



Endangered Species Act Alert 2000-17

RE: Listings, Lawsuits and a Moratorium
DATE: December 8, 2000

NMFS Says Groundfish Listing Unnecessary

According to the National Marine Fisheries Service (NMFS), three species of groundfish in the Puget Sound do not require protection under the Endangered Species Act. After studying Pacific cod, Pacific hake and walleye pollock for almost two years, NMFS has concluded that the Puget Sound populations of these species are part of larger, healthier populations of the same fish, found as far away as Southeast Alaska. Because of this, NMFS has determined that these species do not need to be listed as threatened or endangered under the ESA. Environmental groups are considering protesting, or even suing, NMFS for failing to provide protection to species in decline. Hake, in particular, provide food for salmon, and there is concern that declining hake populations will inhibit recovery of Puget Sound salmon.

For more information: <http://news.bellinghamherald.com/stories/20001127/FrontPage/33799.shtml>

USFWS Places Moratorium on New Listings

The U.S. Fish & Wildlife Service has decided to place a moratorium on all endangered species listings until September 2001. This moratorium will delay protection for more than 300 species that are proposed or candidates for listing. USFWS has fallen behind in designating critical habitat for species already listed under ESA; the agency now faces court orders to designate critical habitat for about 90% of listed species. The agency will spend most of its 2001 budget to comply with those court orders. Additional challenges and suits are expected from environmental groups, who assert that science, not politics, is intended to drive the listing process under the ESA. The agency blames previous legal challenges from environmental groups for draining its budget in recent years.

For more information:
www.enn.com/news/ennstories/2000/11/11292000/listingmoratorium_40462.asp

Tribe Will Sue NMFS Over 4(d) Rules

The Tulalip Tribes have filed a letter of intent to sue the National Marine Fisheries Service for failing to protect Puget Sound chinook salmon, listed as threatened under the Endangered Species Act. The tribe contends that the 4(d) rules recently published by

NMFS (which allow local governments to develop their own chinook conservation plans and submit them to NMFS for approval) are not sufficiently protective of salmon. A failure to include measurable results is one of the tribe's major concerns about the rules. Another is that the rules do not meet other federal requirements, including tribal treaties. The Tulalip Tribes' treaty guarantees them fishing rights from Vashon Island to the Canadian border and into the Strait of Juan de Fuca. If these concerns are not addressed by late December, the tribe will file suit against NMFS in U.S. District Court.

For more information: <http://www.heraldnet.com/Stories/00/11/26/13199974.cfm>

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If you have questions or comments about this ESA Alert, please contact Megan Callahan Grant (mcallahan@parametrix.com), ESA Program Policy Analyst, who can direct them to the appropriate specialist.