



## Legal battle over Flathead pond snail to continue

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**FLATHEAD LAKE** — A conservation group is fighting for federal protection of a pond snail that has not been documented alive in Flathead Lake in 19 years.

A decision about protecting the Flathead Pond snail could come as early as the end of this year or beginning of the next, according to Misty Ewegan, an attorney litigating the case for WildEarth Guardians.

Ewegan is awaiting a response from the Department of Justice about an appeal for the petition to protect the species, which was turned down by the U.S. Fish and Wildlife Service earlier this year.

The original petition, which listed the Flathead pond snail and several other species in the Pacific Northwest as candidates for protection, was filed in 2007.

WildEarth argues nutrient run-off from agriculture and shoreline development that contribute to de-oxygenation of the water was not factored into the USFS findings. The de-oxygenation could affect the snail, which is spiraled with a conical shell.

“The Flathead pond snail is facing extinction due to shoreline development, agricultural run-off and grazing, in addition to other threats,” Ewegan wrote in a letter to the Valley Journal.

WildEarth uses the last known sighting of the pond snail in 1994 as evidence for its claim that the pond snail numbers are declining. The State of Montana Natural Heritage Program lists the snail at “high risk because of extremely limited and/or rapidly declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state.” Local biologists were unable to account for the pond snail’s numbers.

Ewegan said the group is working “with a member who is a fifth generation Montanan raised about an hour and a half from the Lake. She is a regular visitor to the lake, grew up swimming in the lake and is highly interested in seeing it protected.” She did not respond to requests to make contact with the advocate.

It is unclear what protection would mean for shoreline development or farms that create the runoff WildEarth believes is impacting the snail. Protection under the Endangered Species Act generally requires designation of critical habitat and conservation programs to protect against loss of critical habitat.

“I would hope to see a decision by the end of the year, but it could be early next year depending on extensions and the court’s docket,” Ewegan wrote.