

Group sues Obama administration to protect state's abalone

By Ali Winston

Frustrated with a lack of action, the Center for Biological Diversity filed suit yesterday against the Obama administration under the Endangered Species Act for not declaring a critical habitat for the black abalone.

On January 14, 2009, the black abalone was declared an endangered species by the National Marine Fisheries Service. At the time, environmentalists hailed the decision, hoping that the protections of federal law would give some hope to a species whose population has declined by almost 99 percent since the 1970s.

The law states that the federal government has up to one year to identify a habitat after a species is declared endangered.

"Critical habitat protections have a proven track record helping endangered species to survive," said Catherine Kilduff, a staff attorney at the Center. "Black abalone is on the cusp of extinction, and further delay of habitat protection may seal the species' fate."

The mollusk, which was harvested for food by Native Americans and targeted as a commercial crop by modern-day fisheries, has been on the decline since commercial catches peaked in the 1970s. Black abalone have been decimated by a bacterial disease called

withering syndrome, which has been exacerbated by warming oceans and has all but eliminated the mollusk off the shores of Mexico.

The species is now mostly found in tidal waters off Northern California, although a significant population remains around the Channel Islands.

CBD filed the initial petition for declaring the abalone endangered in 2006. The new lawsuit is part of CBD's efforts to draw attention to the effects of climate change on the oceans.

"We're hopeful that there will be a situation where the government has



Warden Gary Combs of the California Department of Fish and Game stands over a pile of illegally harvested abalone near Monterey, Calif.

to look at oceanic acidification," she said. Acidification is caused by the absorption of carbon dioxide in ocean waters, raising the pH levels and threatening a wide range of marine life.

Jim Milbury, an NOAA spokesman, declined to comment on the lawsuit, but did say the administration has been working hard on locating a critical habitat for the black abalone. "It's not easy" said Milbury, who was not aware of any potential locations.

