



## Nevada Fish & Wildlife Office

*Preserving The Biological Diversity Of The Great Basin, Eastern Sierra & Mojave Desert*

### *Questions and Answers Pygmy Rabbit 90-Day Finding*

***Q. What is the pygmy rabbit?***

**A.** The pygmy rabbit (*Brachylagus idahoensis*) is a member of the family Leporidae, which includes hares and rabbits, and is the smallest North American rabbit. Adults weigh between 0.54 to 1.2 pounds and are between 9.1 to 12.1 inches in length. They are not distributed continuously across their range.

***Q. What is the pygmy rabbit's habitat?***

**A.** Pygmy rabbits are typically found in areas of tall, dense sagebrush (*Artemisia spp.*) cover, and are highly dependent on sagebrush to provide both food and shelter throughout the year. Their diet in the winter consists of up to 99 percent sagebrush.

The pygmy rabbit is believed to be one of only two Leporids in Northern America that digs its own burrows. Pygmy rabbit burrows are typically found in relatively deep, loose soils of wind-borne or water-born origin. They occasionally make use of burrows abandoned by other species and as a result, may occur in areas of shallower or more compact soils that support sufficient shrub cover.

***Q. Where have pygmy rabbits been found historically?***

**A.** 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.

***Q. Why did the Service complete a 90-day finding under the Endangered Species Act (ESA) for pygmy rabbit?***

**A.** This decision, called a 90-day finding, is based on scientific information provided in the petition received in April 2003. The formal listing petition required the U.S. Fish and Wildlife Service (Service) to make a determination on whether there was substantial information to initiate a comprehensive status review of the pygmy rabbit to determine if the species warrants listing as threatened or endangered under the ESA. The Service agreed to complete the 90-day finding by May 16, 2005, as a result of a lawsuit filed against the Service by Western Watersheds Project, Biodiversity Conservation Alliance, Center for Native Ecosystems, and Oregon Natural Desert Association and Sagebrush Sea Campaign.

On May 20, 2005, the Service published a non-substantial 90-day finding in response to the April 1, 2003, petition. 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.

***Q. What are the results of the current pygmy rabbit 90-day finding?***

**A.** The Service completed a re-evaluation of a petition to list the pygmy rabbit as either threatened or endangered and determined that substantial biological information exists to warrant a more in-depth examination of its status.

***Q. Are all eight states included in the 90-day finding?***

**A.** No, although the pygmy rabbit occurs in Washington, that state was not included in this review. The Columbia Basin Distinct Population Segment of the pygmy rabbit was listed in the State of Washington as endangered on March 5, 2003.

***Q. Where can more information about the 90-day finding be found?***

**A.** For more information about the pygmy rabbit and this finding, please visit the Service's web site at <http://www.fws.gov/nevada> or call (775) 861-6300.

***Q. How can new information or comments be included in the status review?***

**A.** Comments, suggestions, or information on the historical and current status and distribution of the pygmy rabbit, its biology and ecology, ongoing conservation measures for the species and its habitat, and threats to the species and its habitat will be accepted until March 7, 2008.

Comments and information should be submitted in writing to:

- 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.

***Q. What is the next step in this process?***

**A.** The Service will now undertake a more thorough status review of the species (known as a 12-month finding) to determine whether to propose adding the species to the federal list of endangered and threatened wildlife and plants.