

## Activists Sue U.S. Seeking Protected Habitat for Bighorn

Center for Biological Diversity wants critical areas mapped out to avoid the endangered species' contact with domestic sheep.

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December 10, 2005

Irate that potentially disease-carrying domestic sheep are grazing in prime turf for the endangered Sierra Nevada bighorn sheep, environmentalists have sued Interior Secretary Gale A. Norton and the U.S. Fish and Wildlife Service, seeking habitat protection.

Experts knew of only about 125 bighorns when they were declared endangered under an emergency listing in 1999; now there are an estimated 350 bighorn sheep left in the eastern Sierra Nevada mountains, mostly in small herds on steep, rocky banks at high elevations.

Pneumonia and other diseases contracted from domestic livestock are cited by experts as a primary reason for the species' decline.

The suit filed Thursday by the Center for Biological Diversity calls for federal biologists to identify items such as soil, vegetation, water quality and temperature that the bighorn sheep need, then map areas where those conditions still exist. Designation of such a critical habitat could make it more difficult and costly to obtain permission to graze domestic sheep on the land.

"The [wildlife] service continues to authorize other agencies to permit domestic sheep-grazing on public lands that are essential to the survival and recovery of the Sierra Nevada bighorn sheep and should be designated as critical habitat for the species," said the lawsuit filed in U.S. District Court in

Sacramento.

"We're really concerned with what happened this summer, where domestic sheep were let back into Sierra bighorn habitat," said ecologist Daniel Patterson, with the group's Tucson office. "That certainly sparked our concern."

Wildlife officials and the largest herder in the Sierra Nevada said the opposite was true, that they have abided by strict, costly measures to avoid "nose to nose" contact between domestic and wild sheep.

The Center for Biological Diversity "never even called us and talked to us, they just filed this lawsuit," said Fred Fulstone, 85.

He said he and his father before him had run 13,000 lambs and ewes annually in the high Sierra in the summer months for nearly 70 years. "Their big thing is they want to get the sheep off the land. They just want to go back to the caveman days, and leave the property with no [domestic] sheep on it, just the wildlife."

Fulstone questioned data showing that domestic sheep kill wildlife, saying that the testing was done in laboratories, not in the wild. He said wild sheep can transmit scabies, hoof rot and other diseases to domestic stock, giving him plenty of incentive to keep the two apart.

Alex Pitts, spokeswoman for the California/Nevada Operations

Office of the U.S. Fish and Wildlife Service, said the service had not received a copy of the lawsuit.

But she said the service was working hard with others to ensure the species' continued recovery, including monitoring grazing permits given ranchers by other agencies. She said that Norton and her predecessor, Bruce Babbitt, had said repeatedly that designating critical habitat was a useless, costly measure that gave little additional protection to species.

But the center cited a study in the journal *Bioscience* in April that concluded that species with critical habitat were twice as likely to be recovering as those without it.

The suit is the latest salvo in a battle between conservationists and property rights advocates over critical habitat, a clause of the Endangered Species Act that the House of Representatives voted this fall to eliminate and that the Senate is studying. More than 150 million acres of critical habitat across the nation could be voided. The measure was sponsored by Rep. Richard Pombo (R-Tracy), who has pushed for Fulstone to be allowed to continue grazing.

In a statement Friday, Pombo spokesman Brian Kennedy said, "Critical habitat only benefits the special interest groups that sue to have it designated. It does very little, if anything, for the species, but it has been a very handy tool to

control land use and open space.

The Center for Biological Diversity has won more than 125 lawsuits against Norton and Babbitt, forcing critical habitat for nearly 500 species of endangered and threatened plants.

The New Mexico Cattlegrowers Assn. won a lawsuit for the other side in 2001, when a federal judge ruled that wildlife officials were not considering the full economic impact of having an endangered species on one's land.

<http://www.latimes.com/news/local/la-me-sheep10dec10,1,5677421.story>