

Department of the Interior
U.S. Fish & Wildlife Service
Pacific Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4181
Phone: 503/231-6121
Fax: 503/231-2122
<http://pacific.fws.gov>

News Release



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Contact:

Ted Koch, 208-378-5293

Joan Jewett, 503-231-6211

Status Review of Bull Trout Completed

Species still threatened in the United States, additional analysis will be done

The U.S. Fish and Wildlife Service has completed its 5-year status review of the bull trout with two recommendations: Retain threatened status for the species as currently listed throughout its range in the coterminous United States for the time being and evaluate whether distinct population segments (DPSs) exist and merit the Endangered Species Act's protection.

Bull trout are found in Oregon, Washington, Idaho, Montana and Nevada. In 1998, the Service identified five separate DPSs in the lower 48 states warranting protection under the Act and began listing these population units. In 1999, the five population units were listed as one threatened DPS. This review reaffirms threatened status for bull trout throughout the coterminous United States. It also recognizes that scientists agree that multiple distinct populations of bull trout exist and that the Service should evaluate whether these distinct population segments need the protections of the Act.

"This status review considered information that has become available since the time of listing and included a rigorous analysis by independent scientists and Fish and Wildlife Service managers," said Ren Lohofener, Director of the Service's Pacific Region. "The health of bull trout populations varies by location but overall, the species in the United States still needs protection."

Evaluating the status of multiple distinct populations may help the Service account for the variable health of bull trout populations and focus the recovery efforts of states, Native American tribes and others on populations that need recovery.

There are many advantages of evaluating whether individual DPSs of bull trout in the United States exist and need the protection of the Endangered Species Act, Lohofener said. "We can focus regulatory protection and recovery resources to bull trout populations in trouble, we can remove the regulatory burden of the ESA where its protections are not needed, we can provide more incentives locally to

implement recovery actions, and we can analyze effects of projects over a more discrete and biologically relevant area.”

The 5-year review considered information that has become available since the original listing of the bull trout, such as: population and demographic trend data; genetics; species competition; habitat condition; adequacy of existing regulatory mechanisms; and management and conservation planning information. The review assessed whether new information suggests that the species’ population is increasing, declining or stable; whether existing threats are increasing, stable, reduced or eliminated; if there are any new threats; and if new information or analysis calls into question any of the conclusions in the original listing determination as to the species’ status.

The Service used a structured decision-making process comprised of two panels. The first panel included seven scientists from outside the Service who brought academic and scientific expertise to discussions about the scientific aspects of risk affecting bull trout. A panel of seven Service managers observed these proceedings and asked questions. In a separate session, the Service managers discussed policy, weighed all of the new information and deliberated on their recommendations concerning the appropriate listing status of the species. A panel of peer reviewers then looked at the managers’ findings and recommendations.

Bull trout are a member of the char subgroup of the salmon family. Their habitat requirements include the “Four Cs”: cold water, clean streambed gravel, complex stream habitat features and connected habitats for migration across the landscape. Bull trout are primarily threatened by poor water quality (warm water and streambed sediment loads), habitat degradation (loss of pool habitats and large wood cover in streams), degradation of migratory corridors (dams and stream dewatering blocking spawning migrations), and past fisheries management actions (introductions of non-native, competing species such as brown, lake and brook trout).

With the completion of the 5-year status review, the Service will implement the recommendation to evaluate whether distinct population segments exist and then evaluate whether any of these populations merit protection under the ESA. Any proposed change in DPSs or listing status would be subject to a separate rulemaking process that would include public review and comment before being finalized.

The 5-year status review and other related information can be found at:
<http://pacific.fws.gov/ecoservices/endangered/recovery/5yearcomplete.html>.

Other bull trout information may be found at:
<http://www.fws.gov/pacific/ecoservices/endangered/index.html>
Click on “Bull trout” in “Topics of Interest” column on far right side of page.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov.

Bull Trout 5-year Review Questions and Answers

April 2008

What action is the Fish and Wildlife Service taking?

The agency is taking no formal action, but has completed an internal review of bull trout status under the Endangered Species Act (Act), as required every five years. During this 5-year Review, the Service assessed the appropriate level of protection for bull trout in the lower 48 U.S. states.

What is the Service's recommendation?

The agency is making two recommendations: Maintain "threatened" status for bull trout as currently listed throughout its range in the coterminous United States for the time being and evaluate whether distinct population segments (DPSs) exist and merit the Endangered Species Act's protection.

Why is the Service going to evaluate whether multiple distinct population segments should be designated?

We listed all bull trout in the lower 48 U.S. states as one distinct population segment in 1999 in part because we determined that all five previously identified DPSs warranted the same "threatened" status. After eight years of experience and additional study we've learned there may be policy and management benefits to listing multiple DPSs, we know scientists continue to refine our understanding of genetic and ecological differences among geographically separate groups of bull trout, and we better understand how the status of and threats to bull trout varies across their range.

Would there be benefits to designating multiple DPSs?

Evaluating the status of the multiple distinct populations may help the Service account for the variable health of bull trout populations and focus the recovery efforts of states, Native American tribes and others on populations that need recovery. There are four main advantages of designating multiple DPSs of bull trout: (1) We can focus regulatory protection and recovery resources to bull trout populations in trouble; (2) We can remove the regulatory burden of the ESA where its protections are not needed; 3) We can provide more incentives locally to implement recovery actions; and (4) We can analyze effects of projects over a more discrete and biologically relevant area.

What is a 5-year Review?

A 5-year Review is an assessment of a listed species to ensure that it has the appropriate level of protection under the Endangered Species Act. A 5-year Review considers all new available information concerning the population status of the species and the threats it faces. The review considers the best scientific and commercial information that has become available since the original listing determination, such as:

- Species biology, including but not limited to population trends, distribution, abundance, demographics and genetics;
- Habitat conditions, including but not limited to amount, distribution and suitability;
- Conservation measures that have been implemented and benefit the species;
- Threat status and trends;
- Other new information, data or corrections, including but not limited to changes in taxonomy or nomenclature, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants, and improved analytical methods.

Does the 5-year Review change protections for bull trout?

No. All of the existing protections for bull trout remain in place.

With the recommendation to evaluate whether to designate multiple bull trout DPSs, the Service will evaluate whether multiple DPSs would be most consistent with the Service's DPS policy (<http://www.fws.gov/endangered/policy/Pol005.html>).

If the Service determines that multiple DPSs are warranted, it will prepare a proposal to change the single DPS to more than one DPS and will then determine the status of each DPS (i.e., whether a DPS should be listed as threatened or endangered or whether it should be delisted). Any proposal to change the DPS designation and listing status would undergo a rulemaking process that would include public review.

What does a 5-year Review entail?

A 5-year Review considers information that has become available since the original listing determinations, such as population and demographic trend data; studies of dispersal and habitat use; genetics and species competition investigations; surveys of habitat amount, quality and distribution; adequacy of existing regulatory mechanisms; and management and conservation planning information.

The review also assesses:

- a) If any new information or analysis call into question any of the conclusions in the original listing determination as to the species' classification;
- b) Whether new information suggests that the species' population is increasing, declining, or stable;
- c) Whether existing threats are increasing, the same, reduced or eliminated; and
- d) If there are any new threats.

In addition, the bull trout Distinct Population Segment (DPS) determination will be re-evaluated in accordance with the 1996 DPS policy and the 5-year Review will make a recommendation on this aspect of the listing.

Who is responsible for doing a 5-year Review?

The Secretary of the Interior and the Secretary of Commerce are ultimately responsible for conducting 5-year Reviews of listed species. For bull trout, this responsibility has been delegated to the U.S. Fish and Wildlife Service, with the Snake River Fish & Wildlife Office in Boise as the lead office.

What steps have been completed on the bull trout 5-year Review?

The Fish and Wildlife Service initiated the 5-year Review on the status of bull trout in April 2004. The Service solicited information through an April 13, 2004, Federal Register notice from all interested sources to assist with this review. The Service also met with state fish and wildlife agencies to identify information the states could provide for use in the 5-year Review. Information from various federal agencies also was integrated into the analysis.

The States of Idaho, Montana and Nevada submitted a combined report on the status of bull trout. The state of Idaho submitted a separate population viability analysis that applied only to bull trout within Idaho. The fish and wildlife agencies of Oregon and Washington each submitted reports. We also received comments from the public. The information contained within the various state reports, assessments, and the public comments were provided to the structured decision-making panelists (described below).

The Service also developed its own assessment of the current status of bull trout using a model that ranked risk to bull trout in each of the 121 core areas relative to their vulnerability to extirpation. This assessment provided information that complemented the information provided by the state agencies, public and other interested entities.

The 5-year Review culminated in a report that was completed in August 2006. Pacific Regional Director, Ren Lohofener reviewed the report and identified two additional needs before he released the final report:

- (1) The 5-year Review document needed to make a recommendation relative to the Service's Distinct Population Segment policy;
- (2) Some affected states had outstanding questions and concerns regarding the status review process and how information they provided was used.

What decision-making process was used?

In a meeting on March 7-9, 2005, the Service utilized a structured decision-making model to assess the available information using two panels. The first panel was made up of seven scientists from outside the Service with expertise in different academic disciplines relevant to the 5-year Review. The Science Panel discussed the strengths and weaknesses of the various data, hypotheses and opinions relative to the current status of bull trout, including the various state reports and the status assessment developed by Service staff. This panel addressed only the scientific aspects related to bull trout status and threats to evaluate the risk of extinction to bull trout. A second panel made up of seven Service managers observed and asked questions of the Science Panel. The Managers Panel also participated in policy discussions and considered what should be the appropriate 5-year Review recommendation.

Based on comments received from both the Science and Manager panels Service biologists revised the Service's assessment of bull trout status to provide clarification and include additional key information. The revised version was sent to the Science Panel for review; comments provided by the Science Panel and the revised status assessment were considered at a subsequent April 28-29, 2005, meeting of the Manager Panel. The managers applied their expertise along with Service policies and the ESA to determine whether new information suggested a change in the listing status of bull trout was warranted.

How was the 5-year Review completed?

Ted Koch, a biologist with the Fish and Wildlife Service's Snake River Fish and Wildlife Office in Boise, Idaho, was selected to be the bull trout coordinator, beginning July 2, 2007. He coordinated with FWS regional and field offices within the range of the bull trout and with affected states, tribes and federal agencies to proceed with the 5-year Review process.

Pacific Regional Director Ren Lohofener sent a letter on June 15, 2007, to affected state and federal agencies within the range of the bull trout, asking them to participate in a Bull Trout 5-year Review Collaboration Team to help with completion of the review. Participating agencies included:

- Bureau of Indian Affairs Regional Office, Portland, Oregon
- U.S. Forest Service Regional Office, Portland, Oregon
- Bureau of Land Management state offices - Idaho, Nevada and Oregon
- California Department of Fish and Game
- Idaho Department of Fish and Game
- Montana Fish, Wildlife and Parks
- Nevada Department of Wildlife
- Washington Department of Fish & Wildlife
- Oregon Department of Fish & Wildlife

With help from the Collaboration Team, the Service completed the 5-year Review with support for the two recommendations.

How have Tribes been engaged in the bull trout 5-year Review process?

The Bureau of Indian Affairs is participating in the Collaboration Team. Service Field Offices contacted all Tribes within the range of bull trout. All Tribes were invited to participate in the review process. The Kalispell Tribe is currently an active participant in the bull trout Collaboration Team.

What is a Distinct Population Segment?

A Distinct Population Segment (DPS) is a population that makes up a portion of a species' or subspecies' population or range. For a population to be listed under the ESA as a Distinct Population Segment, three elements are considered:

- (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs;
- (2) The significance of the population segment to the species to which it belongs; and
- (3) The population segment's conservation status in relation to the ESA's standards for listing (i.e., is the population segment endangered or threatened?).

How does the Service determine whether a species is endangered or threatened?

Under the ESA, the term "endangered species" means any species that is in danger of extinction throughout all or a significant portion of its range. The term "threatened species" means any species that is at risk of becoming an endangered species within the foreseeable future throughout all or a significant portion of its range.

Section 4(a)(1) of the ESA establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

- (a) The present or threatened destruction, modification or curtailment of its habitat or range;
- (b) Over-utilization for commercial, recreational, scientific or educational purposes;
- (c) Disease or predation;
- (d) The inadequacy of existing regulatory mechanisms; or
- (e) Other natural or manmade factors affecting its continued existence.

The Service's assessment of these factors is required, under section 4(b)(1) of the ESA, to be based on the best scientific and commercial data available.

What is the status of recovery planning for bull trout?

Draft recovery plans were published in November 2002 for bull trout in the Columbia, Klamath and St. Mary-Belly River (Montana) watersheds and in July 2004 for bull trout in the Coastal/Puget Sound watersheds of Washington and the Jarbidge River watershed in Nevada.

Recovery plans and other information related to bull trout are available at:

<http://www.fws.gov/pacific/ecoservices/endangered/index.html>

Click on "Bull trout" in "Topics of Interest" column on far right side of page.

The 5-year status review can be found at:

<http://pacific.fws.gov/ecoservices/endangered/recovery/5yearcomplete.html>.

The draft recovery plan for the Jarbidge population of bull trout is being revised and information about this process can be found at:

http://www.fws.gov/nevada/protected_species/fish/jarbidge/index.html

Final recovery planning for bull trout has been on hold pending completion of the 5-year Review.

What is the status of the Service's critical habitat designation for bull trout?

The Service's critical habitat designation for bull trout was published in the Federal Register on September 26, 2005.

The designation is being challenged in a lawsuit filed by the Alliance for the Wild Rockies and Friends of the Wild Swan. Oral arguments were made April 27, 2007, before U.S. District Judge Robert Jones and a decision by the judge is pending.

How can I get more information about the bull trout 5-year Review?

For more information, please contact Ted Koch, Bull Trout Coordinator, Snake River Fish and Wildlife Office
1387 S. Vinnell Way, Room 368, Boise, Idaho 83709, (208) 378-5293, ted_koch@fws.gov

Bull Trout Chronology

October 30, 1992

The Service received a petition to list bull trout as an endangered species throughout its range from the Friends of the Wild Swan, Alliance for the Wild Rockies, and the Swan View Coalition.

January 7, 1993

The Service received a second petition requesting the listing of bull trout in the Klamath River Basin from the Oregon Chapter of the American Fisheries Society.

May 17, 1993

The Service published in the Federal Register a 90-day petition finding determining that the petitioners had provided substantial information indicating that listing of bull trout may be warranted (58 FR 28849).

June 10, 1994

The Service published in the Federal Register a 12-month finding that listing was warranted for bull trout within the coterminous United States, but precluded by other higher priority work. Due to the lack of information, the Service found that listing bull trout in Alaska and Canada was not warranted (59 FR 30254).

November 1, 1994

Two of the petitioners, Friends of the Wild Swan and Alliance for the Wild Rockies, filed a lawsuit challenging the June 1994 finding.

June 12, 1995

The Service published in the Federal Register the June 10, 1994, conclusion that listing was still warranted but precluded (60 FR 30825).

June 22, 1995

The U.S. District Court of Oregon issued an order declaring the 1994 challenge to the original finding moot because the Service had issued a 1995 finding. The court instructed the plaintiffs to amend their complaint to challenge the 1995 finding if they so desired. The plaintiffs declined to amend their complaint and instead filed an appeal with the Ninth U.S. Circuit Court of Appeals.

April 2, 1996

The Ninth U.S. Circuit Court of Appeals overturned the U.S. District Court in Oregon and remanded the case to the District Court for further proceedings.

November 13, 1996

The U.S. District Court of Oregon granted the plaintiffs' motion for summary judgment, directing the Service to reconsider the 1994 finding and respond to the court within four months. The ruling included specific direction to consider only the information in the Service record at the time of the original 1994 finding.

March 13, 1997

In compliance with the District Court order, the Service issued a reconsidered finding based solely on the 1994 record, which concluded that two population segments of bull trout warranted listing (Klamath River and Columbia River population segments).

March 25, 1997

Plaintiffs petitioned the court to compel the Service to issue a proposed rule within 30 days to list the Klamath and Columbia River bull trout populations based on the 1994 record.

April 11, 1997

The Service and the plaintiffs signed an agreement stipulating that within 60 days the Service would complete a proposed rule to list the Klamath River population segment as endangered and the Columbia River distinct segment as threatened.

June 13, 1997

A proposed rule to list the Klamath River basin bull trout population segment as endangered and the Columbia River population segment as threatened was published in the Federal Register by the Service (62 FR 32268).

December 4, 1997

The U.S. District Court in Oregon ordered the Service to reconsider several aspects of the 1997 finding concerning listing of bull trout. The court directed the Service to consider whether listing of the bull trout was warranted throughout its range; whether listing was warranted throughout the coterminous United States; if the Service determined that listing throughout its range, or throughout the coterminous United States was not warranted, or is warranted but precluded; and whether listing of the Coastal-Puget Sound distinct population segment was warranted. The court subsequently directed the Service to prepare its response by June 12, 1998.

June 10, 1998

The Service published in the Federal Register a final rule to list the Klamath River and the Columbia River bull trout population segments as threatened under the Endangered Species Act (ESA) (63 FR 31647).

August 11, 1998

The Service published in the Federal Register an emergency-listing of the Jarbidge River (Idaho, Nevada) bull trout population segment as endangered after road crews from the Elko County Road Department destroyed 27 percent of the river's bull trout habitat while conducting unauthorized road construction activities (63 FR 42757).

April 8, 1999

The Service published a final rule in the Federal Register to list the Jarbidge River population of bull trout as threatened under the ESA (64 FR 17110).

November 1, 1999

The Service published a final rule in the Federal Register to list all bull trout in the coterminous United States as threatened (64 FR 58909).

November 29, 2002

The Service published in the Federal Register a notice of document availability for review and comment for the Draft Recovery Plan for the three of the five Distinct Population Segments of Bull Trout (Klamath River, Columbia River and Saint Mary-Belly River populations) (67 FR 71439).

November 29, 2002

The Service published in the Federal Register a proposed rule for the designation of critical habitat for the Klamath River and Columbia River distinct population segments of bull trout and notice of availability of the draft recovery plan (67 FR 71235) for those populations.

June 25, 2004

The Service published in the Federal Register a proposed rule for the designation of critical habitat for the Jarbidge River, Coastal-Puget Sound and Saint Mary-Belly River populations of bull trout (69 FR 35768).

July 1, 2004

The Service published in the Federal Register a notice of document availability for review and comment for the draft Recovery Plan for the Coastal-Puget Sound (69 FR 39950) and Jarbidge (69 FR 39951) distinct population segments of bull trout.

October 6, 2004

The Service published a final rule in the Federal Register designation of critical habitat for the Klamath River and Columbia River populations of bull trout (69 FR 59995).

December 14, 2004

Alliance for the Wild Rockies et al filed a complaint challenging the adequacy of the final critical habitat designation for the Klamath River and Columbia River bull trout populations. Our motion for partial voluntary remand was subsequently granted by the court with a final rule due by September 15, 2005.

May 25, 2005

The Service published in the Federal Register a final rule to open the comment period for the proposed and final designation of critical habitat for the Klamath River and Columbia River populations of bull trout (70 FR 29998).

June 6, 2005

The Service published a notice clarifying the reopening until June 24, 2005, of the comment period for the proposed and final designation of critical habitat for the Klamath River and Columbia River bull trout populations (70 FR 32732).

May 3, 2005

The Service published a notice of the availability of the draft economic analysis (DEA) and reopening of a 30-day comment period until June 2, 2005 (70 FR 22835), for the Jarbidge River, Coastal-Puget Sound and Saint Mary-Belly River populations of bull trout.

June 27, 2005

U.S. District Judge Robert Jones extended the deadline for designating critical habitat for the Puget Sound-Coastal, Jarbidge and St. Mary-Belly River bull trout populations to September 15, 2005.

September 26, 2005

The Service published a final rule designating critical habitat for the Klamath River, Columbia River, Jarbidge River, Coastal-Puget Sound and Saint Mary-Belly River populations of bull trout (70 FR 56212)

January 5, 2006

Amended complaint filed by Alliance for the Wild Rockies and Friends of the Wild Swan challenging the Service's final critical habitat designation for bull trout.

August 2006

Bull Trout 5-Year Review culminates but report not released due to two additional needs: Distinct Population Segment policy and affected states' questions and concerns regarding the status review process.

April 27, 2007

Oral arguments in the case before U.S. District Judge Robert Jones in Portland, Oregon. The Service is awaiting the court's decision.

July 2007

The Service asked affected state and federal agencies and tribes to participate in a Bull Trout 5-Year Review Collaboration Team to help with completion of the review.

April 2008

The Service completes the 5-year Review with two recommendations: Maintain "threatened" status for bull trout as currently listed and evaluate whether to designate multiple Distinct Population Segments (DPSs).