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Enviros Leap to Defend the High Desert Pygmy Rabbit

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BOISE (CN) - The U.S. Fish and Wildlife Service refuses to protect the rare pygmy rabbit under the Endangered Species Act, despite a 2-year-old federal court order to issue a decision promptly, the Western Watersheds Project says. The environmental group says the tiny rabbits face increased danger of extinction as their high desert habitat is gobbled up by development.

The pygmy is the smallest rabbit in the mainland United States, weighing less than a pound, and one of only two North American rabbit species that digs its own burrow. It needs dense, tall sage brush for refuge and food.

The pygmy rabbit occupies less than 10 percent of its known historic range throughout the West, including areas of California, Oregon, Idaho, Nevada, Utah, Montana, Washington and Wyoming.

Western Watersheds claims Fish and Wildlife failed to issue a decision within the 12 months allowed by the Endangered Species Act.

This is the third lawsuit over the pygmy rabbit. The Boise Federal Court in 2007 reversed and remanded as arbitrary and capricious the Fish and Wildlife Service's decision that the pygmy rabbit did not deserve protection, "and ordered the Service to issue a new decision promptly," the complaint states.

Fish and Wildlife has three options when responding to ESA petitions. It can decide protection is unnecessary, decide the petition is warranted and take up to a year to research before issuing a final decision, or it can institute immediate protection.

Western Watersheds Project demands an immediate decision. It is represented in Federal Court by Todd Tucci with Advocates for the West. 

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