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Wildlife backers get boost

ENDANGERED SPECIES: A judge rules a federal official broke the law by not protecting a desert lizard.

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The Press-Enterprise

Interior Secretary Gale Norton violated the law when she failed to consider a desert lizard's shrinking habitat as part of a decision not to pursue federal protection for the tiny reptiles, a federal judge in Phoenix ruled Tuesday.

U.S. District Court Judge Neil Wake upheld environmentalists' claim that Norton's withdrawal of a U.S. Fish and Wildlife Service proposal to list the flat-tailed horned lizard as a threatened species violated the Endangered Species Act.

Environmentalists on Tuesday said the ruling means that the small, sand-dwelling lizard could be back in line for government protection.

"It's very highly endangered, in the Coachella Valley especially," said Daniel Patterson, an ecologist with the Center for Biological Diversity. "The next step, hopefully, is that the government will stop delaying and do the right thing for the lizard."

Representatives of the Department of the Interior and the U.S. Fish and Wildlife Service declined comment on Tuesday's ruling saying that their agencies had not had time to review it.

As its name suggests, the flat-tailed horned lizard boasts a broad flat tail and

long, sharp horns on its head. Once widespread across the Southwestern desert in California and Arizona, it has been reduced to four distinct U.S. population groups including the Coachella Valley, the west side of the Salton Sea and western Imperial Valley, eastern Imperial Valley and Arizona in the Yuma Desert.

Al Muth, director of U.C. Riverside's Boyd Deep Canyon Desert Research Center near Palm Desert said the lizard lives in areas of blowing sand that have been gradually encroached upon by desert development.

"The only place out here where there is a viable population is on the Coachella Valley Preserve," Muth said, referring to the ecological preserve established near Thousand Palms in 1995 to protect another desert reptile, the endangered fringe-toed lizard.

Muth said Tuesday's court ruling does not force Norton or the wildlife service to list the flat-tailed horned lizard as threatened. Instead, it requires the government to re-evaluate whether the lizard should be listed -- something it did once before, coming to a conclusion that delighted developers and off-roading enthusiasts and caused the environmental groups to sue.

Even if the Wildlife Service reverses itself and decides to seek protection for the lizard, Muth said it probably won't

affect the animals in the Coachella Valley who are only flourishing in one area that is already protected.

In other parts of the lizard's range a listing could do some good, Muth said, because the only protections the lizard has in those areas now is a voluntary nonbinding agreement between state and federal agencies to manage the lizard's habitat.

"Listing is not voluntary," Muth said. "It has teeth."

The wildlife service originally proposed listing the lizard as threatened in 1993 after it determined that about half of the animal's historic habitat had already been damaged or fragmented.

But the agency later withdrew its proposal, stating that a voluntary federal and state management plan to protect the lizard eliminated the need for listing. Environmental groups criticized the plan and unenforceable and sued.

In 2001, a federal appeals court overturned the agency's decision and ordered the service to reevaluate the lizard's status. Two years later, wildlife officials decided to withdraw the proposal for listing a second time and environmental groups sued again.