

Environmental Groups Sue for Southeast Turtle Protections (1)

Jan. 21, 2020,

- COURT: D.D.C.
- TRACK DOCKET: No. 1:20-cv-00146

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The U.S. Fish and Wildlife Service has missed its statutorily imposed deadline to decide whether a pair of rare turtle species in Mississippi and Louisiana warrant federal protection, conservation groups Center for Biological Diversity and Healthy Gulf argue in a new lawsuit.

The two groups petitioned FWS in April 2010 to list the Pascagoula map turtle as endangered or threatened under the Endangered Species Act, according to the groups' complaint. The law required FWS to determine within 12 months if listing the species was warranted, but the service has long since missed that deadline, the groups claim.

The Pearl River map turtle was once considered to be part of the Pascagoula map turtle population, but scientists have since recognized them as two separate species. FWS was therefore obliged to make an ESA finding for each species, the plaintiffs say.

"The Endangered Species Act provides lifesaving protections for species that are listed as endangered or threatened; however, the Pascagoula map turtle and Pearl River map turtle cannot benefit from any of these protections until they have been listed," the groups say.



A False map turtle, seen Feb. 13, 2012.

Photographer: Christopher Furlong/Getty Images

These turtles are at serious and imminent risk of extinction, according to the complaint. Yet "the Trump administration is dragging its feet on protecting them," CBD attorney Jason Totoiu said in a press release. They're being "driven to oblivion by trapping, pollution and reckless development, including yet another unnecessary dam proposed on the Pearl River," referring to the "One Lake" project in Mississippi's Rankin and Hinds counties, he added.

A spokesman for FWS told Bloomberg Law that listing decisions on both turtle species are scheduled for fiscal year 2021 under FWS' five-year National Listing Workplan.

"Our listing workplan prioritizes pending ESA actions based on the needs of candidate, petitioned and listed species," the spokesman said. "The workplan enables the Service to leverage limited resources to address America's most imperiled species first, while also providing a commonsense and defensible path forward."

Cause of Action: Endangered Species Act.

Relief: Order FWS to make a finding by a certain date as to whether listing these species is warranted.

Attorneys: The plaintiffs are represented by CBD attorneys.

The case is Ctr. for Biological Diversity v. Bernhardt , D.D.C., No. 1:20-cv-00146, filed 1/21/20