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Environmentalists sue U.S. agencies in move to protect rare V.I. plants

By ALDETH LEWIN

Tuesday, September 16th 2008

A national environmental group is suing the federal government, again, to have two rare Virgin Islands plants protected under the Endangered Species Act.

The two species are agave eggersiana, an aloe-like plant native only to St. Croix, and solanum conocarpum, a bushy plant with small purple flowers found only on St. John.

The Center for Biological Diversity, an Arizona-based nonprofit organization representing 40,000 members nationwide, filed the most recent lawsuit in District Court in Atlanta on Sept. 9. The suit names Southeast Regional Director of the U.S. Fish and Wildlife Service Sam Hamilton, U.S. Fish and Wildlife Service Director H. Dale Hall and Secretary of the Interior Dirk Kempthorne.

The civil action asks the court to order the defendants to vacate their previous decision not to list the two species as endangered and order the government to issue a new finding within 60 days.

Jeff Miller, conservation advocate for the nonprofit suing the government, said the fight to protect the two native plants began 12 years ago.

In 1996, the V.I. Department of Planning and Natural Resources' Fish and Wildlife Division petitioned the federal government to protect the two plants under the federal Endangered Species Act. Two years later, the U.S. Fish and Wildlife Service submitted an initial report, called a 90-day finding, that agreed with the local government's petition.

By law, after a 90-day finding is issued, the U.S. Fish and Wildlife Service has one year to review the species in depth and make a final finding.

This final report was supposed to be submitted within nine months, but six years went by without any action by the federal government.

In 2004, the Center for Biological Diversity picked up the territory's cause, and took the federal government to court. That lawsuit resulted in a 2005 settlement agreement in which the federal government agreed to submit its final finding by February 2006.

While the final finding was submitted, the U.S. Fish and Wildlife Service reversed its initial position and found the petition to protect the two rare plants was not warranted.

Lilibeth Serrano, U.S. Fish and Wildlife Service public affairs specialists in the Puerto Rico field office, said the two plants failed to meet even one of the five criteria used to determine an endangered species.

The five factors to consider are: the threat facing the habitat of the species; the overuse of the species for commercial, recreational, educational or scientific purposes; disease or predation; inadequate regulations; other natural or man made factors that threaten the species.

"At the time we felt, based on that information, there was no evidence that either of those plants would fit the definition of threatened or endangered," Serrano said. "But we also announced that we would continue to monitor the species and we're always open to receive new information."

Because a large portion of the solanum conocarpum is now on Virgin Islands National Park land, Serrano said the federal government found the habitat was already protected.

She said the agave eggersiana could not be found in the wild on St. Croix, so until there is more information, it also could not be considered an endangered species.

"We don't think they used the best available science," Miller said. "These plants are the poster children for endangered species status, so it really is inexplicable."

The lawsuit states that the U.S. Fish and Wildlife Service ignored its own experts, and other scientific evidence that proved the vulnerability of the plants.

In addition, the suit claims the federal agency did not have the mandated peer review of the 90-day finding.

"We think it's a slam dunk," Miller said about the case. "This was clearly a political decision, not one based on biology."

V.I. chief of Fish and Wildlife at DPNR, William Coles, said he has since found a group of about 20 to 30 agave eggersiana growing in the wild and suspects there is another population in a separate area but has yet to visit the site.

Once the natural populations have been recorded and verified, he plans to submit the information to the U.S. Fish and Wildlife with a request for reconsideration.

There are a few agave eggersiana plants in cultivation on St. Croix. Scientists have historical records that show St. Croix is the only island the plant has ever been found in the wild.

On St. John, about 220 solanum conocarpum plants have been identified, 160 of which are on Virgin Islands National Park land. The rest are on private land.

St. John horticulturist Eleanor Gibney said the plant is relatively adaptable, but is self sterile and needs to be in a group in order to reproduce.

"It's a big mystery as to how it ever got to be as rare as it is," Gibney said. "It's one of the prettiest native plants we have. When it's in bloom it's really striking."

Miller said if the plants are listed as endangered species, the federal government would create a recovery plan to reintroduce the plant into the wild and protect the plant's critical habitat.

The U.S. Fish and Wildlife Service did list a third plant as endangered at the time it denied the agave and the solanum, Coles said.

The catesbae melanocarpa, a thorny shrub found only on 4 acres of St. Croix's south shore, is now federally protected along with Vahl's boxwood, St. Thomas lidflower and the prickly ash - all species found in the territory that were already protected.

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