

Caribbean Plants Win Federal Protection, But Not West Coast Seabird

WASHINGTON, DC, August 19, 2009 (ENS) - The nonprofit Center for Biological Diversity, known for its legal actions to secure protections for endangered and threatened species, has won one and lost one this week.

Today, the Center announced that after 13 years of due process and multiple legal actions, two rare Caribbean plants will be protected by the federal government with listings under the Endangered Species Act.

The Center has reached another settlement in its long-running legal battle with the U.S. Fish and Wildlife Service to protect the two species — *Agave eggersiana* and *Solanum conocarpum*.

Both plants are near extinction in the wild, but they have been denied Endangered Species Act protection for more than a dozen years since the first formal petition to protect them filed in 1996 by the U.S. Virgin Islands Division of Fish and Wildlife of the Department of Planning and Natural Resources.

Under the settlement agreement, the Service will propose a listing rule for the *Agave eggersiana* by September 17, 2010, and propose a listing rule for the *Solanum conocarpum* by February 15, 2011.

"Listing these critically imperiled plants under the Endangered Species Act means that finally we can implement a recovery plan to reintroduce the plants into suitable habitat in the wild and protect the plants' critical habitat," said Jaclyn Lopez, staff attorney with the Center for Biological Diversity.

In 1998, two years after the petition was filed, the Service decided that science supported protection for the plants and promised to issue a final finding within nine months. With no finding forthcoming by 2004, the Center sued and won a finding date of 2006.

Neither species should be listed, the Service found in 2006. The Center again filed suit in 2008 challenging the Service's finding. This week's settlement appears to bring that case to conclusion by listing both species for protection.

Agave eggersiana is described as a robust, perennial herb native only to hillsides and plains in the eastern dry districts of the island of St. Croix. It has large funnel-shaped or tubular-shaped flowers and can grow from 16 to 23 feet tall.

There may no longer be any remaining *Agave eggersiana* plants in the wild, says the Center, adding that "survival of the species may now depend on propagating the plants in nurseries, then reintroducing them." Much of the plants' remaining suitable habitat is on private land slated for residential development.

Solanum conocarpum is a thornless, flowering shrub that may reach more than nine feet in height and is found in dry, deciduous forest on the island of St. John.



Agave eggersiana (Photo credit unknown)

Initially, the plants lost their dry scrub thicket habitat in the intense deforestation for cotton and sugar cane cultivation on both islands. Now, the additional threats of residential and tourism-related development, grazing by feral goats and the practice of burning off vegetation.

There are only about 220 *S. conocarpum* plants left in the wild in two areas on St. John - 156 plants at Nanny Point on land recently donated to the Virgin Islands National Park and 60 plants on private land.

Funded by the National Park Service, a project to propagate and reintroduce *S. conocarpum* into areas within the park was begun in 2003. But the plants are threatened by park management practices such as trail and facility maintenance, in addition to the feral pigs, feral goats, Key deer, and donkeys. The plants on private land are at risk from residential and tourism development.

The small number of remaining *S. conocarpum* plants is a problem, says the Center, because the plant is "functionally dioecious – having male and female flowers on different plants – and may require higher numbers in order to reproduce effectively."

Both male and female plants are on view at the St. George Village Botanical Garden on St. Croix.

The news is not so good for the ashy storm petrel, *Oceanodroma homochroa*. The Fish and Wildlife Service Tuesday denied protection to this imperiled California seabird under the Endangered Species Act.

The Department acknowledged that the petrel faces threats from multiple sources - impacts from predators, light pollution, oil pollution, and climate change, including lower ocean productivity due to ocean warming and ocean acidification - but says these factors do not endanger the species.

The Center says the Service's decision ignored a recent study showing that the ashy storm petrel's at-sea abundance in the northern part of its range declined by 76 percent over a 22-year period from 1985 to 2006.

"Secretary of the Interior Ken Salazar is continuing a Bush-era approach of denying protections to species based on an incomplete and selective interpretation of the science," said Shaye Wolf, a seabird biologist with the Center for Biological Diversity. "The decision reads like a laundry list of excuses to avoid acting to protect the ashy storm petrel rather than a solid evaluation of the science."



Ashy storm petrel (Photo by Luther Goldman courtesy [USGS](#))

The ashy storm petrel, *Oceanodroma homochroa*, is a small, smoke-gray seabird that nests and forages almost exclusively on the offshore islands and heavily used waters of California near San Francisco, Los Angeles, and San Diego.

At sea, ashy storm petrels are nonmigratory. They stay in the central and southern California Current System ranging from Mendocino County, California south to the Los Coronados Islands off northern Baja California, Mexico. The two main population and breeding centers for these birds are on the Farallon Islands and the Channel Islands off of the California coast.

Ashy storm petrels are naturally long-lived, sometimes as long as 25 years; but faced with threats from climate change, pollution, development, and predation, numbers of this seabird have fallen sharply in recent decades.

The Service said its finding that listing the petrel is not warranted was based on "available scientific and commercial information," and a threat assessment.

The world's two largest species and bird conservation organizations disagree.

When the biggest population of ashy storm petrels at California's Farallon Islands decreased by 42 percent in 20 years, the International Union for the Conservation of Nature, IUCN, and BirdLife International listed the species as Endangered.

Click [here](#) for the Service's the 12-month finding with an explanation as to why each of the threats did not rise to the level that would warrant federal protection.