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Groups sue to overturn habitat decisions

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Arroyo toad one of 13 species targeted nationwide for more protection

Environmental groups Wednesday sued to force the federal government to void decisions that they contend protect too little habitat for 13 imperiled species of animals and plants in four states, including Southern California's arroyo toad.

The lawsuit, filed in Southern California federal court, protests the U.S. Fish and Wildlife Service's decision to designate less than 12,000 acres as "critical habitat" for the toad in 2005 after initially designating 182,000 acres in 2001.

Pressured by a building industry lawsuit prompting a review, the agency later proposed reducing the acreage.

The Center for Biological Diversity, a Tucson, Ariz.-based conservation group leading the fight to overturn the 2005 decision, asserted in the suit that the protected acreage was woefully inadequate to protect a species that has lost three-quarters of its original range. The toad, which lives in San Diego and Riverside counties, was listed by the federal government as an endangered species in 1994.

The suit also seeks to boost critical habitat totals set aside for the California red-legged frog, the amphibian made famous by Mark Twain's "The Celebrated Jumping Frog of Calaveras County." The frog also has been found on the Santa Rosa Plateau in Southwest Riverside County.

The suit also seeks more habitat for the San Diego ambrosia and spreading navarretia plants found in San Diego County.

"Habitat loss is the No. 1 killer of endangered species," said Michael Senatore, senior counsel for the Center for Biological Diversity, in a statement. "These species won't survive unless we protect their habitat."

Jane Hendron, a spokeswoman for the Fish and Wildlife Service in Carlsbad, said in a telephone interview Wednesday: "There is really, at this point, nothing that we can say. We haven't even seen the formal complaint. They never furnish us copies of their press releases before they send them out."

Hendron said the suit likely would pile more work onto the agency's legal department, which has been continually defending itself against lawsuits from environmental groups involving endangered species listings and critical habitat decisions.

"And it will require us to use our funding -- and divert it away from other things -- simply to address litigation issues," she said.

Hendron said a familiar pattern has developed with many of the agency's critical habitat rules: Environmental groups sue to speed faster release of a decision, industry groups sue to curb the breadth of such decisions, and environmental groups sue again to boost the acreage.

She said that the critical habitat rule for the coastal California gnatcatcher bird, which was released Wednesday, fit that pattern.

Environmental groups make no apologies for their frequent use of the courts, saying the agency has often needed to be spurred to action.

And David Hogan, a San Diego County spokesman for the Center for Biological Diversity, said one must remember that there is a societal benefit for protecting the toad as well.

"Some people might question why we should care about a species like the arroyo toad," Hogan said. "The thing is, many of those people who raise the question probably do value clean water and adequate water supplies in San Diego and one

of the primary benefits is improved local water supplies. ... What's good for the toad is good for people."

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