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Minnesota man suing over status of Bald Eagle



A Minnesota resident sued the federal government Tuesday over the bald eagles' continued listing as an endangered species, arguing that a bird's nest on his property made it impossible to build on the land.

Edmund Contoski, who owns lakefront property in Morrison County, Minn., teamed up with the conservative Pacific Legal Foundation of Sacramento, Calif., to file the lawsuit in U.S. District Court in Minneapolis.

At issue is a 1999 proposal by the Clinton administration to take the bald eagle off the protected list. That proposal is still pending, despite a law calling for a final determination to be made within one year of agency proposals.

Contoski, who lives in Minneapolis, wanted to subdivide his land and sell it, according to the lawsuit. But the presence of a bald eagle's nest, combined with wetlands on the property, prevented him from building anywhere on his land, the lawsuit says.

The Pacific Legal Foundation, which advocates property rights protection and individual rights, took the case on pro bono at Contoski's request, according to the foundation's lawyer, Damien Schiff. A number where Contoski could be reached was not available, and the group declined to make him available for an interview.

"Six years ago, President Clinton declared the bald eagle was recovered and it was time for it to be removed from the endangered list," Schiff said. "Today, there are more bald eagles than in 1999, but it has still not been removed from the list. We're simply asking the government to live up to its promise."

Schiff said groups on all sides of the environmental spectrum should support the delisting of the bald eagle so that federal funds could go to species that need it more.

The lawsuit was filed on the same day that the Minnesota Department of Natural Resources announced that the number of nesting pairs of bald eagles found in a statewide survey had increased by 28 percent since 2000.

A U.S. Department of Interior spokesman, Hugh Vickery, said in a statement: "While we cannot comment on ongoing litigation, the Fish and Wildlife Service is continuing to work on how the bald eagle and its habitat would be managed under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act if it were delisted. We expect to have an announcement in the near future."

Kieran Suckling, policy director for the Center for Biological Diversity, an endangered species advocacy group, said that the reason the federal government has not moved forward with the delisting is that states didn't have adequate habitat protections in place.

"So they've been negotiating those," he said. "Now that those are in place, the administration is working on finalizing a delisting rule. This suit is a matter of grandstanding -- it's seeking to get the government to do what it has already said it will do."

Suckling said his group supports delisting in all but one region of the country -- the Southwest desert, where, he said, bald eagles are not doing well.

By Frederic J. Frommer, Associated Press Writer

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