



FWS Settles With Enviro Group Over Fla. Coral Protection

By Carolina Bolado

Law360, Miami (September 13, 2013, 7:40 PM ET) -- The National Marine Fisheries Service settled a suit in Florida federal court Friday with an environmental group that claimed the agency had failed to create a recovery plan for elkhorn and staghorn corals as required under the Endangered Species Act.

Under the terms of the settlement, the National Marine Fisheries Service committed to drafting a recovery plan by 2014 for the coral species, which were once the most abundant and important reef building corals in the waters of Florida and the Caribbean but have diminished by 80 to 98 percent during the past 30 years.

In addition, the agency agreed to reclassify the corals as endangered, one step up from their current threatened status, according to the Center for Biological Diversity, which brought the suit in the Middle District of Florida.

“A recovery plan and quick action to reduce carbon dioxide pollution are the two missing pieces necessary to save these beautiful corals from extinction,” Jaclyn Lopez, an attorney for the Center for Biological Diversity, said in a statement.

The national environmental organization, which has an office in St. Petersburg, Fla., filed the suit in January seeking a judgment that the Fisheries Service had failed to comply with the Endangered Species Act by not developing a plan for the two corals, which were added to the list in 2006.

The agency’s policy is to come up with a plan for a species within 2 1/2 years of a final listing, according to the suit.

The Center for Biological Diversity submitted the 2004 petition that led to the elkhorn and staghorn corals gaining protection as threatened species. The corals, which received a priority ranking of 3 on a scale of 1 (high threat and potential recovery) to 18 (low risk and chance for recovery), have been dying off from bleaching because of higher water temperatures. Increased ocean acidity levels, caused by carbon dioxide, have also hindered their growth, and they face additional threats from pollution, sedimentation, disease, boating and other human contact, according to the center.

Recovery plans have had high success rates, according to the center, which cited a 2012 study finding that 90 percent of sampled species have recovered at rates in line with the goals in their respective recovery plans.

The Center for Biological is represented by in-house counsel Jaclyn Lopez and Miyoko Sakashita.

The case is Center for Biological Diversity v. National Marine Fisheries Service et al., case number 8:13-cv-00221, in the U.S. District Court for the Middle District of Florida.

--Additional reporting by Nathan Hale. Editing by Melissa Tinklepaugh.