

May 2, 1990

BOI21.22

*This was sent!*

Mr. John Turner, Director  
U.S. Fish and Wildlife Service  
Interior Building, Room 3012  
18th and C Streets  
Washington, D.C. 20240

Dear Mr. Turner:

Subject: Additional Information in Support of Petition to List the Trumpeter Swan as Threatened Under the Endangered Species Act

In light of recent biological developments and the apparent conflict within the U.S. Fish and Wildlife Service (FWS) between staff recommendations and upper-level management positions regarding the petition of the Idaho Chapter of the Wildlife Society (TWS) to list the Rocky Mountain population of the trumpeter swan as threatened, TWS feels compelled to provide you with additional information to support a finding that such a listing is dearly warranted. This letter identifies several pertinent items of which you should be aware and, hopefully, that your staff has informed you of, to make a proper, biologically sound decision in this matter.

First and foremost, recent evidence shows that the winter carrying capacity of trumpeter swans on the Henry's Fork of the Snake River (Henry's Fork) was reached or exceeded this past winter. Except in those few areas that receive relatively high levels of human use, aquatic macrophytes in trumpeter swan wintering areas were nearly completely eaten by swans. Little is known of the ability of these crucial food sources to recover from such overutilization in time to support the bulk of the tri-state wintering swans next winter.

The number of swans fed by Red Rocks Lake NWR (RRLNWR) personnel increased to nearly 900 before refuge personnel ran out of feed and swans began to disperse to spring range. The Midwinter Tri-State Swan Survey prepared by RRLNWR personnel, reached the following conclusions regarding these developments--conclusions with which we wholeheartedly concur.

Mr. John Turner, Director  
Page 2  
May 2, 1990  
BOI21.22

"The obvious conclusion is that the high population of swans completely consumed the vegetation and moved to RRLNWR. Some returned to Harriman when Silver and Golden Lakes began to open up. If this trend continues, and there is no reason to suspect it will not, then Harriman and other local waters have reached and exceeded their carrying capacity. This, and the unprecedented crowding that resulted at RRLNWR, fulfilled earlier predictions that both critical winter habitat and the swans themselves are at considerable risk now from over-crowding and habitat destruction."

A copy of these conclusions is attached for your reference as Exhibit A.

The Rocky Mountain Population (RMP) Trumpeter Swan Subcommittee of the Pacific Flyway Council met in May 1989 to discuss the status of the RMP and to progress toward the goals and management procedures identified in the North American Management Plan for Trumpeter Swans (NAMPTS). Establishing new wintering sites is one of the top priority goals of the NAMPTS. The subcommittee rated overall progress toward this objective as "limited" and further concluded that "no progress" had been made toward the goal of developing a long-term strategy for affectively dealing with winter range expansion problems. A copy of the minutes of the subcommittee's meeting is attached for your reference as Exhibit B.

Furthermore, recent actions by FWS suggest that agency is not committed to playing a lead role in trumpeter swan management and is either not willing or not able to provide critical funding to help implement various studies necessary for the long-term survival of the RMP of trumpeter swans. The Fish and Wildlife Foundation recently donated \$20,000 to help fund a range expansion study. Use of these funds was contingent on their being matched by other monies. ~~Apparently FWS attempted, unsuccessfully, to locate a source of matching funds from within its existing appropriations for several months before realizing that the foundation monies had to be matched by private donations. These matching funds were~~ eventually obtained from the Henry's Fork Foundation. However, FWS never committed any funds to supplement this grant and its matching money. The result was that the first year of winter range expansion studies had to be supported by private monies with no help from the FWS. This episode does not bode well for future FWS support of trumpeter swan management activities. It further supports TWS's position that the RMP of trumpeter swans is in jeopardy with little or no likelihood of reversing this situation under current governmental management.

←  
Confirm

Mr. John Turner, Director  
Page 3  
May 2, 1990  
BOI21.22

In light of this apparent lack of commitment by FWS, lack of progress on developing a long-term strategy to deal with winter range expansion, lack of serious state funding and support for range expansion and other studies, and the fact that the swan carrying capacity on the Henry's Fork has been reached or exceeded, we feel that listing of the RMP of trumpeter swans as threatened is more crucial than ever. Given these overwhelming facts, TWS firmly believes that a decision that listing of this population is as not warranted would be irrational and in violation of the Endangered Species Act.

Several arguments have been raised by various parties for not listing the RMP of trumpeter swans as threatened. TWS is aware of some concerns that listing may take away many management options from the states and that listing may interfere with white bird hunting seasons in several states. We feel that the first argument concerning the availability of management options disregards the actual provisions of the Endangered Species Act (ESA) and may be more a concern about states' rights than about biologically sound management. As you know, threatened status does not preclude active management of a listed species. The extensive management actions undertaken on behalf of whooping cranes, an endangered, rather than threatened, species, as well as several other endangered species should be enough to dispel this argument. Secondly, we feel that the states' rights is certainly not an issue under the Endangered Species Act requirements that listing decisions be based on a species' biology.

We also contend that white bird hunting is not an issue. First, provisions of incidental take can be written into a listing package to deal with this potential problem during as internal Section 7 consultation between FWS endangered species and migratory bird personnel. The listing package could also include public education program in affected areas. Hunting seasons are still held within the ranges of the whooping crane and Aleutian Canada goose, in spite of their protected status. Season dates and area closures could also be used to minimize this potential problem. Also, and most importantly, potential conflicts with hunting seasons are not supposed to enter into a decision of whether or not to list a species or population as threatened or endangered. The Endangered Species Act clearly specifies the five factors to be used to determine eligibility for listing under the ESA, and the potential effects of listing on white bird hunting season is not one of them. As we stated in our petition, TWS feels that the RMP of the trumpeter swan does meet four of these five criteria. Meeting only one criterion is sufficient for determining that a species or population is threatened or endangered.

Mr. John Turner, Director  
Page 4  
May 2, 1990  
BOI21.22

Finally, TWS directs your attention to the North American Management Plan for Trumpeter Swans which identified several problems that threaten the existence of the Rocky Mountain population. These include: 1) the population's extreme vulnerability to catastrophic losses during the winter from starvation and habitat destruction; 2) poor nest success and low brood survival; and 3) inadequate water flows below Island Park Dam on the Henry's Fork of the Snake River, Idaho, a critical wintering area. These are some of the same problems identified in TWS's petition to list the RMP as threatened.

The trumpeter swan subcommittee minutes (Exhibit B) noted in 1989, "that because of these problems the RMP likely qualifies for either "threatened" or "endangered" status by the U.S. Fish and Wildlife Service even though both the tri-state and interior Canada subpopulations are increasing." The subcommittee considers the RMP to be extremely vulnerable to catastrophic loss and believes that this threat persists because serious management problems identified in the NAMPTS remain unresolved. See Exhibit B for details of the subcommittee meeting.

The issue of adequate winter flows in the Henry's Fork has also not been resolved. Even if a permanent solution to this problem is reached, and such a solution appears to be a long way off, it would not address the problem that **the winter carrying capacity of the Henry's Fork has apparently been reached or exceeded**. Nor would an agreement on winter flows address the numerous other problems of the RMP described in the NAMPTS and in our petition, all of which contribute to the uncertain future of the RMP of trumpeter swans.

In conclusion, TWS fully expects you to make your decision regarding our petition based on the biological facts and on the criteria set forth in the ESA for making such determinations. Furthermore, you should be aware that the Idaho Chapter of The Wildlife Society, whose membership consists of your professional peers, is prepared to pursue this matter to whatever extent necessary to ensure that your decision regarding our petition is made on sound biological grounds and in a timely manner. Finally, we respectively request a personal response to this letter from you so that we can be

Mr. John Turner, Director  
Page 5  
May 2, 1990  
BOI21.22

assured that you are personally aware of its contents and of our determination to pursue this matter to its conclusion.

Sincerely yours,

~~J.W. Connelly, President  
Idaho Chapter  
The Wildlife Society~~

*Michael Creamer, Atty  
for Idaho TWS*

BOIC5/106.51/jai

Enclosures

cc: Congressman Richard Stallings  
Galen Buterbaugh, FWS Denver  
Marvin Plenert, FWS Portland  
Chuck Lobdell, FWS Boise  
Kemper McMaster, FWS Helena  
M.R. Mickelson, Henry's Fork Foundation  
Tom Franklin, The Wildlife Society