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Group sues to force designation of black abalone habitat

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SAN FRANCISCO -- The Center for Biological Diversity sued the Obama administration yesterday for failing to designate “critical habitat” for a Southern California shellfish that was listed as endangered in January 2009.

The group, which is based in Arizona but has an active legal team here, said the failure to protect the black abalone’s habitat in tide pools along the coast of California means the species will have trouble recovering. The suit was filed against the National Marine Fisheries Service.

“Critical habitat protections have a proven track record helping

endangered species to survive,” said Catherine Kilduff, a staff attorney for the group. “Black abalone is on the cusp of extinction, and further delay of habitat protection may seal the species’ fate.”

After a species is listed, NMFS has one year to identify critical habitat for the endangered species to protect it. Officials at NMFS and the U.S. Fish and Wildlife Service, which is also responsible for designating federal habitat for species, say that such a designation happens ideally within a year’s time but often gets snared in a backlog of Endangered Species Act cases.

Jim Milbury, a NMFS spokesman in Sacramento, acknowledged the one-

year deadline but said some species can slip through the cracks.

“How often do we meet it? I don’t have a percentage or numbers,” Milbury said. “But we have a pretty good record, we think, as far as meeting that one-year goal. And we do diligently strive to meet that goal. Sometimes we don’t.”

The center says the black abalone population along the California coast has nearly disappeared since the 1970s because of a disease called withering syndrome. The group fears that climate change is spreading the disease northward, and ocean acidification may threaten the abalone’s protective shell.