U.S. Fish and Wildlife Service

Frequently Asked Questions - and Answers

90-day Finding on a petition to delist
Klamath Lost River and Shortnose Suckers

Q. What is a 90-day finding on a petition to delist a species?

A. Section 4 of the Endangered Species Act requires that the U.S. Fish and Wildlife Service make a finding on whether a petition to list, delist, or reclassify a species contains substantial information to support the requested action. That finding is to be made within 90 days, to the maximum extent practicable, after receipt of the petition and is to be published in the *Federal Register*. Findings are based on information contained in the petition, supporting information submitted with the petition, and other information available to the Service at the time.

Q. What is meant by substantial information?

A. When the Service evaluates a petition for substantiality, it considers the adequacy and reliability of the information supporting the action advocated by the petition. A "substantial" finding indicates the Service has determined that adequate and reliable information has been presented or is available that would lead a reasonable person to believe the petitioned action may be warranted.

Q. What kinds of information are considered reliable?

A. Among the most reliable and credible sources are papers published in peer-reviewed scientific literature. Information provided by individuals with demonstrated expertise in the relevant subject area is also generally considered reliable. Anecdotal information or information from sources without established records of subject matter experience and expertise must be strongly corroborated to be considered substantial. Potentially, even a publication based on peer-reviewed publications may be found not substantial if sufficient countervailing information is available.

Q. When is delisting warranted?

A. The Service may delist a species only if the best scientific and commercial data available substantiate that it is neither endangered nor threatened. One of three reasons must exist to delist the species: extinction, recovery, or original data error.

Q. Why wasn't the information in the petition determined to be substantial?

A. The Service found that the delisting petition did not substantiate that the listing was not warranted. Information in the petition indicated that sucker populations likely increased in the early 1990s, but other information showed that subsequent fish die-offs likely reduced populations below previous levels. Current information indicates that sucker populations are likely below what they were in the early 1990s and are vulnerable to future die-offs.

Q. Haven't the two sucker species showed some strong recovery in the past decade?

A. In the early 1990s the suckers showed evidence of a significant population increase, but later that decade the populations declined sharply as a result of die-offs linked to adverse water quality. The populations now appear to be slowly recovering but are still vulnerable to future die-offs.

Q. What is the Service doing to restore the suckers?

A. The Service, other agencies, the Klamath Tribes, and other stakeholders are taking many actions to assist the recovery of the two suckers. In 2003, a fish screen was installed at the A-Canal, the largest water diversion on Upper Klamath Lake. This year, a fish ladder will be installed allowing suckers that have been swept downstream below the lake to return. Considerable habitat restoration is also occurring throughout the species range. Efforts are also underway to improve passage at the Chiloquin Dam on the Sprague River, because it is believed that the dam limits upstream migrations to spawning areas.

Q. Why were the suckers listed in the first place?

A. The two species were Federally listed as endangered in 1988, after their populations showed evidence of severe declines. At the time of listing, perceived threats to the species included: 1) drastically reduced adult populations and lack of significant recruitment, 2) over-harvesting by sport and commercial fishing, 3) potential completion with introduced exotic fishes, 4) lack of regulatory protection from Federal actions that might adversely affect or jeopardize the species, 5) hybridization with the other two sucker species native to the Klamath Basin, and 6) summer fish kills caused by declines in water quality.

Q. Who petitioned for the delisting?

A. The petition, dated Sept. 12, 2001, was submitted by Richard A. Gierak, representing Interactive Citizens United. Three additional petitions, containing essentially the same information and format, were received subsequent to the original petition. The subsequent petitions are treated as comments on the first petition.

Q. Does this negative finding mean that the suckers will never be delisted?

A. The goal of the Endangered Species Act (ESA) is to prevent extinction of species and to recover them to a point where they can be removed from the list of threatened and endangered species. When threats to the suckers have been sufficiently reduced and populations have recovered to a point where they are capable of long-term survival, they no longer need the protection provided by the ESA and can be removed from the list. Over the next year, the Service will do a five-year status review will look closely at the health of the sucker populations and will consider efforts completed and those underway to reduce threats. In 2005, the Service will make a determination of whether or not the species are still endangered. Even if down-listing or delisting is found to be not warranted, the Service will periodically review the species' status in the future.

Q. Considering that numerous efforts are now underway to recover the suckers, when will they be recovered?

A. Unfortunately, species recovery can be slow and there is no way to predict how long it could take. It is believed that the major threat to the suckers is adverse water quality. Because water quality can be difficult to improve, it may take some time to correct the problems. Nevertheless, appropriate habitat restoration may improve water quality and increase sucker populations to a point where adverse water quality is less of a threat. Thus, it might be possible to recover the species without completing all improvements to water quality problems.

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