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News Release



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CRITICAL HABITAT NOT DESIGNATED FOR JARBIDGE RIVER BULL TROUT

The U.S. Fish and Wildlife Service (Service) published today a final rule designating approximately 1,543 miles (2,483 kilometers) of streams, 33,451 acres (13,537 hectares) of lakes, and 844 miles (1,358 kilometers) of shoreline paralleling marine foraging and migratory areas for the Coastal–Puget Sound and Saint Mary–Belly River bull trout populations in Washington and Montana. Critical habitat was not designated for the Jarbidge River bull trout population in Idaho and Nevada.

The majority of the 131 miles (211 kilometers) of streams identified as essential to the conservation of the Jarbidge River bull trout population in the Service’s proposed rule (69 *Federal Register* 35768; June 25, 2004) have been excluded from critical habitat designation because they occur on public lands managed by the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) and are covered by the *Interim Strategy for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana, and Portions of Nevada*, commonly known as INFISH.

“We have reviewed the existing level of habitat protection provided to bull trout streams on public lands under INFISH, and in consideration of these management measures, we are excluding these areas from the critical habitat designation,” said Bob Williams, Field Supervisor of the Service’s Nevada Fish and Wildlife Office.

INFISH is a voluntary management program implemented by the USFS and BLM pursuant to an agreement with the Service. It addresses all land management projects being done by the USFS and BLM, specifically forest, timber, roads, and range management; grazing; recreation; mining; fire/fuels management; and lands and riparian management, along with habitat and fish and wildlife restoration. INFISH provides a set of guidelines and strategies designed to protect habitat and populations of resident native fish, including bull trout, which address many of the primary constituent elements of critical habitat.

An artifact of the INFISH exclusion is that several relatively small stream segments on private and State lands located between pieces of public lands remained from the critical habitat proposal. “Designating critical habitat only on these small, isolated stream segments just did not make sense from a biological or regulatory perspective,” said Bob Williams, “We have excluded these segments from the bull trout critical habitat designation, so these landowners are not held to a higher standard.”

Under section 4(b)(2) of the Act, areas of critical habitat may be excluded from designation based on disproportionate regulatory impacts.

Critical habitat is a term in the ESA. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations or protection. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands. Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat.

This final rule was prepared pursuant to a court order resulting from a lawsuit filed against the Service by Alliance for the Wild Rockies and Friends of the Swan.

In 30 years of implementing the ESA, the Service has found that designation of critical habitat provides little additional protection for most listed species, while preventing the agency from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the ESA, including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and State programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and the Partners for Fish and Wildlife program also restore habitat. Habitat for listed species is provided on many of the Service's National Wildlife Refuges, and State wildlife management areas.

A copy of the final rule, economic analysis, and other information about bull trout is available on the Internet at <http://www.fws.gov/pacific/bulltrout/> or by contacting the our Bull Trout Coordinator, U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 N.E. 11th Avenue, Portland, Oregon 97232 (telephone 503/231-6194; facsimile 503/231-6243) or Bob Williams, Field Supervisor, Nevada Fish and Wildlife Office U.S. Fish and Wildlife Service, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502 (telephone 775/861-6300; facsimile 775/861-6301).

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices, and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to State fish and wildlife agencies.