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Great Rivers Environmental Law Center Serves Notice of Intent to Sue to Protect Ozark Hellbender, Four Other Endangered Species in Missouri's Mark Twain National Forest

COLUMBIA, *Mo.*— On January 31, 2013, on behalf of the Missouri Coalition for the Environment (“MCE”) and Center for Biological Diversity (“CBD”), Great Rivers Environmental Law Center and the CBD filed a formal Notice of Intent to the U.S. Forest Service (“FS”) and U.S. Fish and Wildlife Service (“FWS”) over the agencies’ failure to protect the Ozark Hellbender, Hine’s Emerald Dragonfly, Tumbling Creek Cavesnail and two endangered mussels on Mark Twain National Forest, where logging, road use and other activities are polluting waterways.

“We recognize that the Forest Service tries to juggle competing logging and ATV interests, but these five endangered species won’t be around much longer unless government officials step up and meet their federal obligations,” said Bruce Morrison, General Counsel at Great Rivers Environmental Law Center.

“Poorly managed recreation and timber harvest pollutes waterways on the Mark Twain National Forest that the Ozark Hellbender needs to survive,” said Collette Adkins Giese, a biologist and attorney at the CBD. “To save the Hellbender, we have to protect the rivers that people treasure, too, for drinking water, fishing and boating.”

Management of Mark Twain National Forest is guided by a forest plan prepared in 2005. Since the plan was written, several aquatic species that live near or on the Forest have been protected as endangered or had critical habitat designated. Specifically, in accordance with an historic settlement agreement with the Center for Biological Diversity and other litigation, the FWS protected the Ozark Hellbender and two mussels (the “Spectaclecase” and “Snuffbox”) as endangered, and the FWS designated critical habitat for the Hine’s Emerald Dragonfly and Tumbling Creek Cavesnail. Habitat for all of these animals is being harmed by timber harvests, grazing, road construction and recreational activities that cause soil or pollutants to enter waterways.

The lawsuit would request the court to order the FS and FWS to revisit the 2005 plan to analyze the impacts of activities in the Forest on these newly protected endangered species and essential habitats, as the organizations allege is required by the Endangered Species Act. Such analysis is critical to ensure the animals’ protection through best management practices and other measures. The organizations seek for the lawsuit to result in forest plan amendments — for instance, a prohibition on construction of bridges or boat ramps near Hellbender habitat.

“As stewards of Mark Twain National Forest, the Forest Service needs to stop dragging its feet and get to work protecting the endangered species whose existence depends on the health of the Forest’s waterways,” said Kat Logan Smith, Environmental Policy Director of the MCE. “Because the health of the water is directly impacted by activities on the land, the agency needs to ensure its projects safeguard our irreplaceable wildlife resources.”

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to promote preservation of open space, clean energy, clean air and clean water. Its web address is: www.greatriverslaw.org.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 450,000 members and online activists dedicated to the protection of endangered species and wild places.

The Missouri Coalition for the Environment, a nonprofit, nonpartisan, 501(c)(3) state-level conservation organization, is a force for clean air, clean water and clean energy in Missouri. Since 1969 it has educated and activated Missourians to protect the land we all love.