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**Final Legal Challenge Filed to Bush Administration's Political Interference  
in Endangered Species Decisions;  
Half a Million Acres of Protection Sought for 19 Species in Nine States**

SAN FRANCISCO— In a final challenge to the Bush administration's political interference in endangered species decisions, the Center for Biological Diversity today filed seven separate lawsuits concerning designation of critical habitat for 18 species, including the San Bernardino kangaroo rat, Arkansas River shiner, Riverside fairy shrimp, 12 Texas invertebrates and three California plants, and one formal notice of intent to sue concerning listing of the Colorado River cutthroat trout.

"Eight years of the Bush administration has been a disaster for the nation's endangered species," said Noah Greenwald, biodiversity program director at the Center for Biological Diversity. "Reconsidering protection for these 19 species will add to a growing workload in the endangered species program for the Obama administration."

The Bush administration's mismanagement of the Endangered Species Act has come under increasing fire with investigations by the Department of the Interior's own inspector general, the Government Accounting Office, and the House Natural Resources Committee. Taken together, these investigations paint a picture of an administration that placed the economic interests of industry-backed campaign contributors over the survival of the nation's wildlife.

"The Bush administration has demonstrated a total disregard for the scientific conclusions of the government's own scientists," Greenwald said. "This disregard places these 19 species and many others at risk of extinction."

The Bush administration has systematically engineered drastic reductions in critical habitat for many species, including the 18 covered by today's lawsuits. These reductions involved excluding large areas from critical habitat that were identified as "essential" to the survival or recovery of endangered species by U.S. Fish and Wildlife Service scientists. In the case of the Arkansas River Shiner, for example, the administration excluded over 86,000 acres (57 percent) of critical habitat identified by agency scientists, and for the Riverside fairy shrimp the administration cut 11,754 acres (97 percent) of critical habitat, which left only 306 acres. In total, more than 158,000 acres of critical habitat were excluded from designation for these 18 species.

The administration has also refused to protect many deserving species, including the Colorado River cutthroat trout. The trout has been lost from at least 87

percent of its range and is threatened by a combination of nonnative trout, habitat degradation, and climate change. In denying the trout protection, Fish and Wildlife relied on a 2007 memorandum by the solicitor of the Department of Interior that argues the agency should only consider current range when considering whether a species warrants protection. Today's notice asserts that this policy clearly violates the Endangered Species Act.

"The Bush administration has the worst record protecting new species of any administration since the law was passed," said Greenwald. "We hope the Obama administration will take its duty to protect deserving species like the Colorado River cutthroat trout more seriously than the Bush administration."

Overall, the next administration will be left with a legacy of 251 candidate species that are recognized as warranting protection, but have yet to be protected; a slew of critical habitat designations that the courts have found to be not scientifically based and therefore illegal; and an embattled Fish and Wildlife Service whose scientists feel they can't do their jobs. Correcting these problems will require increased funding for the endangered species program, replacement of much of the management in the agency, a schedule for providing protection to all candidate species in the next several years, revision of all critical habitat designations in which political interference limited protections, and policies that protect the agency's scientists from political interference.

"The next administration is going to have their work cut out for them to correct the problems with endangered species management created by this administration," Greenwald said. "The endangered species program needs a complete overhaul."

The lawsuits represent the latest action in a campaign by the Center to reverse politically tainted decisions concerning dozens of endangered species. Since August 2007, the Center has challenged decisions not to list three species and bad critical habitat designations for 41 species, including the suits filed today, and has had substantial success. In response to these lawsuits, the Fish and Wildlife Service has agreed to redo critical habitat designations for 15 species, including the California red-legged frog, arroyo toad, vermilion darter, Mississippi gopher frog, four New Mexico invertebrates, and seven plants from California, Oregon, and North Carolina. The newly proposed critical habitat designation for the California red-legged frog alone totals approximately 1.8 million acres — quadruple the area previously protected. In addition, the Service reconsidered listing the rare, highly imperiled Mexican garter snake as an endangered species and determined that protection is warranted.

### **Background on the species**

**San Bernardino kangaroo rat:** A denizen of sand and gravel areas next to rivers of Southern California, the San Bernardino kangaroo rat is threatened by a combination of dams, gravel mining, and urban sprawl. Over 55,000 acres of

critical habitat were proposed for the species in 2000, which in the final designation issued in 2002 was cut to just over 33,000 acres. Not satisfied, the Bush administration issued a proposal to redesignate critical habitat in 2007, further cutting critical habitat to 25,516 acres. The final designation, however, included only 7,779 acres — an 86-percent reduction from the 2000 proposal.

**Arkansas River shiner:** The shiner's range includes the Canadian River in New Mexico, Oklahoma, and Texas, the Cimarron River in Kansas and Oklahoma, and it has been introduced into the Pecos River in New Mexico. Throughout this range, it has been decimated by extensive dam construction. In 2005, the Bush administration reduced critical habitat from over 150,000 acres to just under 65,000 acres — a cut of 57 percent.

**Riverside fairy shrimp:** Occupying vernal pool habitats of Southern California, the Riverside fairy shrimp is threatened by rampant sprawl. The Bush administration removed 97 percent of critical habitat proposed by agency scientists, leaving only 306 acres.

**Coachella Valley milk-vetch, Peirson's milk-vetch, willowy Monardella:** These three Southern California plants are all threatened by urban sprawl. Both milk-vetch occupy sand dunes, and the monardella occurs in and adjacent to ephemeral drainages. Critical habitat for the Coachella Valley milk-vetch was reduced from 20,559 acres to zero acres, for the Peirson's milk-vetch from 16,108 acres to 12,105 acres, and for the willowy monardella from 2539 acres to 77 acres. Given the severity of threat in Southern California, removal of these acres from protection places these species at heightened risk of extinction.

**Peck's Cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle:** These three Texas invertebrates occur in only four springs where they are threatened by groundwater pumping in the Edwards aquifer. After Fish and Wildlife Service Scientists drafted a proposed rule that included subterranean waters in the aquifer, Deputy Assistant Secretary Julie MacDonald ordered that only the small areas around the springs be designated despite the fact that threats are to the aquifer and not the springs.

**Robber Baron Cave harvestman, vesper cave spider, Government Canyon cave spider, Madla's cave spider, Robber Baron cave spider, Helotes mold beetle, *Cicurina venii*, *Rhadine exilis*, and Cokendolpher cave harvestman:** These nine karst dwelling species all occur in one or more caves of Bexar County, Texas, and are threatened by rapid urban sprawl in and around San Antonio. Critical habitat was reduced for these species from 82 to 100 percent with a total of more than 15,000 acres removed from protection.

**Colorado River cutthroat trout:** The Colorado River cutthroat trout is native to the upper Colorado River watershed in Colorado, Wyoming, and Utah and is threatened by introduction and spread of nonnative trout, habitat degradation,

and increasingly climate change. In response to a petition and two lawsuits from the Center for Biological Diversity, the Fish and Wildlife Service denied the trout protection despite severe range loss and ongoing threats.

*The [Center for Biological Diversity](#) is a national, nonprofit conservation organization with more than 200,000 members and online activists dedicated to the protection of endangered species and wild places.*