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Wildlife and Marine Resources Section  
Environment and Natural Resources Division  
Ben Franklin Station, P.O. Box 7369  
Washington, D.C. 20044-7369

Via Facsimile : 202/305-0275

Re: Critical Habitat Extensions

Dear Seth and Lisa:

Following is the Center for Biological Diversity's counter-proposal in response to the Service's cumulative requests for critical habitat deadline extensions.

This counter-offer applies to the requested critical habitat deadline extensions for the following species:

Arroyo toad	Riverside fairy shrimp	Mexican spotted owl
Lane Mountain milk-vetch	San Jacinto crownscale	Spreading navaretia
Fish slough milk-vetch	Pygmy owl	Topeka shiner
La Graciosa thistle	Ventura Marsh milk-vetch	Colorado butterfly plant
Santa Ana sucker	California red-legged frog	

**A) Critical Habitat Designation Extensions**

1. DOI extension request accepted for: Riverside fairy shrimp, Mexican spotted owl, fish slough milk-vetch, Topeka shiner (proposal must include Missouri in addition to states already proposed),

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La Graciosa thistle, Ventura Marsh milk-vetch, Colorado butterfly plant, and Santa Ana sucker.

2. Reduced extension accepted for:

Arroyo toad:	2 month extension instead of 8 (final 9/30/03)
Pygmy owl:	3 month extension instead of 5 (final 12/29/03)
Lane Mountain milk-vetch	3 month extension instead of 6.5 (proposal 12/15/03, final 12/15/05)
San Jacinto crowscale	4 month extension instead of 8 (proposal 6/1/04, final 6/1/05)
Spreading navaretia	4 month extension instead of 8 (proposal 6/1/04, final 6/1/05)
California red-legged frog	proposal extension to 10/31/04 accepted, but no extension of final (currently slated for 11/30/05)

**B) Additional Actions to be Carried out by USFWS**

1. Administration Will Submit a Supplemental Appropriation Request for FY2003 as Recommended by Congress

2. Recovery plans must be completed as follows:

Lane Mountain milk-vetch: draft 7/1/04, final 7/1/05  
Fish slough milk-vetch: draft 7/1/04, final 7/1/05  
San Jacinto crowscale: draft 7/1/04, final 7/1/05  
Spreading navaretia: draft 7/1/04, final 7/1/05  
Topeka shiner: draft 7/1/04, final 7/1/05  
Pygmy owl: final 12/29/03 (same as final critical habitat)  
Santa Ana sucker: draft 7/1/04, final 7/1/05

3. Critical Habitat designations for these additional species will be completed as follows:

Southwestern willow flycatcher: draft 1/1/04, final 1/1/05

Immediately publish already completed final Guam critical habitat package in the Federal Register

4. Listing decisions for these additional species will be completed as follows:

Yellow-billed cuckoo:	proposal 1/1/04, final 1/1/05
Miami blue butterfly:	emergency listing/proposal 10/1/03, renewed emergency listing until completion of final by 10/1/04
Arctic grayling:	emergency listing & proposal 1/1/04, final 7/1/04
Northern sea otter:	proposal 8/1/03, final 8/1/04
Coral Pink Sand Dunes beetle:	proposal 1/1/04, final 1/1/05

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Lesser prairie chicken: proposal 8/1/03, final 8/1/04  
Colorado River cutthroat trout: 90-day finding 1/1/04  
White-tailed prairie dog: 90-day finding 1/1/04  
Graham's Penstemon: emergency/proposal 1/1/04, renewed emergency listing until completion of final by 1/1/05  
Columbia spotted frog: proposed rule 1/1/04, final 1/1/05  
Headwater & roundtail chubs: 90-day findings 1/1/04

5. The critical habitat disclaimer will not be used in future critical habitat proposals and final rules.

6. DOI will drop its appeal of the Santa Ana sucker critical habitat decision.

7. Legal fees and expenses will be paid in all cases affected by this agreement, including but not limited to the following: Arctic grayling, southwestern willow flycatcher, Santa Ana sucker, and Guam critical habitats.

Please contact our office with any questions or comments. We look forward to hearing your response.

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