

Feds delay ESA listing for rare loon

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ANCHORAGE, Alaska - Environmental groups chastised the Obama administration after federal wildlife officials relegated a rare Alaska loon to what the groups call "administrative purgatory."

The U.S. Fish and Wildlife Service on Tuesday concluded that yellow-billed loons merit threatened or endangered status but an immediate proposal to list them will be delayed because of the agency's work to list higher priority species.

Species only rarely get off the "warranted but precluded" list, said Andrew Wetzler, an attorney for the Natural Resources Defense Council, while their status becomes more imperiled.

"When you set up a program that's essentially the Roach Motel of conservation programs - species enter but they don't leave - then obviously the program isn't working," Wetzler said by phone from Chicago.

"The only escape is extinction," said Brendan Cummings, an attorney for the Center for Biological Diversity in Joshua Tree, Calif. "Warranted but precluded" was an excuse regularly used by the Bush administration to deny protections to species in danger of extinction, Cummings said.

"In denying protection to the yellow-billed loon, Secretary of the Interior Ken Salazar has adopted as his own one of the least defensible anti-wildlife policies of the Bush administration," Cummings said.

Fish and Wildlife Service spokesman Bruce Woods said the agency must rank the hundreds of species for which listings are sought.

"There's a finite amount of staff time and funding to the work that needs to be done to satisfy the requirements of the Endangered Species Act," Woods said.

That argument would be legitimate, Cummings said, if the agency was adding the higher priority species to the endangered list. There are 251 other "candidates" with the same status as the yellow-billed loon and some have been there for 20 years. At least 24 species have gone extinct, he said.

"Under Clinton, the average was something like 65 listings per year on comparable budget," Cummings said. "Listing one or two species per year cannot be ascribed to budgetary issues. The only explanation is an agency that does not want to list new species."

Yellow-billed loons are among the largest loons, with a wingspan up to 5 feet. They look like common loons but have a larger yellow or ivory bill. During the non-breeding season, they lose their black and white plumage, molting to light brown feathers.

The Fish and Wildlife Service estimates there are 16,000 to 32,000 yellow-billed loons in the world, with an Alaska population of 3,000 to 4,000. They are vulnerable because of their current low numbers, a low reproductive rate and a specific habit for breeding, according to the agency.

Yellow-billed loons nest exclusively in coastal and inland low-lying tundra near permanent lakes with abundant fish and depths greater than 6 feet. The lakes often are connected to streams that supply fish and feature low-lying shorelines with vegetation.

Conservation groups in 2004 petitioned to list the yellow-billed loons as threatened or endangered. Three groups sued the Interior Department in December 2007 to force a decision.

Conservation groups claim yellow-billed loons are threatened by industrialization in Arctic, including petroleum leases issued in the 23-million acre National Petroleum Reserve-Alaska that covers much of the state's western North Slope.

The Interior Department has listed only two domestic species in the past 35 months - polar bears last May and a critically endangered Hawaiian plant last week, Cummings said.

Listing a species as threatened or endangered triggers requirements that federal agencies do not carry out or authorize actions that will jeopardize the continued existence of the listed species.

Woods said 14 species moved off the "warranted but precluded" list between 2002 and 2004. The listing process can be exhaustive.

"It's a decision the agency doesn't want to enter into without due diligence," he said.