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# News Release



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## **CRITICAL HABITAT DESIGNATED FOR SANTA ANA SUCKER**

### *Final Rule Issued in Compliance With Court Order*

The U.S. Fish and Wildlife Service announced today it has designated approximately 21,129 acres of streams in Los Angeles and San Bernardino counties, California, as critical habitat for the Santa Ana sucker (*Catostomus santaanae*). This final rule becomes effective immediately.

Areas designated as critical habitat include portions of the main stem of the Santa Ana River and the City, Chino, Mill, and Cucamonga Creeks; segments of the North, West, and East forks of the San Gabriel River and portions of Cattle Canyon, Bear, and Big Mermaid's Canyon creeks; as well as a stretch of Big Tujunga Creek between Big Tujunga Dam and Hansen Dam, and sections of Stone Canyon, Delta Canyon, Gold Canyon, and Little Tujunga Creeks.

Some essential habitat for the Santa Ana sucker within the boundaries of the draft Western Riverside Multiple Species Habitat Conservation Plan and some areas to be covered by the programmatic consultation for the Santa Ana Sucker Conservation Program and Associated Maintenance and Operation Activities of Existing Water Facilities in the Santa Ana River have been excluded from the critical habitat designation. These areas were excluded because the Service determined that the benefits of doing so outweighed the benefits of inclusion. These exclusions will not jeopardize the continued existence of the Santa Ana sucker.

Today's action is being taken to comply with a Feb. 26, 2003, court order requiring the Service to designate critical habitat for the Santa Ana sucker by Feb. 21, 2004. Until critical habitat is designated for the Santa Ana sucker, the Service and other Federal agencies have been enjoined from conducting consultations on actions that may affect the species.

“To meet the court's deadline and allow the Service and other Federal agencies to fulfill their commitments under the Act, it was necessary to publish a final rule without first issuing a proposed rule for public review and comment,” said Steve Thompson, Manager of the Service's California-Nevada Operations.

Federal law allows a Federal agency to suspend the normal public review and comment process if the agency can show good cause as to why an exemption is warranted, or why it is impracticable, unnecessary, or contrary to the public interest to follow the normal notice and comment procedure.

Because the Service's budget for listing activities in Fiscal Year 2003 was exhausted last July, work could not begin on the Santa Ana sucker critical habitat rule until Oct. 1, 2003 – the start of the new fiscal year. It was not practicable for the Service to issue a proposed rule and solicit public comment, prepare and release a draft economic analysis for comment, and publish a final rule within the timeframe allotted by the court.

The injunction on conducting consultations is preventing the Service and other Federal agencies from completing timely consultation on projects, including flood control and bridge replacement projects that are important to human health and safety. The injunction also prevents the agencies from ensuring that proposed actions do not jeopardize the species.

Until the injunction is lifted, the Service is prevented from including the Santa Ana sucker as a covered species in the draft Western Riverside County Multiple Species Habitat Conservation Plan. The Service is also prevented from completing a programmatic consultation with Federal, State, and local partners for the Santa Ana Sucker Conservation Program. The goal of both these efforts is to conserve and improve the status of the species and its habitat.

On these grounds, the Service determined it was not in the public's interest to delay completion of a final rule to accommodate public review and comment.

Although this rulemaking was completed without initial public review, the Service is publishing a concurrent proposed rule for public review and comment. The Service will accept comments on the proposed rule until 5 p.m. on April 26, 2004. An analysis of economic impacts associated with the designation will also be prepared. If information contained in public comments or the economic analysis indicates that a change is necessary, the Service may choose to revise the final rule in the future.

The Santa Ana sucker is a fish native to southern California. Much like other members of the sucker family, the Santa Ana sucker has large, thick lips and a small mouth that enable it to 'vacuum' algae and invertebrates from stream beds. Measuring about six inches long, the Santa Ana sucker has a dark, blotchy back with a silvery underside. Santa Ana suckers appear to be most abundant where water is clean and clear, although they can tolerate seasonally murky water.

Threats to the Santa Ana sucker include the destruction and alteration of its habitat from urban development, channeling of streams, water diversions, and the introduction of nonnative competitors and predators.

Comments on the proposed rule can be submitted in writing to the Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009. You may also submit comments by electronic mail to [fwlsasu@rl.fws.gov](mailto:fwlsasu@rl.fws.gov).

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for

conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System which encompasses 542 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource offices and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to State fish and wildlife agencies.

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