did not present substantial scientific or commercial information indicating that delisting was warranted. On remand, the Service published a revised finding in 2004, again concluding that delisting was not warranted. In this notice, the Service initiated a “five-year review” of the status of the species. As part of the five-year review process, the Service convened a panel of scientists in 2005 to provide input on the biology and the threats to the fish. In October 2005, a status recommendation was developed by a panel of Service scientists and resource managers. The Service completed comprehensive review of the two listed fish in July 2007. The five-year reviews recommended that the fish should remain protected by the ESA by maintaining shortnose sucker status as endangered and by reclassifying the Lost River sucker as threatened. In 2008, the Service was sued challenging the merits of the five-year reviews and failure to prepare a final rulemaking as a result of the five-year review determination. A U.S. magistrate hearing this case has recommended that this suit be dismissed. Plaintiffs have objected to the magistrate’s recommendation and the case is still open pending a court order.

Who Can I Call if I Have Questions?

Please feel free to contact any of us if you have any questions or concerns:

Don Sada, Project Manager	Desert Research Institute	775-674-7359
Saxon Sharpe, Assistant Manager	Desert Research Institute	775-674-7006

You can also call the Klamath Falls Field Office of the U.S. Fish and Wildlife Service:

Mark Buettner, Fisheries Biologist	U.S. Fish and Wildlife Service	541-885-2520
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