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## Feds deny protection for rabbit

By Whitney Royster

Federal officials have denied protection for the pygmy rabbit, saying there is not enough scientific evidence to justify the action.

Pat Diebert, a biologist with the U.S. Fish and Wildlife Service in Cheyenne, said the agency studied the petition to list the rabbit -- submitted three months ago -- and information "we had immediately available to us."

"The petition didn't connect the dots," she said. "It said we had problems with sagebrush habitat but didn't connect that with the pygmy rabbit."

Specifically, Diebert said, the petition had no information on population trends of the pygmy rabbit, which was once prolific in the "sagebrush sea" of the West.

Jeremy Nichols with the Laramie-based Biodiversity Conservation Alliance said claims of "lack of substantial scientific finding" are "ludicrous."

He said the tiny, 1-pound rabbit -- found in southwestern Wyoming, eastern Oregon, Nevada and Washington state -- has been imperiled in part because of heavy oil and gas development in sagebrush habitat.

"That's a huge concern," Nichols said.

Development, wildfires, farming and overgrazing have also contributed to the rabbit's decline, as anything harming sagebrush habitat will hurt the species, he said.

Nichols said the issue of declining sagebrush habitat is not new, but he said the loss of pygmy rabbit populations serves as an indicator for other species that may be in trouble.

"People are recognizing that sagebrush are declining and it's affecting a lot of these critters," he said.

The petition was filed by the Western Watersheds Project. Biodiversity Conservation Alliance, among others, joined in the petition.

The rabbit is protected in Washington state, where numbers dwindled to about a dozen in 2003 before it was listed as endangered.

Nichols said the federal government's pattern of rejecting species protections is "a joke." In January, the Fish and Wildlife Service declined to list the sage grouse as endangered.

"This reflects Interior Secretary (Gale) Norton's campaign to essentially gut the Endangered Species Act in a de facto way by not complying with it and not following through with common-sense conservation," he said.

Diebert said the decision not to list the rabbit had nothing to do with protecting the oil and gas industry, and instead reflected a simple lack of scientific evidence presented.

"We made our finding based on the science we had, and it just wasn't there," she said. "We have no information on how oil and gas development affects the pygmy rabbit."

Nichols said petitioning groups are weighing options, which include filing a lawsuit.

"That seems like our only option right now," he said.