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Rare loon sparks oil development suit

By DAN JOLING
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ANCHORAGE - Three conservation groups sued the federal government Wednesday hoping to block Arctic petroleum development through protections for a rare loon that breeds in Alaska's National Petroleum Reserve. The groups claim yellow-billed loons are threatened by industrialization in the 23-million-acre reserve that covers much of Alaska's western North Slope.

"The yellow-billed loon is one of the rarest and most vulnerable birds in the United States," said Andrea Treece, an attorney with the Center for Biological Diversity. "If the loon is to survive in a warming Arctic, we need to protect its critical habitat, not open it up for oil development."

Inundation of the loons' freshwater breeding areas by rising sea levels tied to global warming is also considered a threat but petroleum development is the petitioners' main concern.

The lawsuit names Interior Secretary Dirk Kempthorne and the U.S. Fish and Wildlife Service. According to the conservation groups, the agency is more than two years behind the legal deadline for taking action to protect the yellow-billed loons under provisions of the Endangered Species Act.

A spokesman for the agency said a decision on protections is coming.

"We expect to have money available in the fiscal year '08 budget and then complete the status review and the 12-month finding," said Bruce Woods.

The Center for Biological Diversity, the National Resources Defense Council, Pacific Environment and other U.S. and Russian scientific and conservation organizations filed a petition in April 2004 to list yellow-billed loons as threatened or endangered. After a petition is filed, agencies have a 12-month deadline to issue a proposed rule listing a species or to decide listing is not warranted.

The Fish and Wildlife Service only last May accepted the petition for review. The determination required the agency to solicit public comment, carry out a status review of the loons and if merited, issue a proposed rule to protect loons. That has not happened and the lawsuit will seek an order from a federal judge telling the agency to do so.

The yellow-billed loon breeds in tundra wetlands in Alaska, Canada and Russia, and winters along the west coasts of Canada and the United States.

The Fish and Wildlife Service estimates there are 16,500 yellow-

billed loons in the world, including 3,700 to 4,900 that breed in Alaska. More than 75 percent of the Alaska breeders nest in the petroleum reserve and many nest in areas recently opened to oil and gas development near Teshekpuk Lake and along the Colville River, according to conservation groups.

Smaller numbers breed on the Seward Peninsula, the land mass east of the Bering Strait and on St. Lawrence Island in the Bering Sea.

President Warren Harding created the National Petroleum Reserve-Alaska in 1923 as an emergency oil supply for the Navy. Current leasing plans come from a presidential directive guiding the Department of the Interior to foster oil and gas development there.

The lawsuit was filed in San Francisco by the Center for Biological Diversity, the Natural Resources Defense Council and Pacific Environment.