

Status of Court-Ordered Critical Habitat Actions

The following court-ordered critical habitat actions (proposed or final rulemakings) requiring work in FY 2003 will be proposed for deferral into FY 2004 due to lack of funding:

<i>Case Name</i>	<i>Species</i>
<u>Building Industry Legal Defense Foundation, et al. v. Gale Norton, et al.</u> Case No. 01-cv-2311 JDB (D.D.C.)	Southwestern Arroyo toad (proposed and final rule)
	Riverside fairy shrimp (proposed and final rule)
<u>Biodiversity Legal Foundation</u> Civ. No. 00-1180 (D. Colo.)	Topeka shiner (final rule)
<u>CBD v Norton</u> (01-cv-2101 IEG (LAB)) and <u>BILD v Norton</u> (01-cv-2145 IEG (LAB)) (cons.)	Lane Mountain milk-vetch (proposed rule)
	Fish slough milk-vetch (proposed rule)
	Spreading navaretia and San Jacinto crownscale (proposed rule)
<u>National Association of Home Builders v. Norton and Defenders of Wildlife</u> (CIV-00-0903-PHX-SRB)	Cactus ferruginous pygmy-owl (final rule)
<u>Alliance for the Wild Rockies Inc., Friends of the Wild Swan, Inc v. Badgley et al.</u> (CV 01-127-JO (D. Ore.))	Bull trout (St. Mary, Puget Sound and Jarbidge DPS) (proposed rule)
	Bull trout (Columbia Basin/Klamath DPS) (final rule)
<u>CBD v. USFWS</u> , (C-01-0352 SI (ADR) N.D. Cal.)	Ventura Marsh milk-vetch (final rule)
<u>CBD, Dine Care, and Center for Native Ecosystems v. Norton</u> (CIV-01-409-TUC ACM)	Mexican spotted owl (proposed rule)
<u>SWCB et al v. Babbitt et al</u> (C-99-2992 CRB; D-CA/N)	La Graciosa thistle (final rule)
<u>Southern Appalachian Biodiversity Project v. Norton</u> (CN 2:00-CV-361 (E.D. TN))	Eggert's sunflower (proposed rule)
	Mobile basin bivalves (includes 11 TN bivalves) (final rule)
	Cumberlandian elktoe and 4 TN bivalves (final rule)
<u>CBD and BLF v. Babbitt</u> (CV 00-1980 D. CO)	Colorado butterfly plant (proposed rule)
<u>Home Builders Association of Northern CA, et al. v. Norton et al.</u> (CV01-1291 RJL) D.D.C.	California red-legged frog (proposed rule)
<u>Santa Ana Sucker, California Trout v. Babbitt</u> , No. 97-3779 SI (N.D. Cal.)	Santa Ana Sucker (final rule)

The following court-ordered critical habitat actions (proposed or final rulemakings) were completed as of May 22, 2003

<i>Species</i>	<i>Action</i>	<i>Published in Federal Register</i>
Ventura Marsh milk-vetch	Proposed CH	10/9/02
6 Guam species	Proposed CH	10/15/02
Purple amole	Final CH	10/24/02
2 Southern California plants	Final CH	11/07/02
Cactus ferruginous pygmy-owl	Proposed CH	11/27/02
Bull trout (Columbia/Klamath DPS)	Proposed CH	11/29/02
Otay tarplant	Final CH	12/10/02
5 carbonate plants	Final CH	12/24/02
3 Lanai plants	Final CH	1/9/03
Rio Grande silvery minnow	Final CH	2/19/03
81 Kauai and Niihau plants	Final CH	2/27/03
Desert yellowhead	Proposed CH	3/14/03
40 Molokai plants	Final CH	3/18/03
Keck's checkermallow	Final CH	3/18/03
Yellow & Baker's larkspurs	Final CH	3/18/03
Gulf sturgeon	Final CH	3/19/03
11 Tennessee bivalves	Proposed CH	3/26/03
Scott's Valley polygonum	Final CH	4/08/03
9 Bexar County, TX, invertebrates	Final CH	4/08/03
2 Kauai Cave invertebrates	Final CH	4/09/03
San Diego fairy shrimp	Proposed CH	4/22/03
California gnatcatcher	Proposed CH	4/24/03
55 Maui & Kahoolawe plants	Final CH	5/14/03
103 Oahu plants	Final CH	to FR
8 NW Hawaiian Island plants	Final CH	to FR
Cumberlandian elktoe/4 TN bivalves	Proposed CH	to FR

The following court-ordered critical habitat actions (proposed or final rulemakings) will be completed by July 28, 2003 (date by which the Fish and Wildlife Service exhausts its FY 2003 critical habitat funds):

<i>Species</i>	<i>Action</i>	<i>Deadline</i>
Braun's rockcress	Proposed CH	5/26/03
56 plants, Island of Hawaii	Final CH	5/30/03
Blackburn's sphinx moth	Final CH	5/30/03
6 Guam species	Final CH	6/1/03
Prebles meadow jumping mouse	Final CH	6/4/03
Vernal Pool species: 4 fairy shrimp/11 plants	Final CH	7/15/03
Pierson's milk-vetch	Proposed CH	7/28/03