



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181

IN REPLY TO
AES-11818

OCT 2 2006

Steve Paulson
4510 Sunnyside Lane
Lenore, Idaho 83541

Dear Mr. Paulson:

This letter responds to your petition dated August 18, 2006, requesting the U.S. Fish and Wildlife Service emergency list the giant Palouse earthworm (*Driloleirus americanus*) and list this species as threatened or endangered pursuant to the Endangered Species Act of 1973, as amended (Act). We received your petition on August 30, 2006.

When reviewing a petition, we must make an initial finding on whether the petition to add a species to the endangered species list presents substantial information indicating the requested action may be warranted. Section 4(b)(3)(A) of the Act requires, to the maximum extent practicable, this finding be made within 90 days.

We reviewed your petition to issue an emergency rule to list the giant Palouse earthworm. Our assessment is that circumstances pertaining to the status of the species do not warrant emergency listing. If conditions change, and we determine emergency listing is warranted, an emergency rule will be developed.

We are currently required to complete a significant number of listing and critical habitat actions in Fiscal Year 2006, pursuant to court orders and judicially approved settlement agreements. Complying with these court orders, settlement agreements, and other priorities obligates all of our listing and critical habitat funding for Fiscal Year 2006. Therefore, while we are not able to further address your petition to list the giant Palouse earthworm as endangered or, alternatively, as threatened, we will address your petition as soon as funding becomes available.

If you have any questions concerning this matter, please contact Ms. Theresa Rabot, Assistant Regional Director - Ecological Services at 503-231-6151.

Sincerely,

Acting

Regional Director