

Disagreement could keep pelican on endangered list

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State officials say they don't have the money to conduct environmental studies to change the status of the California brown pelican.

The California brown pelican appears ready to fly off the state's endangered species list. If that happens, it would be the first species delisted by state wildlife agents because it has recovered enough.

But the California officials are pleading poverty and trying to force a La Jolla-based conservation group to pay for costly environmental studies needed to change the birds' status. That means the pelicans could remain protected indefinitely even though avian experts widely recognize that they are proliferating in California, including in San Diego and Imperial counties.

A lawyer for the nonprofit Endangered Species Recovery Council will meet with state fish and game leaders today to discuss the case, which could set the precedent for future delistings of threatened and endangered species in California.

The disagreement highlights one reason why species remained listed as imperiled even when they are in good health: Agencies don't want to spend money on removing the protections.

“What a state. A regulatory agency fails to do what it should do on its own, and when a nonprofit group that has zero financial interest in the matter files a petition to make the agency recognize that a species has recovered, (the agency) tries to charge it tens of thousands of dollars,” said Craig Harrison, the recovery council's lawyer in Santa Rosa.

He said the hang-up fits the pattern of regulatory agencies that “want to maximize their authority and minimize (their) work.”

California brown pelicans are a signature species along the state's coastline and at the Salton Sea. They glide along the water in V-shaped formations and are known for their plunging dives in search of fish.

The iconic bird's population plummeted in the 1950s and 60s, largely due to the pesticide DDT in the food chain that weakened their eggshells. The pelican's decline led to federal and state protections.

Today, the bird's population is estimated at 150,000, a number that has sparked interest in removing the regulatory safeguards.

Conservationists say such moves would provide a major boost for the Endangered Species Act, which property-rights activists have decried as broken because so few species have been removed. Some of these critics agree that certain species no longer need government protection.

At the federal level, the U.S. Fish and Wildlife Service is expected to make a big splash in the next few weeks by announcing that the bald eagle will be removed from its list of imperiled species.

The expected eagle delisting comes after several years of foot-dragging since President Clinton said the birds were “thriving in virtually every state of the union,” said Damien Schiff, an attorney for the Pacific Legal Foundation. The organization represented a Minnesota landowner in his lawsuit over the federal government's failure to delist the eagle.

“Unfortunately, we've found that the government too often puts a species on the list, restricts property owners from using their land and then forgets about its responsibility to monitor the species' recovery,” Schiff said.

As the bald eagle decision nears, the Fish and Wildlife Service also is reviewing the health of the California brown pelican.

The agency expects to have an important review document for the pelican this spring, and it isn't asking the Endangered Species Recovery Council to pay for the work.

“It's part of our whole mandate. It would be kind of hard to turn around and ask for money to do our job,” said Elizabeth Slown, a Fish and Wildlife spokeswoman in Albuquerque, N.M.

Bill T. Everett of Julian, a seabird biologist and founding member of the council, said his group's motion to get the pelican off the federal list appears to be headed for success.

There's more uncertainty at the state level, where the Fish and Game Commission's request for money has created a deadlock. The necessary reviews are expected to cost \$50,000 or more.

Everett said the state's stance “certainly has the appearance of obstructionism” and that his group – a collection of scientists around the world – doesn't have the money for the studies. He said the council wouldn't pay even if it could because it focuses on helping imperiled species recover.

That's roughly the same stance taken by state wildlife officials.

“It's all about available resources and priorities. We don't get funding directly to deal with issues like (delisting),” said Sonke Mastrup, a deputy director at California's Department of Fish and Game.

At the state commission, however, assistant executive director Jon Fischer said the council's petition is raising good questions.

“A lot of this is new ground,” he said. “We might have to look at it . . . and say, 'What is our position on this?' ”

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