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Landmark Agreements On Endangered Species

By SONYA ANGELICA DIEHN

WASHINGTON (CN) - The Center for Biological Diversity announced a landmark legal settlement with the Department of Interior, affecting more than 700 species. The settlement comes after final approval of an agreement in May that laid out a schedule for decisions on the conservation status of hundreds of species.

The agreement, brokered by the Center for Biological Diversity and approved Monday by a federal judge, compels the Interior Department to make decisions by 2018 on species that include the wolverine, Pacific fisher, cactus ferruginous pygmy owl and Pacific walrus.

Species protected by the agreement include 26 birds, 31 mammals, 67 fish, 22 reptiles, 33 amphibians, 197 plants and 381 invertebrates, the Center for Biological Diversity said in a statement issued from its Tucson headquarters.

Endangered species status for the pygmy owl, for example, has been litigated since the mid-1990s. Protection for the small, cactus-dwelling predator has been stalled since the Fish and Wildlife Service determined in 2008 that the status of the species had to be reviewed.

Fish and Wildlife agreed to make a decision on the conservation status of the bird by the end of this year, and to make a final decision on the owl by next year.

The owl is one of 757 species covered by the settlement, which stipulates that the Center for Biological Diversity



drop two lawsuits on affected species and make “best efforts” to dismiss three more lawsuits that include other parties.

WildEarth Guardians reached an agreement in May to get 251 species off a “candidate list” and into the federal conservation system.

That agreement, approved by the same federal judge Friday, settled a dozen lawsuits and established a timetable for publishing listing decisions by September 2016.

WildEarth Guardians said its agreement affects 863 species, including initial findings on 529 species petitioned for endangered status.

Many species are included in both settlements, said Noah Greenwald, endangered species director for the Center for Biological Diversity.

But Greenwald called the May settlement “unenforceable,” saying that Fish and Wildlife Service “can walk away from the [WildEarth] agreement for vague reasons.”

Greenwald cited stipulations in the WildEarth agreement that the courts may step in only if it’s “reasonably

likely” that Fish & Wildlife will not meet its new deadlines, and that the government can get out of the agreement if species litigation has not been “significantly reduced.”

WildEarth also agreed to limit its ability to sue or petition for new listings.

The Center for Biological Diversity agreed only that if it sues for more than 10 species per year, Fish and Wildlife will be allowed to delay some findings, Greenwald said.

“We felt it was important to be able to keep pushing to obtain protection for more species,” Greenwald told Courthouse News Service, because “many more species than those covered here are indeed endangered.”

The Center for Biological Diversity agreed not to contest the WildEarth agreement - which it had been considering.

“The settlements get the listing program moving to protect species again,” Greenwald said. He attributed listing delays to political opposition, particularly under the Bush administration.

The Interior Department claimed court time has been consuming resources earmarked for its endangered species listing program, though Greenwald said the record doesn’t support this.

As part of the settlement, the feds will pay legal costs for the Center for Biological Diversity, which was represented by house attorneys John Buse in San Francisco and Amy Atwood in Portland, Ore