

## Feds target 197,000 acres for gnatcatcher

### Bases, conservation plans exempted from critical habitat rule

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Federal officials Wednesday designated nearly 200,000 acres across Southern California as "critical habitat" for an imperiled bird -- 60 percent less land than they targeted four years ago.

The U.S. Fish and Wildlife Service's decision means planning new developments will become more tricky in areas covered by the rule. Left out of the designated habitat were local military bases, the city of Carlsbad and most Southwest Riverside County landowners. But other North County cities and a Lake Elsinore-area landowner were among those who will have a new layer of federal review to contend with.

Environmentalists, meanwhile, blasted the decision, saying it did not go nearly far enough to ensure the survival of the coastal California gnatcatcher in one of the fastest-growing regions of the country. The endangered bird thrives in a kind of habitat, coastal sage scrub, that is itself endangered by development.

"We're pleased that some habitat will be protected, but this decision

falls far short of protecting all areas needed to recover this critically endangered bird and unique ecosystem," said David Hogan, a San Diego County representative for the environmental group the Center for Biological Diversity. "This really is a plan for extinction, not recovery."

Home builders, on the other hand, said that while they appreciated the reduction, the rule is heavy-handed because it requires significant tracts of land to be set aside even though recent conservation efforts in several counties have permanently preserved much of the bird's habitat.

"As far as we are concerned, the bird is now overprotected," said Borre Winckel, executive director for the Riverside County Chapter of the Building Industry Association of Southern California.

Jane Hendron, a spokeswoman for the U.S. Fish and Wildlife Service in

Carlsbad, disagreed with both sides.

Hendron said the rule is both fair to developers and landowners, in that it recognizes the preservation that has taken place to date, and it adequately protects the bird because progress has been made since the rule was proposed.

#### Not a takeaway

In 2003, the service proposed designating 495,000 acres in several counties -- San Diego, Riverside, Orange, Los Angeles, Ventura

#### 'Critical habitat' for coastal California gnatcatcher



SOURCE: U.S. Fish and Wildlife Service

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and San Bernardino -- as critical habitat for the bird. On Wednesday, its final rule trimmed that amount to 197,000 acres, a decision that the agency said last week was coming.

Hendron said it is misleading to characterize the decision as having seriously compromised protection for a bird found only along the Pacific coast.

“It does not change or take away areas that are already conserved,” she said.

Hendron said two of the region’s largest blocks of gnatcatcher habitat -- Camp Pendleton Marine Corps Base and Miramar Marine Corps Air Station -- were not included. But she said those areas remain two of the bird’s best refuges. The designation also leaves out the Fallbrook Naval Weapons Station.

Under a federal law passed in 2004, critical habitat may not be declared on military bases where adequate plans are in place to protect imperiled species.

Hendron said the final acreage also does not count large chunks of habitat targeted for permanent protection under regional habitat conservation plans developed in San Diego, Riverside and Orange counties.

Critical habitat is land deemed necessary for the survival and recovery of animals and plants teetering on the brink of extinction in the wake of spreading urban development and other human activities. Under federal law, the habitat on such land cannot be destroyed or altered to the point that it adversely affects an animal that lives there.

It does not mean that such land automatically is destined to become a reserve. It does mean that, if landowners want to develop such properties and need federal permits or federal funding for their projects, they must consult with the Fish and Wildlife Service and develop a plan to make up for any damage.

### **Incomplete plans**

Habitat conservation plans are something that came along during the last couple decades because landowners and public agencies grew weary of the uncertain, case-by-case nature of those federal consultations. Conservation plans were developed, with the service’s support, to make clear what habitat needed to be preserved and what land could be graded for housing tracts and shopping centers.

The city of San Diego and South Bay communities adopted such a plan a decade ago, targeting 171,000 acres in central and southern parts of San Diego County for a preserve system that aims to protect 85 species. In western Riverside County, officials obtained federal approval in 2004 for a plan to set aside 153,000 acres of private land for 146 species.

In both areas, little or no critical habitat was designated by the Fish and Wildlife Service on Wednesday.

But in North County, a plan in the works to protect species in rural areas is still years away from completion, and the federal wildlife agency designated 17,000 acres of critical habitat there.

Similarly, Carlsbad recently completed a plan and was left out. But other North County cities --- Escondido, San Marcos, Encinitas

and Oceanside -- were left in because they have not completed plans.

Barbara Redlitz, assistant planning director for Escondido, which has the most lands of any North County city blanketed by critical habitat, said her city has not finished a plan because it will require spending several hundreds of thousands of dollars a year to manage the lands.

“We haven’t figured out a way to pay for it,” Redlitz said.

### **On their own**

In Riverside County, landowner Castle & Cooke opted not to participate in that county’s habitat conservation plan. And, on Wednesday, 199 acres in the Lake Elsinore area owned by the Los Angeles-based company were put under the critical habitat rule even as all private lands in the west side of the county covered by the conservation plan were not.

“They chose to exempt themselves,” said Thomas Buckley, a Lake Elsinore councilman. “To be honest, I thought that was a mistake on their part at the time. ... They’re on their own.”

Tom Tomlinson, senior vice president for the company’s Alberhill Ranch development, said the firm owns 2,400 acres in the Lake Elsinore area and the property in question is on the city’s north side.

Tomlinson said he needed time to review the 205-page rule before commenting. But, he said, “we would much rather work directly with Fish and Wildlife.”

Winckel, the Riverside County building executive, said it is unfortunate the firm was covered

by critical habitat because now builders there face in effect two different sets of rules.

“The point is, why did we go through all these eight years of brain damage to develop this grand (western Riverside County) plan that all of the sudden has a parallel conservation plan called critical habitat?” Winckel said. “It is this whole double standard of conservation that we wanted to move away from.”

Hogan, the environmentalist, suggested the rule sets a low standard for protection on bases.

Camp Pendleton officials, however, said in a statement they take pains to protect 17 endangered species, including the gnatcatcher. They said the base’s gnatcatcher population reached an all-time high of 684 last year.

Critics can say what they want, said Hendron, of the Fish and Wildlife

Service, but adequate steps are being taken, both in areas subject to the critical habitat and areas that are not, to restore the bird’s population to healthy levels.

“This is a scientifically defensible rule,” Hendron said.