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# News Release



**For Immediate Release**  
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## **PYGMY RABBIT MAY WARRANT PROTECTION UNDER THE ENDANGERED SPECIES ACT**

The U.S. Fish and Wildlife Service (Service) announced today that the pygmy rabbit may warrant federal protection as a threatened or endangered species following a review of a petition seeking to protect the pygmy rabbit (*Brachylagus idahoensis*) under the Endangered Species Act (ESA).

Today's decision, commonly known as a 90-day finding, is based on scientific information about the species provided in the petition requesting listing of the species under the ESA. The Service will now undertake a more thorough status review of the species to determine whether to propose adding the species to the federal list of endangered and threatened wildlife and plants.

“The finding does not mean that the Service has decided it is appropriate to list the pygmy rabbit,” said Bob Williams, Field Supervisor for the Nevada Fish and Wildlife Office. “The 90-day finding is the first step in a process that triggers a more thorough review of all the biological information available. We are encouraging the public to submit any relevant information about the pygmy rabbit and its habitat to us for consideration in the comprehensive review.”

The pygmy rabbit is the smallest North American rabbit. Adult weights range from 0.54 to 1.2 pounds and they are between 9.1 to 12.1 inches in length. Pygmy rabbits are typically found in areas of tall, dense sagebrush cover where soils are sufficiently deep and loose to allow burrowing. They are not distributed continuously across their range. The pygmy rabbit's historical range is in portions of the following states: California, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, and Washington. On March 5, 2003, the Columbia Basin Distinct Population Segment of the pygmy rabbit located in Eastern Washington was listed as endangered.

On May 20, 2005, the Service published a non-substantial 90-day finding in response to an April 1, 2003, petition to list the pygmy rabbit because the Service determined the petition did not contain substantial information indicating that listing the pygmy rabbit may be warranted. On September 26, 2007, the United States District Court for the District of Idaho issued a judgment and memorandum order in response to a March 28, 2006, complaint stating the Service improperly imposed a higher standard when it reviewed the petition, and therefore found the Service acted in a manner that was arbitrary and capricious and contrary to the applicable law. The court remanded the Service's May

20, 2005, 90-day finding and required the Service to issue a new 90-day finding on or before December 26, 2007.

To ensure this status review is comprehensive, the Service is soliciting information from state and federal natural resource agencies and all interested parties regarding the pygmy rabbit and its habitat.

Based on the status review, the Service will make one of three possible determinations:

- 1) Listing is not warranted, in which case no further action will be taken.
- 2) Listing as threatened or endangered is warranted. In this case, the Service will publish a proposal to list, solicit independent scientific peer review of the proposal, seek input from the public, and consider the input before a final decision about listing the species is made. In general, there is a one-year period between the time a species is proposed and the final decision.
- 3) Listing is warranted but precluded by other, higher priority activities. This means the species is added to the federal list of candidate species, and the proposal to list is deferred while the Service works on listing proposals for other species that are at greater risk. A warranted but precluded finding requires subsequent annual reviews of the finding until such time as either a listing proposal is published, or a not warranted finding is made based on new information.

Anyone wishing to submit information regarding the pygmy rabbit the may do so by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: *FWS-R8-ES-2007-0022*; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us. Comments must be received by March 7, 2008.

For further information about the pygmy rabbit and this finding contact: Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office by mail at 1340 Financial Blvd., Suite 234, Reno, NV, by telephone (775-861-6300), or by facsimile (775-861-6301). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339, or visit the Service's web site at <http://www.fws.gov/nevada>

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 97-million-acre National Wildlife Refuge System, which encompasses 547 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources 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 and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.