

Department of the Interior
U.S. Fish & Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825
Phone: 916/414-6600
Fax: 916/414-6713
<http://sacramento.fws.gov>

News Release



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Contacts:

Al Donner 916/414-6566
Jim Nickles, 916/414-6572

PUBLIC COMMENT PERIOD REOPENS ON PORTION OF CRITICAL HABITAT FOR VERNAL POOL SPECIES

In compliance with a court order, the U.S. Fish and Wildlife Service is reconsidering lands excluded from its previous designation of critical habitat for threatened and endangered vernal pool species. Starting Tuesday, December 28, with publication of formal notice in the Federal Register, the Service will open a 30-day public comment period on the first of two parts of the reconsideration.

Critical habitat is a term in the Endangered Species Act identifying geographic areas that are essential for the conservation of a threatened or endangered species and may require special management considerations. The species included in the critical habitat designation are four types of freshwater shrimp and 11 plants that depend on seasonally flooded wetlands, or vernal pools, in more than 30 counties in California and southern Oregon.

The public-comment period will be open until 5 p.m. January 27, 2005, on 136,358 acres of land in California that were excluded from critical habitat. Those lands had been proposed for designation but were excluded from the final rule because they were:

- Part of national wildlife refuges and fish hatcheries
- Department of Defense lands
- Tribal lands
- State wildlife areas or ecological reserves
- Or lands covered by Habitat Conservation Plans or other management plans that benefit vernal pool species.

Under an Oct. 28, 2004 order by the U.S. District Court for the Eastern District of California, the Service must publish its final critical habitat designation for the lands excluded under those provisions by Feb. 28, 2005.

A second part of the court order requires the Service to undertake a separate analysis and publish, by July 31, 2005, final critical habitat designation for five counties -- Butte, Sacramento, Solano, Merced and Madera -- that were excluded from the 2003 final critical habitat designation because of potential economic impacts. That process, which will include a new economic-impact analysis and an additional public-comment period, will occur after the action announced today has been completed.

On Aug. 6, 2003, the Service designated approximately 740,000 acres in 30 California counties and one Oregon county as critical habitat for 15 wetland animals and plants listed as threatened or endangered under the Federal Endangered Species Act. The final designation was a reduction in acreage from the 1.7 million acres the Service proposed as critical habitat on Sept. 24, 2002.

Under Section 4(b)2 of the Endangered Species Act, the Secretary of Interior has the discretion to exclude areas from critical habitat if the benefits of exclusion outweigh the benefits of including such areas, unless exclusion will result in the extinction of the species. In these exclusions, the Secretary considered potential economic impacts, impacts on national security, and other relevant factors such as partnerships and on-going management actions.

In its final economic analysis, the Service found that the listing of the 15 vernal pool species and the critical habitat designation could potentially impose total economic costs to public and private entities of \$124 million per year over 20 years.

Since the original critical habitat designation, the Service has moved forward with a comprehensive, voluntary recovery strategy for vernal pool ecosystems in Oregon and California. A draft recovery plan for 20 listed vernal-pool species and another 13 species of special concern was released on Nov. 18, 2004. The draft plan lays out a 58-year plan, based primarily on funding assistance and voluntary conservation agreements with landowners. A separate public comment period on the draft recovery plan is open through March 18, 2005.

Information on the draft recovery plan, as well as the new critical habitat review, can be found at the Sacramento Fish and Wildlife office Web site at <http://sacramento.fws.gov>.

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 Endangered Species Act 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 Partners for Fish and Wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges, managed by the U.S. Fish and Wildlife Service and state wildlife management areas.

The re-opening of critical habitat was triggered by a suit filed by the Butte Environmental Council against the Service in January, 2004, which resulted in the Oct. 28, 2004 order. The Council had sued the Service in 2000, seeking to force designation of critical habitat for vernal pool species.

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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 544 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.