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## Negotiations speed up endangered-species listings

Katie Mast | Dec 05, 2013 03:50 PM



In northern Arizona, a tiny cactus, not more than 3.5 inches tall, lifts a creamy yellow flower above the desert rock each spring. Roughly 1,000 of these rare plants still grow, living 10 to 15 years and rising from the earth to flower each season before sinking back after fruiting. The U.S. Fish and Wildlife Service listed the Fickeisen plains cactus as a candidate for federal protection in 1980, but for 33 years, no decision was made. On Oct. 1 of this year, it became a protected species.



The tiny Fickeisen plains cactus, which grows in northern Arizona, was listed as an endangered species this fall.

This cactus is just one of many plants and animals moved off the Endangered Species Act candidate list this year as the FWS worked through the process of evaluation and peer review, narrowing the waitlist to 146 species, down from 192 last year. It's the first time in decades that the number of species awaiting designation has fallen so low. "We are moving a volume that we haven't in a number of years," says Gary Frazer, assistant director for Ecological Services at the FWS.

Agreements from 2011 that the FWS signed with WildEarth Guardians and the Center for Biological Diversity are the reason the candidate list is getting so much attention. Before the agreements, starting in the early 2000s, petitions to protect rare species were piling up on FWS desks, sometimes in batches of hundreds, Frazer says. It became impossible to deal with the influx, and the agency was soon stymied by lawsuits over missed deadlines. The agreements set deadlines for the FWS to work through the petitions as well as a backlog of candidate species that were deemed worthy of a closer look, but still in "purgatory," as Tierra Curry, a senior scientist with the Center for Biological Diversity, calls it. In return, the agency gets some respite from lawsuits and new petitions. Curry says that most of the 252 candidate species listed in the agreements will likely get ESA protection. Candidates that make it this far in the petition process don't often get turned down. "That's why our agreement is so exciting," Curry says. The FWS is now obligated to make a decision on all 252 candidates by 2016, as well as work through the petitions.

From all accounts, the agreements seem to be working out well so far. Threatened species are finally seeing protection, and others that the FWS says don't need protection are at least getting a decision. And the environmental groups have been suing the FWS less since the agreements, leaving federal employees more time to carry out the actual protection. The Center for Biological Diversity did challenge a negative decision on the Alabama shad in 2011, and WildEarth Guardians recently announced they will file suit against FWS for a negative decision on the Gunnison's prairie dog. But other than those and a small handful of other cases, Curry says there hasn't been much need to challenge the agency's decisions. "If the best available science finds that (a species doesn't) warrant protection, we're not going to challenge that."

Frazer says that despite the pressure the agreements put on the agency to plow through the backlog, and the added challenges of sequestration and the government shutdown this fall, the agency is deliberate with each protection decision. "We are still cognizant that decisions are based on the best available science," he says. Since the agreements were signed, 87 candidates have been added to the list as endangered or threatened, while 19 others did not warrant protection. The service has also made final decisions on 49 species that were not candidates at the time of the agreements.



Over the next few years, several controversial species, like the wolverine, will receive a final decision.

The immediate results from the agreements may be great for now, yet even when a species is listed, funding for carrying out the protection is limited. "We are always harping on the fact that the Fish and Wildlife Service is woefully underfunded to do their jobs," says Taylor Jones, endangered species advocate for WildEarth Guardians. And questions remain over how much it's truly improving the relationship between the agency and the two advocacy groups. Will another backlog pile up after this one is cleared? Jones is optimistic. "This agreement has already changed our relationship," she says. "I'm hoping that after 2016, we'll continue as we are now, which is much more amicable than before."

*Katie Mast is an editorial intern at High Country News. Image of Fickeisen plains cactus by C. Goodwin, courtesy FWS. Image of wolverine by Steve Kroschel / USFWS, courtesy Center for Biological Diversity.*