

Feds to reconsider critical habitat for 2 fish

May 7 2009, By SUSAN MONTROYA BRYAN , Associated Press Writer

(AP) -- A federal judge has ruled the U.S. Fish and Wildlife Service can reconsider the critical habitat designation of two threatened fish species in New Mexico and Arizona after a probe found political interference likely affected scientists' findings.

Senior U.S. District Judge John Conway ruled Tuesday that the agency's original habitat designation for the spinedace and loach minnow would remain in place while federal biologists determine whether the [fish](#) need more habitat.

Conway said that it would be "least disruptive" to allow the existing designation to remain in effect pending a review.

A coalition of counties in the two states and the New Mexico Cattle Growers' Association had sued over the original designation, saying the Fish and Wildlife Service overstepped its bounds and failed to adhere to requirements of the [Endangered Species Act](#) in setting aside the critical habitat.

They argued that the original designation should be vacated while the agency reconsiders the matter.

In his ruling, Conway said the original designation was likely "not expansive enough."

He referred to a report by the Department of Interior inspector general that found potential political interference by Julie MacDonald, a former

deputy assistant Interior secretary. Among other findings of interference, the report said MacDonald selected one of several potential critical habitat designations for the two fish and wanted to make the area set aside for the species "as small as possible."

The agency filed a motion earlier this year seeking to take a new look at the species' habitat needs.

The Fish and Wildlife Service planned to review the designation and have a draft proposal in October 2010, agency spokeswoman Charna Lefton said Wednesday. It would then be another year before the agency makes a final decision.

The spikedace and loach minnow have been eliminated from more than 80 percent of their ranges in the two states. The fish were once common in the Verde, Salt, San Pedro and Gila rivers.

On the Net:

U.S. [Fish and Wildlife Service](http://www.fws.gov/southwest/): <http://www.fws.gov/southwest/>

Center for Biological Diversity: <http://www.biologicaldiversity.org/>

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