

Whipsnake squeezed in protection cutback Fish and wildlife agency reviews endangered list

- Glen Martin, Chronicle Environment Writer

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The U.S. Fish and Wildlife Service designated more than 150,000 acres in the East Bay as essential habitat for the Alameda whipsnake Monday, less than half the land originally proposed for the rare reptile.

The agency also declared its intention to loosen protections for six other California animals -- including the valley elderberry longhorn beetle, a bug with extravagantly long antennae that has confounded development projects in the Central Valley for years because of its threatened status under the U.S. Endangered Species Act. The service listed the whipsnake as a threatened species in December 1997.

Critics of the act hailed the service's actions, claiming the Endangered Species Act is unworkable and unduly burdensome to business. But environmentalists say the moves are based on politics rather than science.

Under the Endangered Species Act, federal regulators must give each listed plant or animal critical habitat -- territory where it can live, and, it's hoped, eventually thrive. Landowners whose property lies within critical habitat can face restrictions on development, timber harvesting and agricultural activities.

In 2000, the Fish and Wildlife Service proposed 406,000 acres as whipsnake habitat. The Homebuilders Association of Northern California sued the agency, contending the decision was based on inadequate financial impact analysis. In 2003 a U.S. District Court directed the service to revisit the issue.

Al Donner, the assistant field superintendent for Fish and Wildlife's Sacramento office, said the decision to declare 154,834 acres of critical habitat will go into effect in 30 days. Donner said agency officials focused on protecting areas where the snake is known to exist and where the habitat is in good condition.

But that's the problem, said Jeff Miller, a spokesman for the Center for Biological Diversity, an environmental group that has made the Endangered Species Act litigation a specialty. The decision doesn't protect habitat where the snake once lived but no longer occupies, he said.

"As it stands, we have five fragmented populations of whipsnakes. Without additional habitat that they can expand into, they'll just get whittled away. This decision closes the door on any population expansion," he said.

Paul Campos, the vice president and general counsel for the Home Builders Association of Northern California, said the decision vindicates those who view the entire critical habitat process as hopelessly flawed.

Campos said only some of California's 300 threatened and endangered species have been accorded critical habitat.

"But that already accounts for several hundred thousand acres," Campos said. "The Center for Biological Diversity regards critical habitat areas as 'no touch' zones. If they prevail in court, millions of acres of California will be locked up without active management of any sort."

In a separate decision, the service said it had reviewed the status of 12 other California species listed under the Endangered Species Act. Of the dozen, the agency wants no status change for six and looser protections for four. Two would be removed from the list.

For Northern California, the proposal to take the valley elderberry longhorn beetle off the threatened list probably will have the greatest impact. The bug has stymied developments across the Central Valley that threatened to destroy its preferred habitat: native riverside forests thick with elderberry bushes.

Donner said the agency's proposal to remove the beetle from the list is at least partly due to habitat conservation.

When the beetle was first listed in 1980, Donner said, it was recorded at 10 sites. In the two decades since that initial survey, he said, it has been found at 190 locales.

But Miller said those numbers are deceptive. Many of the 190 sites are adjacent to each other, he said -- including one group that contains 23 sites.

"From that perspective, that essentially makes it just one site," he said. "The only range-wide study of the beetle was conducted in 2001. It showed no change in the proportion of beetle sites since 1980, and it showed a decrease in elderberry trees from 1991. We're losing beetle habitat faster than we can restore it."

Federal decisions affect local snake, beetle

Alameda whipsnake

Characteristics: Slender, black or brownish, with a yellow or white stripe down its sides with a white or pale yellow belly. Smooth scales.

Length: Up to 4 feet.

Diet: Primarily western fence lizards, also rodents, birds, frogs and other snakes.

Habitat: Chaparral, grasslands and oak savanna. Can climb brush. The snake has a cobralike appearance by raising its head high above ground to peer over grass and rocks.

Valley elderberry longhorn beetle

Characteristics: Long antennae that can measure two-thirds of body length. Red-orange or dark-colored wing covers, depending on sex.

Length: Grows up to nearly an inch, not including antennae.

Diet: Dependent on host plant, the elderberry bush.

Habitat: Elderberry bush, which grows in riverside forest areas in the Central Valley.

Sources: U.S. Fish and Wildlife Service, Mount Diablo Interpretive Association, ESRI, TeleAtlas, USGS