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# News Release



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## **Hermes Copper Butterfly Warrants Review for Possible Protection Under the Endangered Species Act**

Carlsbad, CA - The U.S. Fish and Wildlife Service (Service) announced today its 90-day finding on a 2004 petition to list the Hermes copper butterfly (*Hermelycaena [Lycaena] hermes*) under the Endangered Species Act (Act) and to designate critical habitat as the petition contains substantial information indicating listing may be warranted. The Service will now conduct an in-depth status review.

The butterfly was previously petitioned for listing in 1991 and 2004, and not substantial findings were announced in 1994 and 2006 respectively. The Center for Biological Diversity and David Hogan challenged the Service's negative finding on the 2004 petition. A settlement agreement was reached in October 2009, whereby the Service agreed to review the petition again, and to look at all new information about the butterfly and its habitat that has become available since the 2006 not substantial finding.

Under the Act, the Service is required to review petitions to list, delist, or reclassify species, and determine whether they contain substantial information indicating the petitioned action is warranted. The first step in the process is known as a 90-day finding.

The Hermes copper butterfly occurs primarily in San Diego County, California; a few species have been documented in Baja California, Mexico. It is a small, brightly-colored butterfly that lays eggs on its larval host plant, spiny redberry. Adult butterflies are known to nectar on the flowers of chamise, California buckwheat, slender sunflower, poison oak, and short-podded mustard located among coastal sage scrub and chaparral habitat. They are rarely seen far from their host plant or nectar source.

Potential threats to the butterfly may be attributable to the following factors: wildfire and habitat loss and fragmentation; inadequacy of existing regulatory mechanisms; and natural or manmade threats which include the effects of wildfire on individuals and vulnerability of isolated populations and a restricted geographical range.

The Service is soliciting information about the butterfly and its habitat from governmental

agencies, Native American Tribes, the scientific community, industry, and other interested parties. Based on the in-depth status review, the Service will make one of three possible determinations: (1) Listing is not warranted, in which case no further action will be taken; (2) Listing as threatened or endangered is warranted and a proposed rule will be published; or (3) Listing is warranted but precluded by other, higher priority activities.

Comments and information on the 90-day finding may be submitted electronically to <http://www.regulations.gov>, or in writing to: Public Comments Processing, Attn: FWS-R8-ES-2010-0031 Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203. Comments will be accepted until July 06, 2010. We will not accept e-mail or faxes and all comments received will be posted on <http://www.regulations.gov>.

A copy of the 90-day finding is available online today at [Federal Register Public Inspection](#). The official copy will be published on May 4, 2010, and can be accessed at <http://www.regulations.gov>, or [www.fws.gov/Carlsbad](http://www.fws.gov/Carlsbad), or may be obtained by contacting the Carlsbad Fish and Wildlife Office at 760-431-9440.

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