



United States Department of the Interior



FISH AND WILDLIFE SERVICE Mountain-Prairie Region

FWS/R6
ES

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

SEP 22 2000

D.C. "Jasper" Carlton, Director
Biodiversity Legal Foundation
P.O. Box 278
Louisville, Colorado 80027

Dear Mr. Carlton:

This acknowledges receipt of your petition dated August 22 to list the Greater Yellowstone trumpeter swan (*Cygnus buccinator*) as threatened or endangered, in accordance with provisions in section 4 of the Endangered Species Act.

Section 4 of the Act provides that, to the maximum extent practicable, the Fish and Wildlife Service has 90 days to decide whether a petition contains substantial information that would indicate that the petitioned action may be warranted. However, because of staff and budget limitations we have developed a Listing Priority Guidance document that was published in the Federal Register on October 22, 1999 (64 F.R. 57114). I have enclosed a copy for your information. Processing of petitions are classified as a "Priority 4" activity, behind emergency listing (Priority 1), processing final decisions on proposed listings (Priority 2), and resolving the status of candidate species (Priority 3).

Your petition recommends that we consider emergency listing for the petitioned population of trumpeter swans because of low population size, marginal breeding habitat, drought conditions, and other factors. The birds included in your petition are not recognized by the Service as a population but are part of the Rocky Mountain Population (RMP) of Trumpeter Swans. The RMP swans have steadily increased in numbers for at least three decades. The number of birds in that part of the RMP included in your petition are monitored annually by a fall survey. From the late 1960's to 1990 the number of trumpeter swans estimated in the fall survey was relatively stable, averaging 520 birds (Gomez 1999, "1999 Fall Trumpeter Swan Survey").

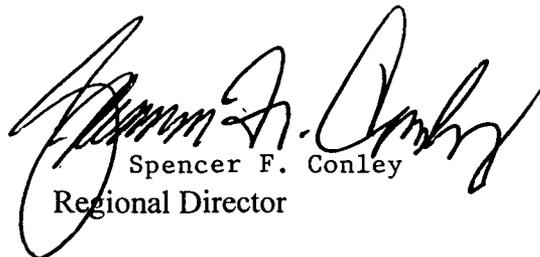
From 1988 through the winter of 1998, 1,476 trumpeter swans were captured and translocated from Harriman State Park, Idaho, and Red Rock Lakes National Wildlife Refuge, Montana (Shea and Drewien 1999, "Evaluation of Efforts to Redistribute the Rocky Mountain Population of Trumpeter Swans"). Both local and migrant trumpeter swans were moved and other birds were hazed to reduce the number of birds attempting to winter in the area because they had exceeded

the winter carrying capacity of the habitat. In addition, winter feeding was discontinued at Red Rock Lake NWR. Not unexpectedly, the fall estimates declined during this period, but estimates exhibit a stable trend from 1994 to 1999 at an average of 374 birds (Gomez 1999). As stated above, the entire Rocky Mountain population has steadily increased throughout this period. Therefore, I find no compelling reason to conclude that an emergency listing is warranted. It is my understanding that you have copies of the documents cited above. If you do not, please let me know and I will provide them to you.

Your petition has been assigned to the Helena, Montana, Ecological Services Field Office. At this time, staff in that office are fully engaged in numerous other activities that preclude working on this petition, nor do we have listing funds currently available to initiate work on a 90-day finding. Congress has not yet passed the Department of the Interior Fiscal Year 2001 appropriation, which will contain our allocation for listing activities beginning in October. However, we anticipate that other higher priority listing activities, such as preparation of final listing rules, critical habitat determinations, and court-ordered due dates will consume our allocation. At this time, my staff is processing five final listing actions (Colorado butterfly plant, desert yellowhead, mountain plover, Holmgren's milk-vetch, and Shem milk-vetch) and administrative petition findings for four species received prior to the receipt of your petition. Those species are the Bonneville cutthroat trout, the sicklefin and sturgeon chubs, and the 90-day finding for your Yellowstone cutthroat trout petition that, in accordance with a settlement agreement, will be sent to the Federal Register by February 16, 2001. We also have a court-ordered settlement date to propose breeding range critical habitat determination for the piping plover northern Great Plains population this next fiscal year.

We will endeavor to process a finding on your petition as quickly as possible. Thank you for your interest in conserving wildlife resources.

Sincerely,



Spencer F. Conley
Regional Director

Enclosure