

Judge restores salamander to threatened species list

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By JEFF BARNARD /Associated Press

A California judge on Friday put a subspecies of salamander that lives in old growth forests along the Klamath River back on California's threatened species list until the state Fish and Game Commission takes action.

The California Department of Fish and Game had stopped giving protection for the Scott Bar salamander under the California Endangered Species Act after new genetic work determined it was a subspecies of the Siskiyou Mountains salamander, which was listed.

But the California Fish and Game Commission is considering removing the Siskiyou Mountains salamander from protection after state biologists decided it was not as rare as once thought, and that 90 percent of its habitat is on federal lands.

San Francisco County Superior Judge Peter J. Busch found that because the Scott Bar salamander had been protected before it was declared a subspecies, it could not be denied protection by the department without formal action by the commission.

"We're working with the Fish and Game Commission to sort out the ruling and the various petitions before the commission right now," said Steve Martarano, spokesman for the California Department of Fish and Game.

Taking the Scott Bar salamander off the protected list had allowed some logging to go ahead in old growth forests on private land along the Klamath River in Northern California, but the ruling could put a pending logging plan on hold, said Noah Greenwald of the Centers for Biological Diversity, one of the plaintiffs in the case.

"The court's decision was important because it clarifies that only the Fish and Game Commission, and not DFG, after thorough scientific review and public comment can remove protection for species under the California Endangered Species Act," said Greenwald.

"Because advances in genetic analyses allow detection of previously undetectable species, it is quite likely that other new species will be separated from already protected species. Today's decision ensures that these species will continue to receive protection until the Fish and Game Commission and the public review their status."

The two salamanders live under the surface in patches of loose rock where old growth forest keeps the air and ground cool and moist.

Siskiyou Mountain salamanders are found on more than 200 sites along the Klamath River in Northern California and the upper reaches of the Applegate River in Oregon. The Scott Bar salamander is known to inhabit only 27 sites around Scott Bar on the Klamath River.

The U.S. Fish and Wildlife Service last year denied a Center for Biological Diversity petition for Endangered Species Act protection for the two salamanders after deciding that threats to their habitat from logging had dramatically declined and that salamanders have even been found in clear-cut forests.

The center is suing to reverse that decision.