

# Federal agency defends decision not to protect Montana fish

April 26 2016

---

A judge should uphold a 2014 decision that a fish found in southwestern Montana streams doesn't need special protection under the federal Endangered Species Act, government fisheries officials said.

U.S. District Judge Sam Haddon is expected to make a decision sometime after June in a lawsuit over the U.S. Fish and Wildlife Service's decision not to name the Arctic grayling as a threatened or endangered species.

The federal agency, the Montana Fish, Wildlife and Parks department and the two environmental groups and two anglers who filed the lawsuit are working on their final arguments before Haddon makes his decision.

The Missouri River system upstream of Great Falls holds the only Arctic grayling population in the contiguous United States. In 2010, the Fish and Wildlife Service concluded the [fish](#) was a candidate for federal protections, but decided in 2014 that protections weren't warranted because 19 of 20 populations had stabilized or were increasing.

There have been attempts to introduce the fish in waterways in other states, such as Wyoming, but its native range is Montana, Alaska and western Canada.

The plaintiffs led by the Center for Biological Diversity filed a lawsuit last year, saying rising water temperatures and irrigators reducing stream flows threaten the Arctic grayling's last refuges.

The threats will be increased without protections by climate change, the plaintiffs said in their argument.

"These populations are precariously small and occupy a fraction of their historical range," the groups' attorney, Jenny Harbine, wrote.

Between 2010 and 2014, the Fish and Wildlife Service found the Arctic grayling had sufficient habitat and stable or increasing population trends. The fish "is neither in danger of extinction nor is likely to become endangered in the foreseeable future," wrote Nicole Smith, an attorney for the U.S. Department of Justice.

Montana fisheries officials created a conservation agreement for landowners in the Big Hole River area meant to improve [stream flows](#) by reducing irrigation, improve the Arctic grayling's habitat and remove barriers that prevent the fish's movement, FWP officials said in a Friday court filing.

More than half the eligible land in the Big Hole River Valley is enrolled in the program, according to court documents.

The environmental groups argue the conservation agreement is a voluntary program with no binding commitment. Now that the federal agency has announced it would not protect the Arctic grayling, the one meaningful incentive to participate in the program is gone, Harbine wrote.

© 2016 The Associated Press. All rights reserved.

Citation: Federal agency defends decision not to protect Montana fish (2016, April 26) retrieved 23 June 2024 from

<https://phys.org/news/2016-04-federal-agency-defends-decision-montana.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.